

1.11 Evidence for Limited Purpose

Some evidence may be admitted only for a limited purpose.

When I instruct you that an item of evidence has been admitted only for a limited purpose, you must consider it only for that limited purpose and not for any other purpose.

[The testimony [you are about to hear] [you have just heard] may be considered only for the limited purpose of [describe purpose] and not for any other purpose.]

Comment

As a rule, limiting instructions need only be given when requested and need not be given *sua sponte* by the court. *United States v. Palmer*, 691 F.2d 921, 923 (9th Cir. 1982) (citing *United States v. McLennan*, 563 F.2d 943, 947-48 (9th Cir. 1977)).

See *United States v. Marsh*, 144 F.3d 1229, 1238 (9th Cir. 1998) (when the trial court fails to instruct the jury in its final instructions regarding receipt of evidence for a limited purpose, the Ninth Circuit examines the trial court's preliminary instructions to determine if the court instructed the jury on this issue).

See also Instructions 1.10 (What is Not Evidence) and 2.10 (Impeachment Evidence—Witness).

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