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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17) Case No. CR-09-0110 (SI)
18 UNITED STATES OF AMERICA,)
)
19 Plaintiff,) **DEFENDANTS' PROPOSED**
) **INSTRUCTION RE:**
20 v.) **CONSIDERATION OF GUILTY**
) **PLEAS**
21 AU OPTRONICS CORPORATION, et al.,)
)
22 Defendants.)
)
23 _____)

24 The jury has now been presented by the government with evidence of a plea agreement
25 that a prosecution witness concluded with the government in connection with the conspiracy
26 alleged in the First Superseding Indictment. A great deal of evidence concerning guilty pleas by
27 government witnesses will be forthcoming. Accordingly, the defense requests that the Court now

1 instruct jurors as follows: “You have heard testimony concerning the entry of a guilty plea by a
2 government witness. Evidence of such agreements may not be considered as proof of the guilt or
3 participation in the charged conspiracy of any defendant in this trial. The plea agreement of a
4 testifying witness instead be may be considered solely for the purpose of assessing the credibility
5 of the testifying witness.” That instruction comports with the Ninth Circuit pattern instruction
6 on this subject (Number 4.9), and the government has conceded the correctness of the legal
7 principle. *See* United States’ Motion in Limine #4 to Admit Guilty Pleas, Plea Agreements,
8 Leniency Agreement, and Nonprosecution Agreements (Dkt. 483); Court’s Final Pretrial
9 Scheduling Order (Dkt. 628) at 2-3.

10 Dated: January 11, 2012

Respectfully submitted,

RIORDAN & HORGAN

12 /s/ Dennis P. Riordan
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