

3.16 Charts and Summaries Not Admitted into Evidence

During the trial, certain charts and summaries were shown to you to help explain the evidence in the case. These charts and summaries were not admitted into evidence and will not go into the jury room with you. They are not themselves evidence or proof of any facts. If they do not correctly reflect the facts or figures shown by the evidence in the case, you should disregard these charts and summaries and determine the facts from the underlying evidence.

Comment

This instruction applies only when the charts and summaries are not admitted into evidence and are used for demonstrative purposes. *See United States v. Krasn*, 614 F.2d 1229, 1238 (9th Cir. 1980). If the charts and summaries are admitted in evidence, it may be appropriate to instruct the jury using Instruction 3.17 (Charts and Summaries Admitted into Evidence). *See also* Jury Instructions Committee of the Ninth Circuit, *A Manual on Jury Trial Procedures* § 3.10.A (2013).

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