

55 NOTETAKING PERMITTED

You are not required to but you may take notes during this trial, except during the opening statements and closing arguments. The court will provide you with materials.

In taking notes, you must be careful that it does not distract you from carefully listening to and observing the witnesses.

You may rely on your notes to refresh your memory during your deliberations. Otherwise, keep them confidential. After the trial, the notes will be collected and destroyed.

COMMENT

Wis JI-Criminal 55 was originally published as Wis JI-Criminal 101 in 1983 and renumbered in 1991. It was republished without substantive change in 2000.

This instruction is drafted to implement § 972.10(1)(a).

Under the statute, the court must decide whether the jury should be allowed to take notes. The only Wisconsin decision discussing notetaking preceded the statute by several years, see Fischer v. Fischer, 31 Wis.2d 293, 142 N.W.2d 857 (1965).