



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**

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POST-TRIAL: INTRODUCTORY SERIES

0 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.

01 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.

2 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

10 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

22 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.

3 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.

4 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.

26 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?

Did the witness understand the questions and answer them directly?

Was the witness' testimony influenced by a factor such as bias or prejudice, a personal relationship with someone involved in the case, or a personal interest in how the case is decided?

What was the witness' attitude about the case or about testifying?

Did the witness make a statement in the past that is consistent or inconsistent with his or her testimony?

How reasonable is the testimony when you consider all the other evidence in the case?

Did other evidence prove or disprove any fact about which the witness testified?

Did the witness admit to being untruthful?

Do not automatically reject testimony just because of inconsistencies or conflicts. Consider whether the differences are important or not. People sometimes honestly forget things or make mistakes about what they remember. Also, two people may witness the same event yet see or hear it differently.

If you do not believe a witness' testimony that he or she no longer remembers something, that testimony is inconsistent with the witness' earlier statement on that subject.

If you decide that a witness deliberately lied about something significant in this case, you should consider not believing anything that witness says. Or, if you think the witness lied about some things, but told the truth about others, you may simply accept the part that you think is true and ignore the rest.

10 Neither side is required to call all witnesses who may have information about the case or to produce all physical evidence that might be relevant.

11 The testimony of only one witness can prove any fact. Before you conclude that the testimony of one witness proves a fact, you should review carefully all the evidence.

12 If you determine there is a conflict in the evidence, you must decide what evidence, if any, to believe. On the one hand, do not simply count the number of witnesses who agree or disagree on a point and accept the testimony of the greater number of witnesses. On the other hand, do not disregard the testimony of any witness without a reason or because of prejudice or a desire to favor one side or the other. What is important is whether the testimony or any other evidence convinces you, not just the number of witnesses who testify about a certain point.

03 During the trial, certain evidence was admitted for a limited purpose. You may consider that evidence only for that purpose and for no other.

18 You have heard evidence of a statement that a witness made before the trial. If you decide that the witness made that statement, you may use that statement in two ways:

1. To evaluate whether the witness' testimony in the courtroom is believable;
- AND
2. As evidence that the information in that earlier statement is true.

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.

3 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.

10 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.

51 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.

55 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.

3 You have heard evidence that the defendant made oral statements before the trial. You must decide whether the defendant made any of these statements, in whole or in part. If you decide that the defendant made any such statement, consider the statement, along with all the other evidence, in reaching your verdict. It is up to you to decide how much importance to give to any such statement.

You should consider with caution any statement made by the defendant tending to show his guilt, unless the statement was tape-recorded.

9 The defendant may not be convicted of any crime based solely on his out-of-court statements. You only may rely on the defendant's out-of-court statements to convict him if you conclude that other evidence shows that the charged crime was committed.

That other evidence may be slight and need only be enough to support a reasonable inference that a crime was committed.

The identity of the person who committed the crime may be proved solely by the defendant's statements.

You may not convict the defendant unless the People have proved his guilt beyond a reasonable doubt.

2 If you find that the defendant made a false or misleading statement before this trial relating to the charged crime, knowing the statement was false or intending to mislead, that conduct may show he was aware of his guilt of the crime, and you may consider it in determining his guilt.

If you conclude that the defendant made the statement, it is up to you to decide its meaning and importance. However, evidence that the defendant made such a statement by itself cannot prove guilt.

1 If you conclude that the defendant tried to hide evidence or concealed evidence, that conduct may show that he was aware of his guilt. If you conclude that the defendant engaged in such conduct, it is up to you to decide its meaning and importance. However, evidence of such conduct by itself cannot prove guilt.

0 The People are not required to prove that the defendant had a motive to commit the charged crime. However, in reaching your verdict you may consider whether the defendant had a motive.

Having a motive may be a factor tending to show that the defendant is guilty. Not having a motive may be a factor tending to show the defendant is not guilty.

CHARGED CRIME: INVOLUNTARY MANSLAUGHTER

The defendant is charged in Count 1 with the crime of involuntary manslaughter in violation of Penal Code section 192(b). The People are alleging that the defendant committed this crime based upon 2 theories: (1) that the defendant committed a lawful act with criminal negligence and (2) that the defendant failed to perform a legal duty with criminal negligence.

In the following instructions, I shall define the crime of involuntary manslaughter based

upon each alleged theory.

The defendant is charged in Count 1 with involuntary manslaughter in violation of Penal Code section 192(b) based upon the theory of the commission of a lawful act with criminal negligence.

To prove that the defendant is guilty of this crime based upon this particular theory, the People must prove that:

1. The defendant committed a lawful act but acted with criminal negligence;
- AND
2. The defendant's act caused the death of the alleged victim, Michael

Joseph Jackson.

The People allege that the defendant committed the following lawful act with criminal negligence: the defendant as a licensed physician administered Propofol.

"Criminal negligence" involves more than ordinary carelessness, inattention, or mistake in judgment. A person acts with criminal negligence when:

1. He or she acts in a reckless way that creates a high risk of death or great bodily injury;
- AND
2. A reasonable person would have known that acting in that way would create such a risk.

In other words, a person acts with criminal negligence when the way he or she acts is so different from the way an ordinarily careful person would act in the same situation that his or her act amounts to disregard for human life or indifference to the consequences of that act.

Great bodily injury means significant or substantial physical injury. It is an injury that is greater than minor or moderate harm.

The defendant is charged in Count 1 with involuntary manslaughter in violation of Penal Code section 192(b) based upon the theory of the failure to perform a legal duty with criminal negligence.

To prove that the defendant is guilty of this crime, the People must prove that:

1. The defendant had a legal duty to Michael Joseph Jackson;
2. The defendant failed to perform that legal duty;
3. The defendant's failure to perform that legal duty was criminally negligent;
- AND
4. The defendant's failure to perform that legal duty caused the death of

Michael Joseph Jackson.

A physician who has assumed the responsibility to treat and care for a patient has a legal duty to treat and care for that patient.

"Criminal negligence" involves more than ordinary carelessness, inattention, or mistake in judgment. A person acts or fails to perform a legal duty with criminal negligence when:

1. He or she acts or fails to perform a legal duty in a reckless way that creates a high risk of death or great bodily injury;
- AND
2. A reasonable person would have known that acting or failing to perform a legal duty in that way would create such a risk.

In other words, a person acts or fails to perform a legal duty with criminal negligence when the way he or she acts or fails to perform a legal duty is so different from how an ordinarily careful person would act in the same situation that his or her act or failure to perform a legal duty amounts to disregard for human life or indifference to the consequences of that act or failure to perform a legal duty.

"Great bodily injury" means significant or substantial physical injury. It is an injury that is greater than minor or moderate harm.

An act or failure to perform a legal duty causes the death if the death is the direct, natural, and probable consequence of the act or the failure to perform a legal duty and the death would not have happened without the act or the failure to perform a legal duty. A natural and probable consequence is one that a reasonable person would know is likely to happen if nothing unusual intervenes. In deciding whether a consequence is natural and probable, consider all the circumstances established by the evidence.

There may be more than one cause of death. An act or a failure to perform a legal duty causes the death only if it is a substantial factor in causing the death. A substantial factor is more than a trivial or remote factor. However, it does not have to be the only factor that causes the death.

To relieve a defendant of criminal liability, an intervening cause must be an unforeseeable and extraordinary occurrence. A defendant remains criminally liable for the death if either the possible consequence might reasonably have been contemplated or the defendant should have foreseen the possibility of harm of the kind that could result from his or her act.

The failure of the alleged victim Michael Joseph Jackson or another person to use reasonable care may have contributed to the death. However, if the defendant's act or the defendant's failure to perform a legal duty was a substantial factor causing the death, then the defendant is legally responsible for the death even though Michael Joseph Jackson or another person may have failed to use reasonable care.

If you have a reasonable doubt whether the defendant's act or failure to perform a legal duty caused the death, you must find him not guilty.

For you to find a person guilty of the crime of involuntary manslaughter in violation of Penal Code section 192(b), that person must commit an act with criminal negligence or fail to perform a legal duty with criminal negligence. "Criminal negligence" has been defined in the instructions on that crime.

DEFENSES

The defendant is not guilty of involuntary manslaughter if without criminal negligence on his part he accidentally acted or accidentally failed to perform a legal duty. You may not find the defendant guilty of involuntary manslaughter unless you are convinced beyond a reasonable doubt that with criminal negligence he acted or failed to perform a legal duty. "Criminal negligence" is defined in another instruction.

UNANIMITY

10 In order to prove that the defendant is guilty of involuntary manslaughter in Count 1, the People have presented evidence of more than one act or of more than one failure to perform a legal duty. You must not find the defendant guilty unless (1) all of you agree that the People have proved that the defendant committed at least one of these acts or the People have proved at least one failure to perform a legal duty and (2) all of you further agree on the same act or on the same failure to perform a legal duty.

POST-TRIAL: CONCLUDING SERIES

50 When you go into the jury room to begin your deliberations, your first responsibility is to choose a foreperson. The foreperson should see to it that your discussions are carried on in an organized fashion, that every juror has a fair opportunity to express opinions, and that each juror is treated with respect and dignity.

It is your duty to talk with one another and to deliberate in the jury room. You should try to agree on a verdict if you can. Each of you must decide the case for yourself, but you should do so only after you have discussed the evidence with the other jurors. Do not hesitate to change your mind if you become convinced that you are wrong. However, do not change your mind just because other jurors disagree with you.

Keep an open mind and freely exchange your thoughts and ideas about this case. Stating your opinions too strongly at the beginning or immediately announcing how you plan to vote may interfere with an open discussion. Please treat one another courteously. Your role is to be an impartial judge of the facts, not to act as an advocate for one side or the other.

Please continue to follow all of my written and verbal admonishments regarding your conduct. As I repeatedly have admonished you throughout these proceedings, do not talk about the case or about any of the people or any subject involved in it with anyone, including, but not limited to, your spouse or other family, friends, neighbors, co-workers, spiritual leaders or advisors, therapists, spectators, or even total strangers. You must discuss the case only in the jury room and only when all 12 jurors, and no other persons, are present. Do not discuss your deliberations with anyone other than the other jurors during deliberations in the jury room. Do not access on your own, as a group, or through another person any dictionary, any Bible, or the Internet or any other resource about this case outside of the evidence and the law presented in this courtroom. Do not access any Internet web-site (including, but not limited to, any "search-engine" site such as Google, Ask, Bing, etc. or any "social-network" site such as Facebook, Myspace, etc.) or access any "blogs" or post any "messages" or "text" or "tweet" anything about this case or the persons or subjects mentioned or involved in it.

During the trial, several items were received into evidence as exhibits. You may examine whatever exhibits you think will help you in your deliberations. Certain exhibits will be sent into the jury room with you when you begin to deliberate. If you wish to see any other exhibits, please request them in writing.

If you need to communicate with me while you are deliberating, send a note through the bailiff, signed by the foreperson or by one or more members of the jury. To have a complete record

of this trial, it is important that you not communicate with me except by a written note. If you have questions, I must contact and speak with the attorneys before I answer. Therefore, it definitely will take a period of time for me to respond. Please remain patient and continue your deliberations while you wait for my answer. I will answer any questions in writing or orally here in the open courtroom.

Do not reveal to me or anyone else how the vote stands on the question of guilt or on any other issues in this case, unless I specifically ask you to do so. I reiterate: Please do not disclose any numerical break-down of votes, unless I specifically ask.

Your verdict must be unanimous. This means that, to return a verdict, all of you must agree to it. Do not reach a decision by the flip of a coin or by any similar act.

It is not my role to tell you what your verdict should be. Do not take anything I said or did during the trial as an indication of what I think about the facts, the witnesses, or what your verdict should be.

You must reach your verdict without any consideration of penalty or punishment. You must neither consider that subject nor permit it to enter your deliberations in any way.

You will be given "guilty" and "not guilty" verdict forms. As soon as all jurors have agreed on a verdict, the foreperson must date and sign the appropriate verdict form and notify the bailiff. Please return any unsigned verdict form. Also, please do not write any notes or comments on any verdict form.

77 As to the alternate jurors: The jury soon will begin deliberating, but you are still alternate jurors and are bound by and must follow all of my earlier written and verbal admonishments about your conduct.

Do not talk about the case or about any of the people or any subject involved in it with anyone, not even your family or friends, and not even with each other. Do not have any contact with the deliberating jurors. Do not decide how you would vote if you were deliberating. Do not form or express an opinion about the issues in this case, unless you are substituted for one of the deliberating jurors.