

2.4 Judicial Notice

The court has decided to accept as proved the fact that [*state fact*]. You must accept this fact as true.

Comment

An instruction regarding judicial notice should be given at the time notice is taken. In a civil case, the Federal Rules of Evidence permit the judge to determine that a fact is sufficiently undisputed to be judicially noticed and requires that the jury be instructed that it is required to accept that fact. Fed. R. Evid. 201(f). In a criminal case, however, the court must instruct the jury that it may or may not accept the noticed fact as conclusive. *Id.*; see *United States v.*

Chapel, 41 F.3d 1338, 1342 (9th Cir. 1994) (in a criminal case, “the trial court must instruct ‘the jury that it may, but is not required to, accept as conclusive any fact judicially noticed’” (citing Fed. R. Evid. 201(g))).

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