

**Ala. Code 1975, § 13A-10-128**

**Jury Tampering**

The defendant is charged with jury tampering.

A person commits the crime of jury tampering if, with intent to influence a juror's vote, opinion, decision or other action in the case, he/she attempts directly or indirectly to communicate with a juror other than as part of the proceedings in the trial of the case.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant attempted directly or indirectly to communicate with a juror **[name]**, other than as part of the proceedings in the trial of the case; **(AND)**
- (2) The defendant did so with intent to influence a juror's vote, opinion, decision or other action in the case.

**[Insert instruction for Attempt 13A-4-2]**

A *juror* is a person who is a member of any jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury. The term juror also includes any person who has been summoned or whose name has been drawn to attend as a prospective juror. [13A-10-120(b)(1)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of jury tampering, then you shall find the defendant guilty of jury tampering.

If you find that the State has failed to prove any one or more of the elements of jury tampering, then you cannot find the defendant guilty of jury tampering.

**[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]**

[Approved 6-17-16.]