

6.11 Separate Consideration of Multiple Counts—Single Defendant

A separate crime is charged against the defendant in each count. You must decide each count separately. Your verdict on one count should not control your verdict on any other count.

Comment

Use this instruction when there is one defendant charged with multiple counts. If the case involves multiple defendants and multiple counts, use Instruction 6.13 (Separate Consideration of Multiple Counts—Multiple Defendants) instead. If more than one defendant is charged with the same crime, use Instruction 6.12 (Separate Consideration of Single Count—Multiple Defendants).

When the counts are satisfactorily distinguished in the jury charge, the jury will be presumed to have followed instructions and not to have confused the evidence pertinent to the individual counts. *United States v. Parker*, 432 F.2d 1251, 1255 (9th Cir. 1970); *see also United States v. Robertson*, 15 F.3d 862, 869 (9th Cir. 1994), *rev'd on other grounds*, 514 U.S. 669 (1995).

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