



## Criminal Jury Instructions Committee

**Meeting Minutes  
February 28, 2025.**

### **Attending:**

Hon. Jennifer Green--Chair  
Hon. Jeffrey Altieri  
Hon. Elizabeth Bingert (*proxy for Baumann & Linn*)  
Hon. Lacey Stover Gard  
Ryan Alcorn  
Joseph Butner  
Carlos Carrion (*proxy for Benson*)  
David Euchner  
Kristian Garibay  
Jarom Harris  
Kevin Heade  
Alice Jones  
Samantha Kluger  
Karen Komrada (*proxy for Minicozzi*)  
Todd Lawson  
Christine Ortega  
Mikel Steinfeld  
Evan Tompkins  
Ilona Kukan  
Katherine Maurer Vaughn (*Public Attendee for Allen*)

### **Absent:**

Hon. Sarah Mayhew  
Jamal Allen (*Sent public attendee to take notes*)  
James Baumann (*Proxy sent*)  
Greg Benson (*Proxy sent*)  
Sasha Charls  
Jennifer Linn (*Proxy sent*)  
Michael Minicozzi (*Proxy sent*)  
Joshua Spears  
William Wallace

### **1. Call to Order and Approval of December, Meeting Minutes**

- a. Judge Green called the meeting to order at 1:30 p.m.
- b. **Comm. Bingert moved to approve minutes. Carlos Carrion seconded.**
  - i. **Minutes unanimously approved.**

### **2. Standard Criminal 37 (Possession)**

- a. **Kevin Heade asked to withdraw the proposal.** No comments on withdrawal.
- b. **Proposal withdrawn.**

**3. Criminal Instruction 38.21 (Failure to Register as a Sex Offender)**

- a. **Karen Komrada asked to table the proposal until the fall meeting.** Michael Minicozzi will be present for that meeting and will be able to discuss the proposal.
- b. **Proposal tabled until the fall meeting.**

**4. New: 28.1381(A)(5) -- Driving or Actual Physical Control of a Vehicle for Hire or Vehicle Providing Transportation Services With an Alcohol Concentration of 0.04 or More.**

- a. **Carlos Carrion asked to table the proposal until the fall meeting.** Carrion also noted that Judge Mayhew, Greg Benson, and Carlos Carrion will get together to recraft the instruction, as well as other DUI instructions.
- b. **Proposal tabled until the fall meeting.**

**5. Committee Reapplications**

- a. Ilona Kukan sent emails to members who are expiring. If a member wants to reapply, do so by March 28. There are a few folks up for renewal who have not yet reapplied.
- b. Discussion regarding chair position.
  - i. Judge Green indicated she will be reapplying, but will only likely be able to serve for another year. She will be serving as criminal presiding for one more year. Judge Green explained that the new Maricopa County criminal presiding will likely be available to take over as chair.
  - ii. David Euchner noted that there is no rule that Maricopa criminal presiding must be chair. Rather, the practice started when Judge McMurdie stepped down.
  - iii. Carlos Carrion noted it became a custom for the Maricopa County Criminal Presiding to chair the committee after Judge McMurdie stepped down. Carrion recalled, however, that attorney member Tony Zuniga had been a chair.
  - iv. Kevin Heade asked if Judge Green also participates on the Commission on the Superior Courts. Judge Green stated she does. Heade proposed that a criminal presiding judge from a different county may be a viable alternative.
  - v. Judge Green said she would welcome that.
  - vi. Ilona Kukan proposed that Judge Gard could also replace Judge Green as chair. But Judge Gard would need to reapply.
  - vii. Judge Gard indicated she plans to reapply and is happy to do whatever the committee asks of her.

- viii. David Euchner proposed that Comm. Bingert would also be a great chair in light of her work with the CLEs.
- ix. Comm. Bingert said she would be willing to talk about the position.
- x. Judge Green will talk with Judge Gard and Comm. Bingert. Judge Green is also open to talking with anyone else interested in chairing the committee.

**6. Committee Representation at next Rules Review Committee Meeting.**

- a. Ilona Kukan said we received no comments to our recent jury instruction revisions.
- b. The next meeting where the rules will be considered is April 3, 2025, from 9:00-10:00 a.m.
- c. Todd Lawson is available to attend. Kukan will send Lawson the reporting form.

**7. Any other business.**

- a. Alice Jones highlighted an issue that she has seen and noted she will propose a change for the Fall meeting. The issue centers on Child Molestation RAJI 14.10. The instruction includes a shortened definition of sexual contact. The statute was amended in 2018 to add a clause. The RAJI does not include that clause.

**8. Call to public.**

- a. No public comments.

**9. Adjournment.**

- a. Next meeting will be September 19, 2025, at 1:30 p.m.
- b. **Euchner moved to adjourn. Alice Jones seconded.**
- c. **Adjourned at 1:52 p.m.**