

Reviewed by committee: 11/5/99

Approved by committee: 11/5/99

**EVIDENCE IN THE CASE**

**DRAFT**

During your deliberations you should consider only the evidence in the case. The evidence consists of the testimony under oath of the witnesses, exhibits which have been admitted into evidence, the view, facts of which I took judicial notice, and stipulations of certain facts.

During the trial the lawyers made objections. The lawyers are supposed to object when they believe that certain evidence is not admissible. If I sustained an objection or excluded any evidence, you must not guess as to what the answer or evidence would have been. If I ordered that a question and answer be stricken from the record, you must not consider either the question or the answer as evidence.

A judge is required to be neutral, and I am in fact neutral in this case. If you believe that I have expressed or suggested an opinion as to the facts in my rulings, you should ignore that belief. It is up to you alone to decide the facts in this case.

In short, you should consider only the legally admissible evidence in deciding this case; that is, the testimony of the witness, the exhibits, the view, stipulations, and facts of which I took judicial notice.