

A judge has wide discretion in deciding whether to respond to a jury question.

The court has a duty to answer the jury's question if clarification is requested, the original instructions are incomplete, the jurors are confused, or the question concerns a point of law arising from the facts over which doubt or confusion exists

However, a judge also has a duty to avoid giving the jury his opinion of the evidence, and a judge should not answer a jury question that calls for the judge to make a conclusion on the issues at trial.

People v. Banks, 281 Ill. App. 3d 417, 422, 667 N.E.2d 118, 121 (1996)

SAMPLE ANSWER #1

You have heard all the evidence that was proper and pertinent to the case.

The instructions which you have been given cover all of the law applicable to the case.

People v. Callahan, 16 Ill. App. 3d 1006, 1007, 307 N.E.2d 188, 189 (1974)

SAMPLE ANSWER #2

The law that applies to this case is contained in the jury instructions.

It is your duty to determine the facts and to determine them only from the evidence in this case.

You are to apply the law to the facts and in this way decide the case.

- (1) a jury is entitled to have its explicit legal questions answered;
- (2) the trial court has an obligation to seek clarification of the source of the jury's confusion if the question is unclear, and to then attempt to clarify the matters of law about which the jury has manifested confusion;
- (3) because jury deliberations are a critical stage of trial affecting substantial rights, a defendant has an absolute right to be informed of any jury question involving a question of law and to be given the opportunity to participate for his protection in fashioning an appropriate response;

People v. Childs, 159 Ill. 2d 217, 233–34, 636 N.E.2d 534, 541–42 (1994)

When a jury has raised an explicit question on a point of law arising from the facts over which there is doubt or confusion, the court should attempt to clarify the question in the minds of the jurors.

People v. Kamide, 254 Ill. App. 3d 67, 72, 626 N.E.2d 337, 341 (1993)

The general rule when a trial court is faced with a question from the jury is that the court has a duty to provide instruction to the jury when the jury has posed an explicit question or requested clarification on a point of law arising from facts about which there is doubt or confusion.

Nevertheless, a trial court may exercise its discretion to refrain from answering a jury question under appropriate circumstances. Appropriate circumstances include when the instructions are readily understandable and sufficiently explain the relevant law, where further instructions would serve no useful purpose or would potentially mislead the jury, when the jury's inquiry involves a question of fact, or where the giving of an answer would cause the court to express an opinion that would likely direct a verdict one way or another.

People v. Millsap, 189 Ill. 2d 155, 160–61, 724 N.E.2d 942, 945 (2000)

When a jury manifests confusion or doubt, the jury should be instructed on any question of law giving rise to that doubt or confusion. “Fundamental fairness includes, among other things, seeing to it that certain basic instructions, essential to a fair determination of the case by the jury, are given.”

People v. Lowry, 354 Ill. App. 3d 760, 765, 821 N.E.2d 649, 656 (2004)

The circuit court's response to the jury—“We cannot give you a definition of reasonable doubt, it is your duty to define it”—was unquestionably correct

People v. Downs, 2015 IL 117934, ¶ 24, 69 N.E.3d 784, 789

Trial judge abused her discretion in first-degree murder prosecution by responding “no” rather than declining to answer jury's question during deliberations as to whether death penalty was taken off the table in order for defendant to confess; response submitted new evidence to the jury during deliberations, bolstering the reliability of defendant's confession and thereby undermining defendant's theory of the case at trial.

People v. Davis, 393 Ill. App. 3d 114, 913 N.E.2d 536 (2009)

However, when the trial court answers a question, it has a duty not to misstate the law.

People v. McBride, 2012 IL App (1st) 100375, ¶ 51, 972 N.E.2d 1173, 1187

The general rule when a trial court is presented with a question from the jury is that the court has a duty to provide instruction when the jury has posed an explicit question or requested clarification on a point of law arising from facts about which there is doubt or confusion.

Nevertheless, a trial court may exercise its discretion to refrain from answering a jury's question under appropriate circumstances, including when the instructions are readily understandable and sufficiently explain the relevant law, where further instructions would serve no useful purpose or would potentially mislead the jury, when the jury's inquiry involves a question of fact, or where the giving of an answer would cause the court to express an opinion that would likely direct a verdict one way or the other.

People v. Curtis, 354 Ill. App. 3d 312, 321, 820 N.E.2d 1116, 1126 (2004)

When a defendant acquiesces in the trial court's answer to a question from the jury, the defendant cannot later complain that the trial court's answer was erroneous.

People v. Jaimes, 2019 IL App (1st) 142736, 130 N.E.3d 502

Trial judge has discretion to answer or refrain from answering question from jury and his decision, whatever it may be, will not be disturbed absent abuse of that discretion.

People v. Patten, 240 Ill. App. 3d 407, 608 N.E.2d 351 (1992)