

6.18 On or About—Defined

The indictment charges that the offense alleged [in Count _____] was committed “on or about” a certain date.

Although it is necessary for the government to prove beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged in [Count _____ of] the indictment, it is not necessary for the government to prove that the offense was committed precisely on the date charged.

Comment

See United States v. Loya, 807 F.2d 1483, 1493-94 (9th Cir. 1987) (approving similarly worded “on or about” jury instruction).

If the defendant asserts an alibi defense, this instruction should be coordinated with Instruction 5.1 (Alibi). *See id.* If the case involves a continuing offense or theory of defense, this instruction will need to be modified. *See, e.g.*, Comment to Instruction 5.6 (Insanity).

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