

1.04 DEFINITION OF REASONABLE DOUBT

[No instruction.]

Committee Comment

The Seventh Circuit has repeatedly held that it is inappropriate for the trial judge to attempt to define “reasonable doubt” for the jury. See, *e.g.*, *United States v. Glass*, 846 F.2d 386, 387 (7th Cir. 1988); see also *United States v. Hatfield*, 590 F.3d 945, 949 (7th Cir. 2010); *United States v. Bruce*, 109 F.3d 323, 329 (7th Cir. 1997). As the court said in *Glass*,

This case illustrates all too well that “[a]ttempts to explain the term ‘reasonable doubt’ do not usually result in making it any clearer to the minds of the jury.” *Holland v. United States*, 348 U.S. 121, 140 (1954). And that is precisely why this circuit's criminal jury instructions forbid them. See Federal Criminal Instructions of the Seventh Circuit 2.07 (1980). “Reasonable doubt” must speak for itself. Jurors know what is “reasonable” and are quite familiar with the meaning of “doubt.” Judges’ and lawyers’ attempts to inject other amorphous catch-phrases into the “reasonable doubt” standard, such as “matter of the highest importance,” only muddy the water. This jury attested to that. It is, therefore, inappropriate for judges to give an instruction defining “reasonable doubt,” and it is equally inappropriate for trial counsel to provide their own definition. See, *e.g.*, *United States v. Dominguez*, 835 F.2d 694, 701 (7th Cir. 1987). Trial counsel may argue that the government has the burden of proving the defendant's guilt “beyond a reasonable doubt,” but *they may not attempt to define “reasonable doubt.”*

Glass, 846 F.2d at 386 (emphasis in original).