



## **JURY INSTRUCTIONS**

**People v. Conrad Robert Murray  
Case No. SA073164  
Los Angeles Superior Court  
Department 107**

### **The Court Staff & Counsel**

**The Judge of the Court:  
Hon. Michael Pastor**

**The Judicial Assistant of the Court:  
Ms. Sammie Benson**

**The Reporters of the Court:  
Ms. Mavis Theodorou & Ms. Patricia McNeal**

**The Bailiff of the Court:  
LASD Deputy Jason Jones**

**The Legal Externs of the Court:  
Mr. Paul Seo & Ms. Angie Hua**

**Counsel for the People:  
Mr. David Walgren & Ms. Deborah Brazil**

**Counsel for Defendant Murray:  
Mr. Edward Chernoff, Mr. J. Michael Flanagan,  
Mr. Nareg Gourjian, & Mr. Michael Pena**

**TABLE OF CONTENTS**

Case Name: PEOPLE v. CONRAD ROBERT MURRAY

Case No: SA073164

<b>Instruction Header</b>	<b>Page</b>
<b>POST-TRIAL: INTRODUCTORY SERIES</b>	1
<b>PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF</b>	2
<b>EVIDENCE</b>	2
<b>CHARGED CRIME: INVOLUNTARY MANSLAUGHTER</b>	6
<b>DEFENSES</b>	8
<b>UNANIMITY</b>	9
<b>POST-TRIAL: CONCLUDING SERIES</b>	9

## POST-TRIAL: INTRODUCTORY SERIES

Members of the jury: I now will instruct you on the law that applies to this case. The law requires that I read the instructions to you in the open courtroom. I will provide you with the written master set of instructions to review in the jury room during deliberations. In addition, I have provided each of you with a written personal set of instructions to follow at this time and review in the jury room during deliberations. While you cannot write on the master set, you certainly may write on any personal copy. The instructions that you receive may be printed, typed, or written by hand. Certain sections may have been crossed-out or added. Disregard any deleted sections and do not try to guess what they might have been. Only consider the final version of the instructions in your deliberations.

You must decide the facts in this case. It is up to all of you --and you alone-- to decide what happened, based only on the evidence that has been presented to you in this trial.

Do not let bias, prejudice, sentiment, sympathy, public opinion, or public feeling influence your decision. Bias includes, but is not limited to, bias for or against the witnesses, attorneys, the defendant, or the alleged victim based on disability, gender, nationality, national origin, race or ethnicity, religion, gender identity, sexual orientation, age, or socioeconomic status.

You must follow the law as I explain it to you, even if you disagree with it. If you believe that an attorney's comments on the law conflict with my instructions, you must follow my instructions.

Pay careful attention to all of these instructions and consider them together. If I repeat any instruction or idea, do not conclude that it is more important than any other instruction or idea just because I repeated it.

Some words or phrases used during this trial have legal meanings that are different from their meanings in everyday use. These words and phrases will be defined specifically in these instructions. Please be sure to listen carefully and follow the definitions that I give you. Words and phrases not defined specifically in these instructions are to be applied using their ordinary, everyday meanings.

Some of these instructions may not apply, depending on your findings about the facts of the case. Do not assume just because I give a particular instruction that I am suggesting anything about the facts. After you have decided the facts, follow the instructions that do apply to the facts as you find them.

Do not conduct any research regarding this case on your own, through another person, or as a group. Do not investigate the facts or the law involved in this case. Do not use a dictionary, a Bible, the Internet, or any other reference materials whatsoever with regard to this case. Do not access any Internet site (including, but not limited to, any "search engine" site such as Google, Ask, Bing, etc. or any "social networking" site including, but not limited to, Facebook, MySpace, etc.) or "text" or "tweet" or otherwise post any "messages" or access any "blogs" regarding any aspects of this case or the persons identified in it. Do not listen to, watch, read, hear, or otherwise have any contact with any television or radio program, book, or newspaper or magazine article regarding any of these subjects. Do not perform any experiments or visit the scene of any event involved in this case. If you happen to pass by any such scene, do not stop or investigate. If anyone contacts you about this case, wants to discuss the case at the time or offers you the opportunity to discuss the case at a later time, attempts to offer any opinion on the case, or otherwise tries to influence you in

any way, immediately cease such contact and immediately notify the courtroom staff.

12 You have been given notebooks and may have taken notes during the trial. You may use your notes during deliberations. The notes are for your own individual use to help you remember what happened during the trial. Please keep in mind that your notes may be inaccurate or incomplete. If there is a disagreement about the testimony and stipulations at trial, you may ask that the court reporter's record be read to you. It is the record that must guide your deliberations, not your notes. You must accept the court reporter's record as accurate.

Please do not remove your notes from the jury room until you are permitted to do so.

At the end of the trial, you may retain your notes. If you do not wish to retain your notes, please leave them on the center table in the jury room. The courtroom staff will collect and destroy them.

### **PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF**

20 The fact that a criminal charge has been filed against the defendant is not evidence that the charge is true. You must not be biased against the defendant just because he has been arrested, charged with a crime, or brought to trial.

A defendant in a criminal case is presumed to be innocent. This presumption requires that the People prove a defendant guilty beyond a reasonable doubt. Whenever I tell you the People must prove something, I mean they must prove it beyond a reasonable doubt.

Proof beyond a reasonable doubt is proof that leaves you with an abiding conviction that the charge is true. The evidence need not eliminate all possible doubt because everything in life is open to some possible or imaginary doubt.

In deciding whether the People have proved their case beyond a reasonable doubt, you must impartially compare and consider all the evidence that was received throughout the entire trial. Unless the evidence proves the defendant guilty beyond a reasonable doubt, he is entitled to an acquittal, and you must find him not guilty.

### **EVIDENCE**

222 You must decide the facts in this case. You must use only the evidence that was presented in this courtroom. "Evidence" is the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else I told you to consider as evidence.

Nothing that the attorneys say is evidence. In their opening statements and closing arguments, the attorneys discuss the case, but their remarks are not evidence. Their questions are not evidence. Only the witnesses' answers are evidence. The attorneys' questions are significant only if they helped you to understand the witnesses' answers. Do not assume that something is true just because one of the attorneys asked a question that suggested it was true.

During the trial, the attorneys may have objected to questions or moved to strike answers given by the witnesses. I ruled on the objections according to the law. If I sustained an objection, you must ignore the question. If the witness was not permitted to answer, do not guess what the answer might have been or why I ruled as I did. If I ordered testimony stricken from the record you must disregard it and must not consider that testimony for any purpose.

You must disregard anything you saw or heard when the Court was not in session, even if it was done or said by one of the parties or witnesses.

During the trial, I advised you that the People and the defense stipulated (agreed) to certain facts. This means that both parties accept those facts as true. Because there is no dispute about those facts, you also must accept them as true.

The court reporter has made a record of everything that was said during the trial. If you decide that it is necessary, you may ask that the court reporter's record be read to you. You must accept the court reporter's record as accurate.

23 Facts may be proved by direct or circumstantial evidence or by a combination of both. Direct evidence can prove a fact by itself. For example, if a witness testifies he saw it raining outside before he came into the courthouse, that testimony is direct evidence that it was raining. Circumstantial evidence also may be called indirect evidence. Circumstantial evidence does not directly prove the fact to be decided, but is evidence of another fact or group of facts from which you may logically and reasonably conclude the truth of the fact in question. For example, if a witness testifies that he saw someone come inside wearing a raincoat covered with drops of water, that testimony is circumstantial evidence because it may support a conclusion that it was raining outside.

Both direct and circumstantial evidence are acceptable types of evidence to prove or disprove the elements of a charge, including intent and mental state and acts necessary to a conviction, and neither is necessarily more reliable than the other. Neither is entitled to any greater weight than the other. You must decide whether a fact in issue has been proved based on all the evidence.

224 Before you may rely on circumstantial evidence to conclude that a fact necessary to find the defendant guilty has been proved, you must be convinced that the People have proved each fact essential to that conclusion beyond a reasonable doubt.

Also, before you may rely on circumstantial evidence to find the defendant guilty, you must be convinced that the only reasonable conclusion supported by the circumstantial evidence is that the defendant is guilty. If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence. However, when considering circumstantial evidence, you must accept only reasonable conclusions and reject any that are unreasonable.

226 You alone must judge the credibility (believability) of the witnesses. In deciding whether testimony is true and accurate, use your common sense and experience. You must judge the testimony of each witness by the same standards, setting aside any bias or prejudice you may have.

You may believe all, part, or none of any witness' testimony. Consider the testimony of each witness and decide how much of it you believe.

In evaluating a witness' testimony, you may consider anything that reasonably tends to prove or disprove the truth or accuracy of that testimony. Among the factors that you may consider are:

How well could the witness see, hear, or otherwise perceive the things about which the witness testified?

How well was the witness able to remember and describe what happened?

What was the witness' behavior while testifying?

12 Witnesses were allowed to testify as experts and to give opinions. You must consider the opinions, but you are not required to accept any opinion as true or correct. The meaning and importance of any opinion are for you to decide. In evaluating the believability of an expert witness, follow the instructions about the believability of witnesses generally. In addition, consider the expert's knowledge, skill, experience, training, and education, the reasons the expert gave for any opinion, and the facts or information on which the expert relied in reaching that opinion. You must decide whether information on which the expert relied was true and accurate. You may disregard any opinion that you find unbelievable, unreasonable, or unsupported by the evidence.

An expert witness may be asked a hypothetical question. A hypothetical question asks the witness to assume certain facts are true and to give an opinion based on the assumed facts. It is up to you to decide whether an assumed fact has been proved. If you conclude that an assumed fact is not true, consider the effect of the expert's reliance on that fact in evaluating the expert's opinion.

If the expert witnesses disagreed with one another, you should weigh each opinion against the other. You should examine the reasons given for each opinion and the facts or other matters on which each witness relied. You also may compare the experts' qualifications.

133 Witnesses who were not testifying as experts gave their opinions during the trial. You may, but are not required to, accept any such opinion as true or correct. You may give any opinion whatever weight you think appropriate. Consider the extent of the witness' opportunity to perceive the matters on which his or her opinion is based, the reasons the witness gave for any opinion, and the facts or information on which the witness relied in forming that opinion. You must decide whether information on which the witness relied was true and accurate. You may disregard all or any part of an opinion that you find unbelievable, unreasonable, or unsupported by the evidence.

350 You have heard character testimony that the defendant is an attentive, informative, careful, cautious, compassionate, loyal, and knowledgeable physician and has a good reputation for financial generosity and selflessness in the communities where he lives or works.

You may take that testimony into consideration along with all the other evidence in deciding whether the People have proved that the defendant is guilty beyond a reasonable doubt.

Evidence of the defendant's good character for these traits and his good reputation for these traits by itself can create a reasonable doubt. However, evidence of the defendant's good character may be countered by evidence of his bad character for the same trait. You must decide the meaning and importance of the character evidence.

351 Counsel for the People was allowed to ask a character witness for the defendant if that witness had heard that the defendant had engaged in certain conduct. These "have you heard" questions and their answers are not evidence that the defendant engaged in any such conduct. You may consider these questions and answers only to evaluate the meaning and importance of a character witness' testimony.

355 A defendant has an absolute constitutional right not to testify. He or she may rely on the state of the evidence, and the defense may argue that the People have failed to prove the charge beyond a reasonable doubt. Do not consider, for any reason at all, the fact that the defendant did not testify. Do not discuss that fact during your deliberations. Do not consider such a fact or let it influence your decision in any way.