**6.18 On or About—Defined**

The indictment charges that the offense alleged [in Count\_\_\_\_\_\_\_] was committed “on or about” a certain date.

Although it is necessary for the government to prove beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged in [Count \_\_\_\_\_\_\_of] the indictment, it is not necessary for the government to prove that the offense was committed precisely on the date charged.

**Comment**

*See United States v. Loya*, 807 F.2d 1483, 1493-94 (9th Cir. 1987) (approving similarly worded “on or about” jury instruction).

If the defendant asserts an alibi defense, this instruction should be coordinated with Instruction 5.1 (Alibi). *See id.*  If the case involves a continuing offense or theory of defense, this instruction will need to be modified. *See, e.g.*, Comment to Instruction 5.6 (Insanity).

*Revised June 2015*