

THE COURT: You have been selected and sworn to determine the facts and render a verdict in the case of the Commonwealth /¹ of Pennsylvania versus Robert Greene, who is charged with one count of robbery, one count of aggravated assault, and one /² count of firearms not to be carried without a license.

As I told you at the beginning, I will now /³ instruct you as to the law you must apply to this case. The law applicable to this case is contained /⁴ in these instructions, and it is your duty to follow these instructions. You should consider these instructions as a whole. /⁵ You may not pick out one instruction and disregard others.

I caution you not to allow sympathy, prejudice, or any /⁶ emotion to influence you. It is your duty to base your decision strictly on the evidence.

The evidence which you /⁷ are to consider in reaching your decision consists of the testimony of the witnesses which you heard and the exhibits /⁸ which you saw introduced. You must consider all of the testimony of the witnesses and the exhibits, but you must /⁹ not consider any testimony or exhibits to which I have sustained an objection or which I have ordered stricken from /¹⁰ the record. You are here for one purpose, and that is to discover the truth and apply the law to /¹¹ the truth as you discover it.

A fundamental principle of our criminal justice system is that a person accused of ^{/12} a crime, the defendant, is presumed to be innocent. The mere fact that the defendant was arrested and accused of ^{/13} a crime is not any evidence against the defendant.

In addition, there is no inference of guilt created by the ^{/14} fact that there was a complaint filed or even that there was a trial.

Furthermore, the defendant is presumed to ^{/15} be innocent throughout the trial unless and until you conclude, based on careful and impartial consideration of the evidence, that ^{/16} the Commonwealth has proved the defendant guilty beyond a reasonable doubt. It is not the defendant's burden to prove that ^{/17} the defendant is not guilty. Instead, it is the Commonwealth that always has the burden of proving each and every ^{/18} element of the crimes charged beyond a reasonable doubt.

A person accused of a crime is not required to present ^{/19} evidence or prove anything in his or her own defense. If the Commonwealth fails to meet the burden, then your ^{/20} verdict must be not guilty. On the other hand, if the Commonwealth does prove beyond a reasonable doubt that the ^{/21} defendant is guilty, then your verdict should be guilty.

Although the Commonwealth has the burden of proving the defendant guilty /²² beyond a reasonable doubt, this does not mean that the Commonwealth must prove its case beyond all doubt or to /²³ a mathematical certainty, nor must it demonstrate the complete impossibility of innocence.

A reasonable doubt is one that would cause /²⁴ a reasonably prudent person to pause or hesitate before acting in a matter of importance in his or her life./²⁵ A reasonable doubt must fairly arise out of the evidence that was presented or out of the lack of evidence presented /²⁶ with respect to some element of the crime charged.

A reasonable doubt must be a real doubt. It may /²⁷ not be an imagined one, nor may it be a doubt manufactured merely to avoid carrying out an unpleasant duty. /²⁸

To summarize, ladies and gentlemen of the jury, you may not find the defendant guilty based on the mere suspicion /²⁹ of guilt. The Commonwealth has the burden of proving the defendant guilty beyond a reasonable doubt. If it meets that /³⁰ burden, the defendant is no longer presumed to be innocent, and you should find him guilty. On the other hand, /³¹ if the Commonwealth does not meet its burden, then you must find the defendant not guilty.

The law requires that ^{/32} I repeat that the arguments of counsel are not evidence and should not be considered as such. However, in deciding ^{/33} the case, you should carefully consider the evidence in light of the various reasons and arguments which each lawyer presents. ^{/34} It is the right and responsibility of each lawyer to discuss the evidence in a manner which is most favorable ^{/35} to the side he represents.

Ladies and gentlemen of the jury, I emphasize that counsels' personal beliefs as to guilt ^{/36} or innocence or as to other undecided questions are irrelevant and immaterial and should not be considered. You may be ^{/37} guided by the lawyers' arguments to the extent that they are supported by the evidence and insofar as they aid ^{/38} you in applying your own reason and common sense. However, you are not required to accept the arguments of either ^{/39} lawyer. It is for you and you alone to decide the case based on the evidence as it was presented ^{/40} and in accordance with these instructions.

The evidence in this case is of two different types. On the one hand, ^{/41} there is direct evidence, which is testimony by a witness from the witness's own personal knowledge, such as something that ^{/42} the witness saw or heard.

The other type of evidence is circumstantial evidence, which is testimony and facts which point ^{/43} to the existence of other facts which are in question. You

should recognize that it is sometimes necessary to rely ^{/44} upon circumstantial evidence in criminal cases. In deciding whether or not to accept circumstantial evidence as proof of the facts ^{/45} in question, you must be satisfied, first, that the testimony of the witnesses is truthful and accurate and, second, that ^{/46} the existence of the facts of which the witness testified leads to the conclusion that the facts in question also ^{/47} happened.

Circumstantial evidence alone may be sufficient to prove a defendant's guilt. If there are several separate pieces of circumstantial ^{/48} evidence, it is not necessary that each piece standing separately convince you of the defendant's guilt beyond a reasonable doubt. ^{/49} Before you may find him guilty, all the evidence together must convince you of his guilt beyond a reasonable doubt. ^{/50}