



**FROM THE COMMITTEE
ON MODEL CRIMINAL
JURY INSTRUCTIONS**

The Committee on Model Criminal Jury Instructions solicits comment on the following proposal by March 1, 2025. Comments may be sent in writing to Christopher M. Smith, Reporter, Committee on Model Criminal Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCrimJI@courts.mi.gov.

PROPOSED

The Committee proposes a new jury instruction, M Crim JI 14.1a (Perjury Committed During Investigative Subpoena Proceeding), for the crime of making a false statement under oath at an investigative subpoena proceeding, as set forth in MCL 767A.9. This instruction is entirely new.

[NEW] M Crim JI 14.1a Perjury Committed During Investigative Subpoena Proceeding

- (1) The defendant is charged with the crime of perjury during investigative subpoena proceedings. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:
- (2) First, that the defendant took an oath. An oath is a solemn promise to tell the truth. *
- (3) Second, that the defendant took that oath during an investigative subpoena proceeding.
- (4) Third, that while under that oath the defendant made a false statement. The statement that is alleged to have been made in this case is that [*give details of alleged false statement*].
- (5) Fourth, that the defendant knew that the statement was false when [he / she] made it.
- [(6) Fifth, that the investigation involved the crime of (*state capital crime being investigated*).]¹

Use Note

- * If appropriate, substitute “affirmation” for “oath.”
- 1. Use only where the allegations and evidence involve the aggravating factor of investigating a capital offense.