

Prosecution Instruction No.

In view of some of the argument, I think I should instruct the court that it is not the duty of the trial counsel to produce on the witness stand every person who might seem likely to have some knowledge about this case. Such procedure would involve a useless expense and waste of time in many instances. It is the duty of the trial counsel to sift out and discover who does in fact have knowledge which is material to a decision of the issues and to thereupon produce here only such as are necessary and material witnesses, and any omission to produce others does not raise any presumption that they would, if present, testify adversely to the prosecution.

Given _____

Not Given _____