

## Summary of Changes to the Pattern Instructions uploaded in March, 2023

Two new instructions were added:

Inst. 14.02C Dispensing or Distribution of a Controlled Substance by a Practitioner (21 U.S.C. § 841(a)(1))

Inst. 14.03C Manufacture of a Controlled Substance by a Practitioner (21 U.S.C. § 841(a)(1))

Updates on existing instructions:

Inst. 15.04 Aggravated Identity Theft (18 U.S.C. § 1028A(a)(1))  
The text of paragraphs (1)(A), (1)(D), and (2)(E) were changed to be more specific based on *United States v. Nicolescu*, 17 F.4th 706 (6th Cir. 2021).

Inst. 2.09 Deliberate Ignorance  
The Use Note was changed to add that in conspiracy cases, deliberate ignorance can be used for some purposes but not others based on *United States v. Warshawsky*, 20 F.3d 204 (6th Cir. 1994).

The Committee updated the commentaries of the following instructions:

Inst. 1.03 Presumption of Innocence, Burden of Proof, Reasonable Doubt  
*United States v. Ashrafkhan*, 964 F.3d 574 (6th Cir. 2020) was added to the third paragraph.

Inst. 2.09 Deliberate Ignorance  
*United States v. Reichert*, 747 F.3d 445 (6th Cir. 2014) was added to the fourth paragraph.

Inst. 10.03A Bank Fraud – Scheme to Defraud a Bank (18 U.S.C. § 1344(1))  
*United States v. Hall*, 979 F.3d 1107 (6th Cir. 2020) was added.

Inst. 13.02 Making a False Statement in a Matter within the Jurisdiction of the United States Government (18 U.S.C. § 1001(a)(2))  
*United States v. Hills*, 27 F.4th 1155 (6th Cir. 2022) was added.

Inst. 14.02B Distribution of a Controlled Substance when Death or Serious Bodily Injury Results (21 U.S.C. §§ 841(a)(1); (b)(1)(A) - (C) and (b)(1)(E)(i) & (ii))  
*United States v. Sadler*, 24 F.4th 515 (6th Cir. 2022), cert. denied, 2022 WL 4653329 was added.

Inst. 14.03B Manufacture of a Controlled Substance when Death or Serious Bodily Injury Results (21 U.S.C. §§ 841(a)(1); (b)(1)(A) - (C) and (b)(1)(E)(i) & (ii))

United States v. Sadler, 24 F.4th 515 (6th Cir. 2022), cert. denied, 2022 WL 4653329 was added.

Inst. 15.04 Aggravated Identity Theft (18 U.S.C. § 1028A(a)(1))

United States v. Vance, 956 F.3d 846 (6th Cir. 2020) was added.

Inst. 16.05 Material Involving the Sexual Exploitation of Minors: Receiving, Distributing, or Reproducing for Distribution a Visual Depiction (18 U.S.C. § 2252(a)(2))

United States v. Clark, 24 F.4th 565, 573 (6th Cir. 2022) was added.

Inst. 17.01 Hobbs Act - Extortion by Force, Violence, or Fear (18 U.S.C. § 1951(a))

United States v. Hills, 27 F.4th 1155 (6th Cir. 2022) was added.

Inst. 17.02 Hobbs Act - Extortion Under Color of Official Right (18 U.S.C. § 1951(a))

United States v. Hills, 27 F.4th 1155 (6th Cir. 2022) and United States v. Inman, 39 F.4th 357 (6th Cir. 2022) were added.

Inst. 17.03 Hobbs Act - Robbery (18 U.S.C. § 1951(a))

United States v. Hills, 27 F.4th 1155 (6th Cir. 2022) was added.

The instructions are current through March 1, 2023. Note, the Committee does not update the instructions annually but rather as needed.