

DEFENDANT'S ABSENCE FROM TRIAL¹

As you know, (defendant) was absent from the trial. You should not speculate about the reason for his/her absence.

You are not to consider for any purpose or in any manner in arriving at your verdict the fact that (defendant) was not present at trial. That fact should not enter into your deliberations or discussions in any manner, at any time.

(Defendant) is entitled to have the jury consider all evidence presented at trial. He/She is presumed innocent even if he/she is not present.

¹ This instruction may need to be modified or may be inappropriate altogether if a Flight from Trial charge is warranted.