**2.14 Dismissal of Some Charges Against Defendant**

At the beginning of the trial, I described the charge[s] against the defendant. For reasons that do not concern you, [*specify count[s] or charge[s]*] [is] [are] no longer before you. Do not speculate about why the charge[s] [is] [are] no longer part of this trial.

The defendant is on trial only for the charge[s] of [*remaining count[s]*]. You may consider the evidence presented only as it relates to the remaining count[s].

**Comment**

This instruction should not be given unless specifically requested by the defense. *See* *United States v. de Cruz*, 82 F.3d 856, 865 (9th Cir. 1996) (concluding that district court’s instruction adequately informed jury that dismissed counts were not before them, that defendant was on trial only for remaining counts, and that evidence could only be considered as it related to remaining charged counts or as it related to defendant’s intent).

*Revised Mar. 2018*