**2.13 Photos of Defendant, “Mugshots”**

You have heard evidence that a photo of the defendant was shown to [*name of witness*]. You may consider this evidence only for [*specify admissible purpose*] and not for any other purpose. [Because the government obtains photos of many people from many different sources and for many different purposes, you must not infer the defendant committed this or any other crime from the fact that the government obtained and displayed the defendant’s photo.]

**Comment**

This instruction should not be given unless specifically requested by the defense. *See United States v. Monks,* 774 F.2d 945, 954-55 (9th Cir. 1985), in which the Ninth Circuit held the trial court did not abuse its discretion in denying a motion for mistrial after the defendant declined the trial court’s offer of a limiting instruction to address a witness’s unintentional reference to a photo lineup as “mugshots.”

*Revised Mar. 2018*