

2.16 Defendant's Previous Trial

You have heard evidence that the defendant has been tried before. Keep in mind, however, that you must decide this case solely on the evidence presented to you in this trial. You are not to consider the fact of a previous trial in deciding this case.

Comment

This instruction should not be given unless the jury has been informed of the previous trial and the instruction is specifically requested by the defense. A preferable practice is to avoid all reference to prior trials.

Revised Mar. 2018