

Multiple defendants—missing defendant(s)

INSTRUCTION NO. ____

There has been evidence suggesting that [a person] [persons] other than the defendant may have been involved in the crime for which the defendant is on trial.

Your duty in this case is to decide only whether the prosecutor has proven, beyond a reasonable doubt, the guilt of the defendant who is on trial.

Committee note: This instruction should not be given when evidence of others' involvement is required to prove an element of the charged crime, i.e., conspiracy or concerted criminal activity (“gang enhancement”) charges.