**02.24 CLOSING INSTRUCTIONS — EVIDENCE ADMITTED AGAINST ONE PARTY BUT NOT ANOTHER**

You should recall that when I admitted certain evidence I told you it could be used against one party but not against another. It is important that you use evidence only against proper parties. [I will now repeat for you the instructions that I gave you during the trial. (Insert instructions previously given).]

# Use Note

This instruction should be given when evidence is admitted against one party but is inadmissible against a party aligned with him.

## Comment

The trial judge must decide whether this instruction does more harm than good. It may have a tendency to highlight the very evidence that is restricted in its use. On the other hand, failure to give such an instruction may result in the jury’s forgetting about the limitation that previously was imposed. It may be a good idea for the trial judge to ask the party who would be protected by the instruction whether he wants the specific evidence mentioned. If so, the instruction can be made specific. If not, the party’s wishes probably should govern. See Alaska R. Evid. 105 (limiting instruction to be given upon request).