**TABLE OF CONTENTS**

\_\_\_\_\_\_\_\_\_\_\_\_\_

Committee Membership

Introduction

Table of Contents

**Standard of Appellate Review for Jury Instructions Generally**

**General Instructions**

**Chapter 1.00 General Principles**

1.01

Introduction

1.02

Jurors’ Duties

1.03

Presumption of Innocence, Burden of Proof, Reasonable Doubt

1.04

Evidence Defined

1.05

Consideration of Evidence

1.06

Direct and Circumstantial Evidence

1.07A Credibility of Witnesses

1.07B Credibility of Witnesses – Law Enforcement Officer

1.08

Number of Witnesses

1.09

Lawyers’ Objections

**Chapter 2.00 Defining the Crime and Related Matters**

2.01

Introduction

2.01A Separate Consideration - Single Defendant Charged with Multiple Crimes

2.01B Separate Consideration - Multiple Defendants Charged with a Single Crime

2.01C Separate Consideration - Multiple Defendants Charged with Same Crimes

2.01D Separate Consideration - Multiple Defendants Charged with Different Crimes

2.02

Definition of the Crime

2.03

Definition of Lesser Offense

2.04

On or About

2.05

Willfully

2.06

Knowingly

2.07

Specific Intent

2.08

Inferring Required Mental State

2.09

Deliberate Ignorance

2.10

Actual and Constructive Possession

2.10A Actual Possession

2.11

Joint Possession

2.12

Use of the Word “And” in the Indictment

**Chapter 3.00 Conspiracy**

3.01A Conspiracy to Commit an Offense (18 U.S.C. § 371)--Basic Elements

3.01B Conspiracy to Defraud the United States (18 U.S.C. § 371)--Basic Elements

3.02

Agreement

3.03

Defendant’s Connection to the Conspiracy

3.04

Overt Acts (18 U.S.C. § 371)

3.05

Bad Purpose or Corrupt Motive

3.06

Unindicted, Unnamed or Separately Tried Co-Conspirators

3.07

Venue

3.08

Multiple Conspiracies--Material Variance From the Indictment

3.09

Multiple Conspiracies--Factors in Determining

3.10

Pinkerton Liability for Substantive Offenses Committed by Others

3.11A

Withdrawal as a Defense to Conspiracy

3.11B

Withdrawal as a Defense to Substantive Offenses Committed by Others

3.11C

Withdrawal as a Defense to Conspiracy Based on the Statute of Limitations

3.12

Duration of a Conspiracy

3.13

Impossibility of Success

3.14

Statements by Co-Conspirators

**Chapter 4.00 Aiding and Abetting**

4.01

Aiding and Abetting

4.01A Causing an Act

4.02

Accessory After the Fact

**Chapter 5.00 Attempts**

5.01

Attempt--Basic Elements

5.02

Sham Controlled Substance Cases

5.03

Abandonment or Renunciation

**Chapter 6.00 Defenses**

6.01

Defense Theory

6.02

Alibi

6.03

Entrapment

6.04

Insanity

6.05

Coercion/Duress

6.06

Self-Defense

6.07

Justification

6.08

Fraud – Good Faith Defense

6.09

Entrapment by Estoppel

**Chapter 7.00 Special Evidentiary Matters**

7.01

Introduction

7.02A Defendant's Election Not to Testify or Present Evidence

7.02B Defendant’s Testimony

7.02C Witness Other than Defendant Invoking the Fifth Amendment

7.03

Opinion Testimony

7.03A Witness Testifying to Both Facts and Opinions

7.04

Impeachment by Prior Inconsistent Statement Not Under Oath

7.05A Impeachment of Defendant by Prior Conviction

7.05B Impeachment of a Witness Other Than Defendant by Prior Conviction

7.06A Testimony of a Paid Informant

7.06B Testimony of an Addict-Informant Under Grant of Immunity or Reduced Criminal

Liability

7.07

Testimony of a Witness Under Grant of Immunity or Reduced Criminal Liability

7.07A Testimony of a Witness under Compulsion

7.08

Testimony of an Accomplice

7.09

Character and Reputation of Defendant

7.10

Age of Witness

7.11

Identification Testimony

7.12

Summaries and Other Materials Not Admitted in Evidence

7.12A Secondary-Evidence Summaries Admitted in Evidence

7.13

Other Acts of Defendant

7.14

Flight, Concealment of Evidence, False Exculpatory Statements

7.15

Silence in the Face of Accusation [withdrawn]

7.16

Possession of Recently Stolen Property

7.17

Transcriptions of Recordings

7.18

Separate Consideration--Evidence Admitted Against Certain Defendants Only

7.19

Judicial Notice

7.20

Statement by Defendant

7.21

Stipulations

**Chapter 8.00 Deliberation and Verdict**

8.01

Introduction

8.02

Experiments, Research, Investigation, and Outside Communications

8.03

Unanimous Verdict

8.03A

Unanimity of Theory [withdrawn]

8.03B Unanimity Not Required – Means

8.03C Unanimity Required – Statutory Maximum Penalty Increased, Controlled

Substances [withdrawn and replaced with Instruction 14.07A]

8.04

Duty to Deliberate

8.05

Punishment

8.06

Verdict Form

8.07

Lesser Offense, Order of Deliberations, Verdict Form

8.08

Verdict Limited to Charges Against This Defendant

8.09

Court Has No Opinion

8.10

Juror Notes

**Chapter 9.00 Supplemental Instructions**

9.01

Supplemental Instructions in Response to Juror Questions

9.02

Rereading of Testimony

9.03

Partial Verdicts

9.04

Deadlocked Jury

9.05

Questionable Unanimity After Polling

**Elements Instructions**

**Chapter 10.00 Fraud Offenses**

10.01

Mail Fraud (18 U.S.C. § 1341)

10.02

Wire Fraud (18 U.S.C. § 1343)

10.03A Bank Fraud – Scheme to Defraud a Bank (18 U.S.C. § 1344(1))

10.03B Bank Fraud – Scheme to Obtain Bank Property by Means of False or Fraudulent

Representations (18 U.S.C. § 1344(2))

10.04

Fraud – Good Faith Defense

10.05

Health Care Fraud (18 U.S.C. § 1347)

**Chapter 11.00 Money Laundering Offenses**

11.01

Money Laundering – Domestic Financial Transaction (18 U.S.C. § 1956(a)(1)(A)

(intent to promote the carrying on of specified unlawful activity))

11.02

Money Laundering – Domestic Financial Transaction (18 U.S.C. § 1956(a)(1)(B)

(knowing the transaction is designed to conceal facts related to proceeds))

11.03

Money Laundering – International Transportation (18 U.S.C. § 1956(a)(2)(A)

(intent to promote the carrying on of specified unlawful activity))

11.04

Money Laundering – International Transportation (18 U.S.C. § 1956(a)(2)(B)

(knowing that the transportation involves proceeds of some form of unlawful activity and that it

is designed to conceal facts related to proceeds))

11.05

Money Laundering – Undercover Investigation (18 U.S.C. § 1956(a)(3))

11.06

Money Laundering – Engaging in Monetary Transactions in Property Derived

from Specified Unlawful Activity (18 U.S.C. § 1957)

**Chapter 12.00 Firearms Offenses**

12.01A Firearms – Possession of Firearm or Ammunition by Convicted Felon (18

U.S.C. § 922(g)(1))

12.01B Firearms – Unanimity Required – Determining Whether Defendant Had Three

Previous Convictions for Offenses Committed on Occasions Different from

One Another (18 U.S.C. § 924(e)(1)) and Special Verdict Form

12.02

Firearms – Using or Carrying a Firearm During and in Relation to a Crime of

Violence or Drug Trafficking Crime (18 U.S.C. § 924(c)(1)(A)(i))

12.03

Firearms – Possessing a Firearm in Furtherance of a Crime of Violence or Drug

Trafficking Crime (18 U.S.C. § 924(c)(1)(A)(i))

12.04 Aiding and Abetting Using or Carrying a Firearm During and in Relation to a

Crime of Violence or Drug Trafficking Crime (18 U.S.C. §§ 924(c)(1)(A)(i) and 2)

12.05 Aiding and Abetting Possession of a Firearm in Furtherance of a Crime of

Violence or Drug Trafficking Crime (18 U.S.C. §§ 924(c)(1)(A)(i) and 2)

**Chapter 13.00 False Statements to the United States Government**

13.01

Concealing a Material Fact in a Matter within the Jurisdiction of the United States

Government (18 U.S.C. § 1001(a)(1))

13.02

Making a False Statement in a Matter within the Jurisdiction of the United States

Government (18 U.S.C. § 1001(a)(2))

13.03

Making or Using a False Writing in a Matter within the Jurisdiction of the United

States Government (18 U.S.C. § 1001(a)(3))

**Chapter 14.00 Controlled Substances Offenses**

14.01 Possession of a Controlled Substance with Intent to Distribute (21 U.S.C. §

841(a)(1))

14.02A Distribution of a Controlled Substance (21 U.S.C. § 841(a)(1))

14.02B Dispensing or Distribution of a Controlled Substance by a Practitioner (21

U.S.C. § 841(a)(1))

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

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

14.04 Possession of a Controlled Substance (21 U.S.C. § 844)

14.05 Conspiracy (21 U.S.C. § 846)

14.06 Distribution in or near Schools or Colleges (21 U.S.C. § 860(a))

14.07A Unanimity Required – Determining Amount of Controlled Substance (§ 841) and

Special Verdict Forms 14.07A-1 and 14.07A-2

14.07B Unanimity Required – Determining Amount of Controlled Substance (§ 846) and

Special Verdict Forms 14.07B-1 and 14.07B-2

14.07C Unanimity Required – Determining Whether Death or Serious Bodily Injury

Resulted from the Distribution, Dispensing or Manufacture of a Controlled

Substance (§ 841) and Special Verdict Form 14.07C

**Chapter 15.00 Identity and Access Device Crimes**

15.01

Fraud and Related Activity in Connection with Identification Documents,

Authentication Features, and Information (18 U.S.C. § 1028(a)(1) (producing an

identification document, authentication feature, or false identification document))

15.02

Fraud and Related Activity in Connection with Identification Documents,

Authentication Features, and Information (18 U.S.C. § 1028(a)(3) (possessing with intent

to use unlawfully or transfer unlawfully five or more identification documents,

authentication features, or false identification documents))

15.03

Fraud and Related Activity in Connection with Identification Documents,

Authentication Features, and Information (18 U.S.C. § 1028(a)(6) (possessing an

identification document or authentication feature which was stolen or produced without

lawful authority))

15.04

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

15.05

Fraud and Related Activity in Connection with Access Devices (18 U.S.C. §

1029(a)(2) (trafficking in or using one or more unauthorized access devices during a one-

year period))

**Chapter 16.00 Child Exploitation Offenses**

Section 2251 Offenses (Production)

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))

16.02

Sexual Exploitation of Children: Transporting a Minor to Engage in

Sexually Explicit Conduct to Produce a Visual Depiction (18 U.S.C. § 2251(a))

16.03

Sexual Exploitation of Children: Permitting a Minor to Engage in Sexually

Explicit Conduct to Produce a Visual Depiction (18 U.S.C. § 2251(b))

Section 2252(a) Offenses

16.04

Material Involving the Sexual Exploitation of Minors: Transporting or

Shipping a Visual Depiction (18 U.S.C. § 2252(a)(1))

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))

16.06

Material Involving the Sexual Exploitation of Minors: Possessing a Visual

Depiction (18 U.S.C. § 2252(a)(4)(B))

Section 2252A(a) Offenses

16.07

Receiving or Distributing Child Pornography (18 U.S.C. § 2252A(a)(2))

16.08

Possessing or Accessing Child Pornography (18 U.S.C. § 2252A(a)(5))

Section 2422(b) Offense

16.09

Coercion and Enticement: Persuading a Minor to Engage in Prostitution or

Unlawful Sexual Activity (18 U.S.C. § 2422(b))

Section 2423 Offenses

16.10

Transporting a Minor with Intent that the Minor Engage in Criminal

Sexual Activity (18 U.S.C. § 2423(a))

16.11

Traveling with Intent to Engage in Illicit Sexual Conduct (18 U.S.C. §

2423(b))

Section 1591 Offense

16.12

Sex Trafficking (18 U.S.C. § 1591(a)(1))

**Chapter 17.00 Hobbs Act Offenses**

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

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

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

**Chapter 18.00 Transmission of a Threat to Kidnap or Injure**

18.01 Transmission of a Threat to Kidnap or Injure (18 U.S.C. § 875(c))

**List of elements instructions based on statutory cite**

**Appendix**

18 U.S.C. § 1956 Laundering of monetary instruments – diagrams of offense