

3.1 DUTIES OF JUDGE AND JURY

(1) Members of the jury, the evidence and arguments in this case are finished, and I will now instruct you on the law. That is, I will explain the law that applies to this case.

(2) Remember that you have taken an oath to return a true and just verdict, based only on the evidence and my instructions on the law. You must not let sympathy, bias, or prejudice influence your decision. You must avoid reaching conclusions that may have been unintentionally influenced by stereotypes. You must reach your own conclusions about this case individually, but you should do so only after listening to and considering the opinions of the other jurors, who may have different backgrounds and perspectives from yours.

(3) As jurors, you must decide what the facts of this case are. This is your job, and nobody else's. You must think about all the evidence and then decide what each piece of evidence means and how important you think it is. This includes whether you believe what each of the witnesses said. What you decide about any fact in this case is final.

(4) It is my duty to instruct you on the law. You must take the law as I give it to you. If a lawyer says something different about the law, follow what I say. At various times, I have already given you some instructions about the law. You must take all my instructions together as the law you are to follow. You should not pay attention to some instructions and ignore others.

(5) To sum up, it is your job to decide what the facts of the case are, to apply the law as I give it to you, and, in that way, to decide the case.

3.2 PRESUMPTION OF INNOCENCE, BURDEN OF PROOF, AND REASONABLE DOUBT

(1) A person accused of a crime is presumed to be innocent. This means that you must start with the presumption that the defendant is innocent. This presumption continues throughout the trial and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that she is guilty.

(2) Every crime is made up of parts called elements. The prosecutor must prove each element of the crime beyond a reasonable doubt. The defendant is not required to prove her innocence or to do anything. If you find that the prosecutor has not proven every element beyond a reasonable doubt, then you must find the defendant not guilty.

(3) A reasonable doubt is a fair, honest doubt growing out of the evidence or lack of evidence. It is not merely an imaginary or possible doubt, but a doubt based on reason and common sense. A reasonable doubt is just that—a doubt that is reasonable, after a careful and considered examination of the facts and circumstances of this case.

3.5 EVIDENCE

(1) When you discuss the case and decide on your verdict, you may only consider the evidence that has been properly admitted in this case. Therefore, it is important for you to understand what is evidence and what is not evidence.

(2) Evidence includes only the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else I told you to consider as evidence.

(3) Many things are not evidence, and you must be careful not to consider them as such. I will now describe some of the things that are not evidence.

(4) The fact that the defendant is charged with a crime and is on trial is not evidence. Likewise, the fact that she is charged with more than one crime is not evidence.

(5) The lawyers' statements and arguments [and any commentary] are not evidence. They are only meant to help you understand the evidence and each side's legal theories. You should only accept things the lawyers say that are supported by the evidence or by your own common sense and general knowledge. The lawyers' questions to the witnesses [, your questions to the witnesses,] and my questions to the witnesses are also not evidence. You should consider these questions only as they give meaning to the witnesses' answers.

(6) My comments, rulings, questions, [summary of the evidence,] and instructions are also not evidence. It is my duty to see that the trial is conducted according to the law, and to tell you the law that applies to this case. However, when I make a comment or give an instruction, I am not trying to influence your vote or express a personal opinion about the case. If you believe that I have an opinion about how you should decide this case, you must pay no attention to that opinion. You are the only judges of the facts, and you should decide this case from the evidence.

(7) At times during the trial, I have excluded evidence that was offered or stricken testimony that was heard. Do not consider those things in deciding the case. Make your decision only on the evidence that I let in, and nothing else.

[(8) Your decision should be based on all the evidence, regardless of which party produced it.]

(9) You should use your own common sense and general knowledge in weighing and judging the evidence, but you should not use any personal knowledge

you may have about a place, person, or event. To repeat once more, you must decide this case based only on the evidence admitted during this trial.

3.6 WITNESSES – CREDIBILITY

(1) As I said before, it is your job to decide what the facts of this case are. You must decide which witnesses you believe and how important you think their testimony is. You do not have to accept or reject everything a witness said. You are free to believe all, none, or part of any person's testimony.

(2) In deciding which testimony you believe, you should rely on your own common sense and everyday experience. However, in deciding whether you believe a person's testimony, you must set aside any bias or prejudice you may have based on a witness's disability, race, national origin or ethnicity, gender, gender identity or sexual orientation, or religion, age, or socio-economic status. Again, take the time you need to test what might be automatic or instinctive judgments, and to reflect carefully about the evidence.

(3) There is no fixed set of rules for judging whether you believe a witness, but it may help you to think about these questions:

(a) Was the witness able to see or hear clearly? How long was the witness watching or listening? Was anything else going on that might have distracted the witness?

(b) Did the witness seem to have a good memory?

(c) How did the witness look and act while testifying? Did the witness seem to be making an honest effort to tell the truth, or did the witness seem to evade the questions or argue with the lawyers?

(d) Does the witness's age or maturity affect how you judge his or her testimony?

(e) Does the witness have any bias, prejudice, or personal interest in how this case is decided?

(f) Have there been any promises, threats, suggestions, or other influences that affected how the witness testified?

(g) In general, does the witness have any special reason to tell the truth, or any special reason to lie?

(h) All in all, how reasonable does the witness's testimony seem when you think about all the other evidence in the case?

(4) Sometimes the testimony of different witnesses will not agree, and you must decide which testimony you accept. You should think about whether the disagreement involves something important or not, and whether you think someone is lying or is simply mistaken. People see and hear things differently, and witnesses may testify honestly but simply be wrong about what they thought they saw or remembered. It is also a good idea to think about which testimony agrees best with the other evidence in the case.

(5) However, you may conclude that a witness deliberately lied about something that is important to how you decide the case. If so, you may choose not to accept anything that witness said. On the other hand, if you think the witness lied about some things but told the truth about others, you may simply accept the part you think is true and ignore the rest.

3.7 MULTIPLE DEFENDANTS

(1) James Robert Crumbley and Jennifer Lynn Crumbley are both on trial in separate cases. The fact that they are both charged is not evidence that either one is guilty.

(2) You should only consider the evidence presented in this case. Each defendant is entitled to have his or her case decided on the evidence and the law that applies to him or her.

3.10 TIME AND PLACE (VENUE)

The prosecutor must also prove beyond a reasonable doubt that the crimes occurred on or about November 30, 2021, within Oakland County.

4.1 DEFENDANT'S STATEMENTS AS EVIDENCE AGAINST THE DEFENDANT

(1) The prosecution has introduced evidence of a statement that it claims the defendant made.

(2) Before you may consider such an out-of-court statement against the defendant, you must first find that the defendant actually made the statement as given to you.

(3) If you find that the defendant did make the statement, you may give the statement whatever weight you think it deserves. In deciding this, you should think about how and when the statement was made, and about all the other evidence in the case. You may consider the statement in deciding the facts of the case [and in deciding if you believe the defendant's testimony in court].

4.3 CIRCUMSTANTIAL EVIDENCE

(1) Facts can be proved by direct evidence from a witness or an exhibit. Direct evidence is evidence about what we actually see or hear. For example, if you look outside and see rain falling, that is direct evidence that it is raining.

(2) Facts can also be proved by indirect, or circumstantial, evidence. Circumstantial evidence is evidence that normally or reasonably leads to other facts. So, for example, if you see a person come in from outside wearing a raincoat covered with small drops of water, that would be circumstantial evidence that it is raining.

(3) You may consider circumstantial evidence. Circumstantial evidence by itself, or a combination of circumstantial evidence and direct evidence, can be used to prove the elements of a crime. In other words, you should consider all the evidence that you believe.

4.4 FLIGHT, CONCEALMENT, ESCAPE OR ATTEMPTED ESCAPE

(1) There has been some evidence that the defendant ran away and tried to hide after she was accused of the crimes.

(2) This evidence does not prove guilt. A person may run or hide for innocent reasons, such as panic, mistake, or fear. However, a person may also run or hide because of a consciousness of guilt.

(3) You must decide whether the evidence is true, and, if true, whether it shows that the defendant had a guilty state of mind.

4.5 Prior Inconsistent Statement Used to Impeach Witness

You have heard evidence that, before the trial, [a witness / witnesses] made [a statement / statements] that may be inconsistent with [his / her / their] testimony here in court.

(1) You may consider an inconsistent statement made before the trial [only] to help you decide how believable the [witness' / witnesses'] testimony was when testifying here in court.

(2) If the earlier statement was made under oath, then you may also consider the earlier statement as evidence of the truth of whatever the [witness / witnesses] said in the earlier [statement / statements] when determining the facts of this case.

4.7 STIPULATION

When the lawyers agree on a statement of facts, these are called stipulated facts. You may regard such stipulated facts as true, but you are not required to do so.

5.2 WEIGHING CONFLICTING EVIDENCE--NUMBER OF WITNESSES

You should not decide this case based on which side presented more witnesses. Instead, you should think about each witness and each piece of evidence and whether you believe them. Then you must decide whether the testimony and evidence you believe proves beyond a reasonable doubt that the defendant is guilty.

5.3 WITNESS WHO HAS BEEN INTERVIEWED BY A LAWYER

You may have heard that a lawyer [or lawyer's representative] talked to one of the witnesses. There is nothing wrong with this. A lawyer [or lawyer's representative] may talk to a witness to find out what the witness knows about the case and what the witness's testimony will be.

5.10 EXPERT WITNESS

(1) You have heard testimony from witness, Detective Edward Wagrowski, who has given you his opinion as an expert in the field forensic cell phone analysis. Experts are allowed to give opinions in court about matters they are experts on.

(2) However, you do not have to believe an expert's opinion. Instead, you should decide whether you believe it and how important you think it is. When you decide whether you believe an expert's opinion, think carefully about the reasons and facts they gave for their opinion, and whether those facts are true. You should also think about the expert's qualifications, and whether their opinion makes sense when you think about the other evidence in the case.

5.11 POLICE WITNESSES

You have heard testimony from witnesses who are police officers. That testimony is to be judged by the same standards you use to evaluate the testimony of any other witness.

16.10 INVOLUNTARY MANSLAUGHTER

(1) In Ct. 1, the defendant is charged with the crime of Involuntary Manslaughter. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First that the defendant caused the death of Madisyn Baldwin, that is, that Madisyn Baldwin, died as a result of storing a firearm and its ammunition so as to allow access to the firearm and ammunition by her minor child.

(3) Second, in doing the act that caused Madisyn Baldwin's death, the defendant acted in a grossly negligent manner.

16.10 INVOLUNTARY MANSLAUGHTER

(1) In Ct. 2, the defendant is charged with the crime of Involuntary Manslaughter. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First that the defendant caused the death of Tate Myre, that is, that Tate Myre, died as a result of storing a firearm and its ammunition so as to allow access to the firearm and ammunition by her minor child.

(3) Second, in doing the act that caused Tate Myre's death, the defendant acted in a grossly negligent manner.

16.10 INVOLUNTARY MANSLAUGHTER

(1) In Ct. 3, the defendant is charged with the crime of Involuntary Manslaughter. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First that the defendant caused the death of Hana St. Juliana, that is, that Hana St. Juliana, died as a result of storing a firearm and its ammunition so as to allow access to the firearm and ammunition by her minor child.

(3) Second, in doing the act that caused Hana St. Juliana's death, the defendant acted in a grossly negligent manner.

16.10 INVOLUNTARY MANSLAUGHTER

(1) In Ct. 4, the defendant is charged with the crime of Involuntary Manslaughter. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First that the defendant caused the death of Justin Shilling, that is, that Justin Shilling, died as a result of storing a firearm and its ammunition so as to allow access to the firearm and ammunition by her minor child.

(3) Second, in doing the act that caused Justin Shilling's death, the defendant acted in a grossly negligent manner.

NON-STANDARD JURY INSTRUCTION--UNANIMITY (ADAPTED FROM 20.30A)

As I explained earlier in my instructions, the prosecutor asserts two different theories to support the charges of Involuntary Manslaughter.

First, the prosecutor claims that the defendant committed involuntary manslaughter because she failed to perform a legal duty.

In the alternative, the prosecutor claims that the defendant committed involuntary manslaughter because she was grossly negligent.

Those theories are two different ways to prove the same crime. Either or both of these theories, if proven, are sufficient to establish the crime of involuntary manslaughter.

It is not necessary that you all agree on which theory has been proven, as long as you all agree that the prosecutor has proved at least one of those theories beyond a reasonable doubt.

16.13 INVOLUNTARY MANSLAUGHTER--FAILURE TO PERFORM LEGAL DUTY

(1) In Ct. 1, the defendant is charged with the crime of Involuntary Manslaughter resulting from a failure to perform a legal duty. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant had a legal duty to Madisyn Baldwin. The legal duty charged here is one imposed by law. In Michigan, a parent has a legal duty to exercise reasonable care to control their minor child so as to prevent the minor child from intentionally harming others or prevent the minor child from conducting themselves in a way that creates an unreasonable risk of bodily harm to others. This duty arises when both of the following are true:

(a) the parent knows or has reason to know that they have the ability to control their minor child; and

(b) the parent knows of the necessity and opportunity for exercising such control.

(3) Second, that the defendant knew of the facts that gave rise to the duty.

(4) Third, that the defendant willfully neglected or refused to perform that duty and her failure to perform it was grossly negligent to human life.

(5) Fourth, that the death of Madisyn Baldwin was directly caused by defendant's failure to perform this duty, that is, that Madisyn Baldwin died as a result of defendant's failure to exercise reasonable care to control her minor child so as to prevent the minor child from intentionally harming others or the minor child from so conducting himself so as to create an unreasonable risk of bodily harm to others when the defendant knew that she had the ability to control her minor child and knew of the necessity and opportunity to do so.

16.13 INVOLUNTARY MANSLAUGHTER--FAILURE TO PERFORM LEGAL DUTY

(1) In Ct. 2, the defendant is charged with the crime of Involuntary Manslaughter resulting from a failure to perform a legal duty. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant had a legal duty to Tate Myre. The legal duty charged here is one imposed by law. In Michigan, a parent has a legal duty to exercise reasonable care to control their minor child so as to prevent the minor child from intentionally harming others or prevent the minor child from conducting themselves in a way that creates an unreasonable risk of bodily harm to others. This duty arises when both of the following are true:

(a) the parent knows or has reason to know that they have the ability to control their minor child; and

(b) the parent knows of the necessity and opportunity for exercising such control.

(3) Second, that the defendant knew of the facts that gave rise to the duty.

(4) Third, that the defendant willfully neglected or refused to perform that duty and her failure to perform it was grossly negligent to human life.

(5) Fourth, that the death of Tate Myre was directly caused by defendant's failure to perform this duty, that is, that Tate Myre died as a result of defendant's failure to exercise reasonable care to control her minor child so as to prevent the minor child from intentionally harming others or the minor child from so conducting himself so as to create an unreasonable risk of bodily harm to others when the defendant knew that she had the ability to control her minor child and knew of the necessity and opportunity to do so.

16.13 INVOLUNTARY MANSLAUGHTER--FAILURE TO PERFORM LEGAL DUTY

(1) In Ct. 3, the defendant is charged with the crime of Involuntary Manslaughter resulting from a failure to perform a legal duty. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant had a legal duty to Hana St. Juliana. The legal duty charged here is one imposed by law. In Michigan, a parent has a legal duty to exercise reasonable care to control their minor child so as to prevent the minor child from intentionally harming others or prevent the minor child from conducting themselves in a way that creates an unreasonable risk of bodily harm to others. This duty arises when both of the following are true:

(a) the parent knows or has reason to know that they have the ability to control their minor child; and

(b) the parent knows of the necessity and opportunity for exercising such control.

(3) Second, that the defendant knew of the facts that gave rise to the duty.

(4) Third, that the defendant willfully neglected or refused to perform that duty and her failure to perform it was grossly negligent to human life.

(5) Fourth, that the death of Hana St. Juliana was directly caused by defendant's failure to perform this duty, that is, that Hana St. Juliana died as a result of defendant's failure to exercise reasonable care to control her minor child so as to prevent the minor child from intentionally harming others or the minor child from so conducting himself so as to create an unreasonable risk of bodily harm to others when the defendant knew that she had the ability to control her minor child and knew of the necessity and opportunity to do so.

16.13 INVOLUNTARY MANSLAUGHTER--FAILURE TO PERFORM LEGAL DUTY

(1) In Ct. 4, the defendant is charged with the crime of Involuntary Manslaughter resulting from a failure to perform a legal duty. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant had a legal duty to Justin Shilling. The legal duty charged here is one imposed by law. In Michigan, a parent has a legal duty to exercise reasonable care to control their minor child so as to prevent the minor child from intentionally harming others or prevent the minor child from conducting themselves in a way that creates an unreasonable risk of bodily harm to others. This duty arises when both of the following are true:

(a) the parent knows or has reason to know that they have the ability to control their minor child; and

(b) the parent knows of the necessity and opportunity for exercising such control.

(3) Second, that the defendant knew of the facts that gave rise to the duty.

(4) Third, that the defendant willfully neglected or refused to perform that duty and her failure to perform it was grossly negligent to human life.

(5) Fourth, that the death of Justin Shilling was directly caused by defendant's failure to perform this duty, that is, that Justin Shilling died as a result of defendant's failure to exercise reasonable care to control her minor child so as to prevent the minor child from intentionally harming others or the minor child from so conducting himself so as to create an unreasonable risk of bodily harm to others when the defendant knew that she had the ability to control her minor child and knew of the necessity and opportunity to do so.

16.15 ACT OF DEFENDANT MUST BE CAUSE OF DEATH

There may be more than one cause of death. It is not enough that the defendant's act made it possible for the death to occur. In order to find that the deaths of Madisyn Baldwin, Tate Myre, Hana St. Juliana, and Justin Shilling were caused by the defendant, you must find beyond a reasonable doubt that the deaths were the natural or necessary result of the defendant's act.

You heard the evidence that defendant's son shot Madisyn Baldwin, Tate Myre, Hana St. Juliana, and Justin Shilling. As previously noted, there may be more than one cause of death, and defendant's acts or inactions need not be the sole cause of harm. In order to find that the death of Madisyn Baldwin, Tate Myre, Hana St. Juliana, and Justin Shilling was caused by the defendant, you must also find beyond a reasonable doubt that her son's act of shooting someone was reasonably foreseeable.

16.18 GROSS NEGLIGENCE

(1) Gross negligence means more than carelessness. It means willfully disregarding the results to others that might follow from an act or failure to act. In order to find that the defendant was grossly negligent, you must find each of the following three things beyond a reasonable doubt:

(2) First, that the defendant knew of the danger to another, that is, she knew there was a situation that required her to take ordinary care to avoid injuring another.

(3) Second, that the defendant could have avoided injuring another by using ordinary care.

(4) Third, that the defendant failed to use ordinary care to prevent injuring another when, to a reasonable person, it must have been apparent that the result was likely to be serious injury.

SPECIAL JURY INSTRUCTION – NAME

The Judge has ordered the parties be precluded from using the shooter's name during this trial.

3.11 DELIBERATIONS AND VERDICT

(1) When you go to the jury room, you will be provided with written copies of the final jury instructions. You should first choose a foreperson. The foreperson should see to it that your discussions are carried on in a businesslike way and that everyone has a fair chance to be heard.

(2) During your deliberations please turn off your cell phones or other communications equipment until we recess.

(3) A verdict in a criminal case must be unanimous. In order to return a verdict, it is necessary that each of you agrees on that verdict. In the jury room you will discuss the case among yourselves, but ultimately each of you will have to make up your own mind. Any verdict must represent the individual, considered judgment of each juror.

(4) It is your duty as jurors to talk to each other and make every reasonable effort to reach agreement. Express your opinions and the reasons for them, but keep an open mind as you listen to your fellow jurors. Rethink your opinions and do not hesitate to change your mind if you decide you were wrong. Try your best to work out your differences.

(5) However, although you should try to reach agreement, none of you should give up your honest opinion about the case just because other jurors disagree with you or just for the sake of reaching a verdict. In the end, your vote must be your own, and you must vote honestly and in good conscience.

(6) If you have any questions about the jury instructions before you begin deliberations, or questions about the instructions that arise during deliberations, you may submit them in writing in a sealed envelope to the bailiff.

3.13 PENALTY

Possible penalty should not influence your decision. If you find the defendant guilty, it is the duty of the judge to fix the penalty within the limits provided by law.

3.14 COMMUNICATIONS WITH THE COURT

(1) If you want to communicate with me while you are in the jury room, please have your foreperson write a note and give it to the bailiff. It is not proper for you to talk directly with the judge, lawyers, court officers, or other people involved in the case.

(2) As you discuss the case, you must not let anyone, even me, know how your voting stands. Therefore, until you return with a unanimous verdict, do not reveal this to anyone outside the jury room.

3.15 EXHIBITS

When you go to the jury room to deliberate, you may take [your notes and] full instructions.

If you want to look at any or all of the reference documents or exhibits that have been admitted, just ask for them.

3.16 WRITTEN OR ELECTRONICALLY RECORDED INSTRUCTIONS IN THE JURY ROOM

When you go to the jury room, you will be given a written copy of the instructions you have just heard. As you discuss the case, you should think about all my instructions together as the law you are to follow.

3.20 SINGLE DEFENDANT--MULTIPLE COUNTS--MORE THAN ONE WRONGFUL ACT

(1) The defendant is charged with four counts of Involuntary Manslaughter. These are separate counts, and the prosecutor is charging that the defendant committed all of them. You must consider each count separately in light of all the evidence in the case.

(2) You may find the defendant guilty of all or any one of these counts or not guilty.

3.23 VERDICT FORMS

I have prepared a verdict form listing the possible verdicts.