

6.6 What is Evidence

The evidence you are to consider in deciding what the facts are consists of:

- > First, the sworn testimony of any witness; [and]
- > Second, the exhibits received in evidence[.] [; and]
- > [Third, any facts to which the parties have agreed.]

Comment

“When parties have entered into stipulations as to material facts, those facts will be deemed to have been conclusively established.” *United States v. Houston*, 547 F.2d 104, 107 (9th Cir. 1976); *see also United States v. Mikaelian*, 168 F.3d 380, 389 (9th Cir. 1999).

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