

(DEFENDANT'S REQUESTED)

ACCOMPLICE - CO-DEFENDANT - PLEA AGREEMENT

JURY INSTRUCTION NO: _____

The government called as one of its witnesses an alleged accomplice, who was named as a co-defendant in the indictment. The government has entered into a plea agreement with the co-defendant, providing for the dismissal of some charges and a recommendation of a lesser sentence that the co-defendant would otherwise likely receive. Plea bargaining is lawful and proper, and the rules of this court expressly provide for it.

An alleged accomplice, including one who has entered into a plea agreement with the government, is not prohibited from testifying. On the contrary, the testimony of an alleged accomplice may, by itself, support a guilty verdict. You should receive this type of testimony with caution and weigh it with great care. You should never convict a defendant upon the unsupported testimony of an alleged accomplice, unless, you believe that testimony beyond a reasonable doubt. The fact that an accomplice has entered a guilty plea to the offense charged is not evidence of the guilt of any other person.

TENTH CIR. PAT. JURY INST. 1.15

GIVEN _____

REFUSED _____

