

3.18 Flight/Concealment of Identity

Comment

The Committee generally recommends against giving specific inference instructions in areas such as flight or concealment of identity because the general instruction on direct and circumstantial evidence is sufficient (*see* Introductory Comment to this chapter). Also, caution is warranted because evidence of flight can be consistent with innocence. *United States v. Dixon*, 201 F.3d 1223, 1232 (9th Cir. 2000). Where sufficient facts support such an inference, the Ninth Circuit has not foreclosed the use of such an instruction. *See United States v. Blanco*, 392 F.3d 382, 395-97 (9th Cir. 2004) (flight); *United States v. Silverman*, 861 F.2d 571, 580-82 (9th Cir. 1988) (concealment of identity).

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