

## CALCRIM INSTRUCTION WORKSHEET<sup>1</sup>

“s”= sua sponte duty in every case “ss”= sometimes sua sponte, depending on the facts  
“rec”= not sua sponte, but recommended “r”= must be given if requested

### Pretrial General Instructions

- ☐ 100 trial process
- ☐s 101 cautionary admonition
- ☐ 102 note taking
- ☐s 103 reasonable doubt
- ☐ 104 evidence
- ☐s 105 witnesses
- ☐r 106 juror questions

### Pretrial Admonitions

- ☐ss 120 service provider for disable juror (when one is used)
- ☐rec 121 duty to abide by ct translation
- ☐ss 122 corporation is a person (when defendant is a corporation)
- ☐ss 123 witness identified as J. Doe (when victim is id'd as such)
- ☐s 124 separation admonition

### Post-Trial Introductory

- ☐s 200 duties of judge and jury
- ☐s 201 do not investigate
- ☐rec 202 note taking
- ☐ss 203 multiple defendants (when multiple D's are on trial)
- ☐ss/r 204 restrained defendant (if seen by jury)
- ☐ 205 charge removed from jury consideration
- ☐ 206 a defendant removed from the case
- ☐ 207 proof need not show actual date

### General Legal Concepts

- ☐s 220 reasonable doubt
- ☐ss 221 reasonable doubt/bifurcated trial (when bifurcated proceedings)
- ☐ 222 evidence
- ☐s 223 direct & circumstantial evidence: defined
- ☐ss 224 circumstantial evidence: sufficiency of evidence (if DA substantially relies on it)
- ☐ss 225 circumstantial evidence: intent/ mental state (if DA subst. relies as evid. of intent)
- ☐s 226 witnesses

### Causation

- ☐ss 240 causation (when it's at issue)

### Union of Act and Intent

- ☐ss 250 union act & intent: general intent (when charged with general intent crime)
- ☐ss 251 union act & intent: specific intent (when charged with specific intent crime)
- ☐ss 252 union act & intent: general & specific together (when charged with both types)
- ☐rec 253 union act & intent: criminal negligence
- ☐ 254 union act & intent: strict liability

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<sup>1</sup> This list does not include fact and crime-specific instructions which must also be given.

### General Evidentiary Instructions

- ☐r 300 all available evidence
- ☐s 301 single witness's testimony
- ☐s 302 evaluating conflicting evidence (unless corroborating evidence is req.)
- ☐r 303 limited purpose of evidence
- ☐r 304 multiple defendants: ltd. admissibility of evidence
- ☐r 305 multiple defendants: ltd. admissibility D's statements
- ☐ 306 untimely disclosure of evidence

### Witnesses

- ☐r 315 eyewitness identification
- ☐r 316 witness credibility, other conduct
- ☐ 317 prior testimony unavailable witness
- ☐ 318 prior statements as evidence
- ☐ 319 prior statements of unavailable witness
- ☐r 320 exercise of privilege by witness
- ☐r 330 testimony of child 10 yrs or less
- ☐r 331 testimony of witness with disabilities
- ☐ss 332 expert witness testimony (when expert testimony received at trial)
- ☐r 333 opinion testimony of lay witness
- ☐ss 334 accomplice testimony corroborated: (if evid. suggests witness can be accomplice)
- ☐ss 335 accomplice testimony: (when no dispute witness is an accomplice)
- ☐r 336 in-custody informant
- ☐ss 337 witness restrained (when seen by jury)

### Character Evidence

- ☐r 350 character of defendant
- ☐r 351 cross-exam of character witness

### Defendant's Testimony

- ☐r 355 defendant's right not to testify
- ☐r 356 Miranda-defective statements.
- ☐ss 357 adoptive admissions (when such evidence is admitted)
- ☐ss 358 evidence of defendant's statements (for out-of-court oral statements by D)
- ☐ss 359 corpus delicti (if 357 given & whenever stmts. form part of prosecution evid.)
- ☐ 360 statements to experts
- ☐ 361 failure to explain/deny adverse testimony
- ☐ss 362 consciousness guilt: false stmt. (when such inference can be drawn from D's stmt.)

### Particular Types of Evidence

- ☐ 370 motive
- ☐ 371 consciousness guilt: suppress/fabricate evidence
- ☐ss 372 flight (when DA relies on it to show consciousness of guilt)
- ☐r 373 other perpetrator
- ☐ss 374 dog tracking evidence (when they are used to prove id of defendant)
- ☐r 375 1101(b) evidence
- ☐ss 376 possession of recently stolen property (if there is evid. of such property)

### Aiding & Abetting & Related Doctrines

- ☐ss 400 aiding & abetting: general principles (when DA relied on it as theory of liability)

- ss 401 aiding & abetting: intended crimes (when DA relied on it as theory of liability)
- ss 402 natural & probable consequences (target and non-target offense charged)
- ss 403 natural & probable consequences (only non-target offense charged)
- r 404 intoxication

#### Defenses and Insanity

- 3400 alibi
- r 3428 mental impairment as defense

#### Concluding Instructions

- ss 3500 unanimity (if DA presents evid. of multiple acts to prove a single count)
- 3501 unanimity: generic test. presented
- ss 3502 unanimity: election by prosecutor (if DA has picked a specific factual basis)
- r 3515 multiple counts: separate offenses
- ss 3516 multiple counts: alternative charges (if D alt. charged with mult. cts. for 1 event)
- ss 3517 LIO's or degrees w/o Stone Instruction (where 1 or more LIO submitted to jury)
- ss 3518 LIO's or degrees w/ Stone Instruction (where 1 or more LIO submitted to jury)
- ss 3530 judge's comment on evidence (when the court comments)
- ss 3531 service provider for disabled juror (when one is used)
- s 3550 pre-deliberation instruction
- ss 3575 substituting alternate juror during deliberations (when alt. juror is seated)
- s 3590 final instruction on discharge of jury