

(DEFENDANT'S REQUESTED)

ACCOMPLICE - INFORMANT - IMMUNITY

Accomplice

JURY INSTRUCTION NO: _____

_____ An accomplice is someone who joined with another person in committing a crime, voluntarily and with common intent. An accomplice is not prohibited from testifying because of participation in the crime charged. On the contrary, the testimony of an accomplice may be received in evidence and considered by you, even though it is not supported by other evidence. You may decide how much weight it should have.

You are to keep in mind, however, that accomplice testimony should be received with caution and considered with great care. You should not convict a defendant based on the unsupported testimony of an alleged accomplice, unless you believe the unsupported testimony beyond a reasonable doubt.

INFORMANT

An informant is someone who provides evidence against someone else for a personal reason or advantage. You must examine and weigh an informant's testimony with greater care than the testimony of an ordinary witness. You must determine whether the informant's testimony has been affected by self-interest, by an agreement he has with the government, by his own interest in the outcome of the case, or by prejudice against the defendant.

IMMUNITY

One who testifies under a grant of immunity (a promise from the government that he will not be prosecuted) is not prohibited from testifying by reason of the

government's promise. His testimony may be received in evidence and you may consider it even though it is not supported by other evidence. You should consider testimony given under a grant of immunity with greater care and caution than the testimony of an ordinary witness. You should consider whether testimony under a grant of immunity may be colored to further the witness's own interest. This is because a witness who realizes that he may benefit by incriminating another may have a motive to testify falsely.

On the other hand, you should also consider that an immunized witness can be prosecuted for perjury for making a false statement. After considering these things, you may give testimony given under a grant of immunity such weight as you feel it deserves.

TENTH CIR. PAT. JURY INST. 1.14; *U.S. V. Bridwell*, 583 F.2d 1135, 1142 (10th Cir. 1978)

GIVEN _____

REFUSED _____

