

(DEFENDANT'S REQUESTED)

NON-TESTIFYING DEFENDANT

JURY INSTRUCTION NO: \_\_\_\_\_

\_\_\_\_\_The defendant did not testify and I remind you that you cannot consider his decision not to testify as evidence of guilt. You must understand that the Constitution of the United State grants to a defendant the right to remain silent. That means the right not to testify. That is a constitutional right in this country, it is very carefully guarded, and you must not presume or infer guilt from the fact that a defendant does not take the witness stand and testify or call any witnesses.

TENTH CIR. PAT. JURY INST. 1.08.1; ***United States v. Coleman***, 7 F.3d 1500, 1505-06 (10<sup>th</sup> Cir. 1993)

GIVEN \_\_\_\_\_

REFUSED \_\_\_\_\_