

Summary of Changes to the Pattern Instructions uploaded on September 30, 2016

I. New instructions have been added.

Inst. 2.12 Use of the Word “And” in the Indictment – this instruction provides that although the indictment charges that the statute was violated by acts that are connected by the word “and,” it is sufficient if the evidence establishes a violation of the statute by any one of the acts charged.

Inst. 7.21 Stipulations – this instruction provides a framework for communicating stipulated facts to the jury.

II. Existing instructions have changes in the text.

Inst. 8.03 Unanimous Verdict – new brackets were added to each paragraph of the instruction to account for single or multiple counts.

Inst. 16.01 Sexual Exploitation of Children: Using a Minor to Engage in Sexually Explicit Conduct to Produce a Visual Depiction (18 U.S.C. § 2251(a)) – new definitions were added for three terms based on new case law, and the provision on defendant’s knowledge that the victim was a minor was moved to a different paragraph in the instruction.

III. Existing instructions have changes in the titles, use notes and/or commentaries.

Inst. 1.03 Presumption of Innocence, Burden of Proof, Reasonable Doubt – commentary was amended to add recent case citing instruction.

Inst. 1.04 Evidence Defined – commentary was amended to cross-reference new Inst. 7.21 Stipulations.

Inst. 3.03 Defendant’s Connection to Conspiracy – commentary was amended to add recent case citing instruction.

Inst. 8.03B Unanimity not Required – Means – recent cases were added to the use note and commentary.

Inst. 10.01 Mail Fraud – paragraph in commentary discussing materiality issue in United States v. Svete, 556 F.3d 1157 (11th Cir. 2009) (en banc) was amended.

Inst. 10.02 Wire Fraud – paragraph in commentary discussing materiality issue in United States v. Svete, 556 F.3d 1157 (11th Cir. 2009) (en banc) was amended.

Inst. 16.09 Coercion and Enticement: Persuading a Minor to Engage in Prostitution or Unlawful Sexual Activity (18 U.S.C. § 2422(b)) – use note was expanded and new case on

attempt liability was added to commentary.

Use Notes and Commentaries are now current through August 1, 2016 for all instructions except Inst. 10.03 Bank Fraud. Inst. 10.03 Bank Fraud is undergoing revision and is current through March 15, 2014.