

**ADDITION OR DISMISSAL OF CHARGES<sup>1</sup>**

When this trial began, I told you about the charges that were contained in the indictment. I also explained that the indictment is not evidence but merely a written document that brings the charges before a jury so that the jury can decide whether the defendant has been proven guilty beyond a reasonable doubt.

As the judge of the law, it is my responsibility to review those charges with the attorneys at the end of the case to decide which charges will be submitted to you for deliberation. Sometimes, as a matter of law, I may determine that not every charge within the indictment should be submitted to you; at other times, as a matter of law, I may determine that certain charges not originally within the indictment should be submitted to you for your deliberations.

**[CHARGE IF APPROPRIATE]**

Here, I have ruled that the original charge[s] of \_\_\_\_\_ will not be submitted to you for consideration.<sup>2</sup>

**[CHARGE IF APPROPRIATE]**

Here, I have ruled that the charge[s] of \_\_\_\_\_ should be submitted to you for consideration. You are to deliberate on this charge as though it were within the original indictment. I will explain the elements of this charge and the charges originally contained in the indictment later in my instructions.

You should not consider my ruling as an opinion by the Court on the merits of any of the charges that you must consider. My ruling on this charge [these charges] was based on matters of law and should not influence your deliberations. You are not to consider for any purpose in arriving at your verdict, the fact that the Court may have [added] [deleted] charges for your deliberation. You must decide whether the State has proven the guilt of the defendant on each charge submitted to you by the evidence, which is relevant and material to that particular charge based on final instructions of the law that I will give you after the attorneys have completed their summations.

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<sup>1</sup> This instruction should be given after the charge conference but before summations so that the jury may better understand closing arguments that mention added or dismissed offenses.

<sup>2</sup> Although the law is not settled, it may be proper in some cases to grant a defendant's request to advise the jury that the Court has granted a Judgment of Acquittal on one or more offenses charged in the indictment.

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I have told you about this ruling now, so that, if the attorneys refer to my ruling during summations, you will understand the reference more clearly.

**[PROCEED TO DEFENSE CASE OR SUMMATIONS]**