

11.3 Multiple Conspiracies

You must decide whether the conspiracy charged in the indictment existed, and, if it did, who at least some of its members were. If you find that the conspiracy charged did not exist, then you must return a not guilty verdict, even though you may find that some other conspiracy existed. Similarly, if you find that any defendant was not a member of the charged conspiracy, then you must find that defendant not guilty, even though that defendant may have been a member of some other conspiracy.

Comment

Use this instruction when the indictment charges a single conspiracy, and the evidence indicates two or more possible conspiracies. *See United States v. Perry*, 550 F.2d 524, 533 (9th Cir. 1997).

This instruction obviates the need for further instructions on multiple conspiracies. *United States v. Si*, 343 F.3d 1116, 1126-27 (9th Cir. 2003). Given in combination with a proper conspiracy instruction, this instruction is adequate to cover a multiple conspiracy defense. *United States v. Bauer*, 84 F.3d 1549, 1560-61 (9th Cir. 1996); *United States v. Job*, 851 F.3d 889, 905 (9th Cir. 2017).

See United States v. Singh, 924 F.3d 1030, 1053 (9th Cir. 2019) (approving multiple conspiracy instruction that reflected defendant's theory of case).

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