

14-7034. Sentencing proceeding; duty to consult.

Your findings must represent the considered judgment of each juror.

It is your duty to consult with one another and try to reach an agreement. However, you are not required to give up your individual judgment. Each of you must decide the case for yourself, but you must do so only after a thorough review of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own view and change your opinion if you are convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the purpose of reaching a finding.

USE NOTES

This instruction must be given in every life imprisonment without possibility of release or parole proceeding. After the jury has retired for deliberation neither this instruction nor any “shotgun” instruction shall be given.

[As amended, effective August 1, 2001; as amended by Supreme Court Order No. 21-8300-008, effective for all cases filed or pending on or after December 31, 2021.]