

Instruction No. _____

[Only recommended if counsel plan to reference the terms “direct,” “indirect,” or “circumstantial” in their closing arguments.]

There are two types of evidence from which a jury may determine the facts. One is direct evidence, which proves a fact directly. The other is indirect or circumstantial evidence, which may show a fact through reasonable, commonsense inferences.

The law makes no distinction between direct and circumstantial evidence. You are permitted to draw reasonable inferences from the evidence. Inferences are a conclusion that reason and common sense may lead you to draw from facts which have been proved.

MIS Criminal Stock

SOURCE:

10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) 1.07 (2021)
Evidence - Direct and Circumstantial – Inferences (modified)

Instruction No. _____

The testimony of a witness may be discredited or impeached by showing that the witness was previously convicted of a [felony and/or of a crime of dishonesty or false statement]. A prior conviction does not mean that a witness is not qualified to testify. It is one thing that you may consider in determining the credibility of the witness. You may decide how much weight to give any [prior felony conviction] [and/or crime of dishonesty].

MIS Criminal Stock

SOURCE:

10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) 1.12 (2021)
Impeachment by Prior Conviction (modified)

Instruction No. _____

The government called as one of its witnesses an alleged accomplice, who was named as a co-defendant in the indictment. The co-defendant's case is still pending. An alleged accomplice, including one whose charges are still pending, is not prohibited from testifying.

The testimony of an alleged accomplice may, by itself, support a guilty verdict, but you should receive this type of testimony with caution and great care. You should not convict a defendant upon the unsupported testimony of an alleged accomplice, unless you believe that testimony beyond a reasonable doubt.

MIS Criminal Stock

SOURCE:

10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) 1.15 (2021)
Accomplice—Co-Defendant—Plea Agreement (modified)

Instruction No. _____

[WITNESS NAME] may be considered an abuser of drugs.

You must determine whether the testimony of that witness has been affected by the use of drugs or the need for drugs.

MIS Criminal Stock

SOURCE:

10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) 1.16 (2021)
Witness's Use of Addictive Drugs (modified)

Instruction No. _____

A defendant may be found guilty of [SPECIFY CRIME CHARGED], even if the defendant did not personally commit the crime but aided and abetted its commission. To “aid and abet” means to intentionally help someone else commit a crime. To prove a defendant guilty of [SPECIFY CRIME CHARGED] by aiding and abetting, the government must prove each of the following beyond a reasonable doubt:

First: someone else committed [SPECIFY CRIME CHARGED];

Second: [DEFENDANT NAME] intentionally associated himself in some way with the crime and intentionally participated in it. This means that the government must prove that the defendant consciously shared the other person’s knowledge of the underlying criminal act and intended to help them; and

It is not enough that the defendant merely associated with the person committing the crime, or unknowingly or unintentionally did things that were helpful to that person or was present at the scene of the crime. The evidence must show beyond a reasonable doubt that the defendant acted with the knowledge and intention of helping that person commit [SPECIFY CRIME CHARGED]. Mere presence at the scene of a crime and knowledge that a crime is being committed are also not sufficient to establish aiding and abetting.

MIS Criminal Stock

SOURCE:

10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) 2.06 (2021)
Aid and Abet (modified)

9th Cir. PATTERN JURY INSTRUCTIONS (Criminal) 4.1 (2019)
Aiding and Abetting (modified)

United States v. Rosalez, 711 F.3d 1194, 1205 (10th Cir. 2013)