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 10 UNITED STATES OF AMERICA

11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,  
 14 Plaintiff,  
 15 v.  
 16 KATHERINE CARRENO,  
 17 Defendant.

No. 2:25-CR-772-MWF

JOINT PROPOSED JURY INSTRUCTIONS

Trial Date: November 4, 2025  
 Trial Time: 8:30 a.m.  
 Location: Courtroom of the  
 Hon. Michael W.  
 Fitzgerald

19 Plaintiff, United States of America, by and through its counsel  
 20 of record, the Acting United States Attorney for the Central  
 21 District of California and Assistant United States Attorneys Patrick  
 22 Castañeda and Daniel H. Weiner, and defendant KATHERINE CARRENO, by  
 23 and through her counsel of record, Deputy Federal Public Defenders  
 24 Jake Crammer and Adam Olin, hereby submit Joint Proposed Jury  
 25 Instructions in the above-captioned case. The parties respectfully  
 26 reserve the right to supplement these jury instructions as needed.

27 Unless otherwise noted, the parties have used the most recent  
 ^^ version of the Jury Instructions found on the Ninth Circuit's



**INDEX OF JOINT PROPOSED JURY INSTRUCTIONS**

Proposed No.	Court No.	Title	Source	Page
<b>INSTRUCTIONS BEFORE OPENING STATEMENTS</b>				
1		Duty of Jury	Ninth Circuit Model Criminal Jury Instructions, No. 1.1 (2022 ed.)	7
2		The Charge -- Presumption of Innocence	Ninth Circuit Model Criminal Jury Instructions, No. 1.2 (2022 ed.) (modified to reflect information)	8
3		What Is Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 1.3 (2022 ed.)	9
4		What Is Not Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 1.4 (2022 ed.)	10
5		Direct and Circumstantial Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 1.5 (2022 ed.) (modified to include example from commentary)	11
6		Ruling on Objections	Ninth Circuit Model Criminal Jury Instructions, No. 1.6 (2022 ed.)	12
7		Credibility of Witnesses	Ninth Circuit Model Criminal Jury Instructions, No. 1.7 (2022 ed.)	13

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Proposed No.	Court No.	Title	Source	Page
8		Conduct of the Jury	Ninth Circuit Model Criminal Jury Instructions, No. 1.8 (2022 ed.)	15
9		No Transcript Available to Jury	Ninth Circuit Model Criminal Jury Instructions, No. 1.9 (2022 ed.)	18
10		Taking Notes	Ninth Circuit Model Criminal Jury Instructions, No. 1.10 (2022 ed.)	19
11		Bench Conference and Recesses	Ninth Circuit Model Criminal Jury Instructions, No. 1.16 (2022 ed.)	20
12		Outline of Trial	Ninth Circuit Model Criminal Jury Instructions, No. 1.11 (2022 ed.)	21
<b>INSTRUCTIONS DURING THE COURSE OF TRIAL</b>				
13		Cautionary Instruction	Ninth Circuit Model Criminal Jury Instructions, No. 2.1 (2022 ed.)	23
14		Evidence for Limited Purpose	Ninth Circuit Model Criminal Jury Instructions, No. 2.12 (2022 ed.)	25

Proposed No.	Court No.	Title	Source	Page
<b>INSTRUCTIONS AFTER THE CLOSE OF EVIDENCE</b>				
15		Duties of the Jury to Find Facts and Follow Law	Ninth Circuit Model Criminal Jury Instructions, No. 6.1 (2022 ed.)	27
16		Charge Against Defendant Not Evidence—Presumption of Innocence—Burden of Proof	Ninth Circuit Model Criminal Jury Instructions, No. 6.2 (2022 ed.) (modified to reflect information)	28
17		Defendant's Decision Not to Testify; Defendant's Decision to Testify	Ninth Circuit Model Criminal Jury Instructions, Nos. 6.3, 6.4 (2022 ed.)	29
18		Reasonable Doubt—Defined	Ninth Circuit Model Criminal Jury Instructions, No. 6.5 (2022 ed.)	30
19		What Is Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 6.6 (2022 ed.)	31
20		What Is Not Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 6.7 (2022 ed.)	32

Proposed No.	Court No.	Title	Source	Page
21		Direct and Circumstantial Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 6.8 (2022 ed.)  (modified to include example from commentary)	33
22		Credibility of Witnesses	Ninth Circuit Model Criminal Jury Instructions, No. 6.9 (2022 ed.)	34
23		Stipulations of Fact  [If Applicable]	Ninth Circuit Model Criminal Jury Instructions, No. 2.3 (2022 ed.)	36
24		Assault on a Federal Officer or Employee  [DISPUTED]	Ninth Circuit Model Criminal Jury Instructions, No. 8.1 (2022 ed.)	37
25		Official Duties  [DISPUTED]	Ninth Circuit Model Criminal Jury Instructions, No. 8.1 (2022 ed.)	38
26		Self-Defense  [If Self-Defense is Permitted]  [DISPUTED]	Ninth Circuit Model Criminal Jury Instructions, No. 5.10 (2022 ed.)	39
27		Duty to Deliberate	Ninth Circuit Model Criminal Jury Instructions, No. 6.19 (2022 ed.)	41

Proposed No.	Court No.	Title	Source	Page
28		Consideration of Evidence -- Conduct of the Jury	Ninth Circuit Model Criminal Jury Instructions, No. 6.20 (2022 ed.)	42
29		Use of Notes	Ninth Circuit Model Criminal Jury Instructions, No. 6.21 (2022 ed.)	44
30		Jury Consideration of Punishment	Ninth Circuit Model Criminal Jury Instructions, No. 6.22 (2022 ed.)	45
31		Verdict Form	Ninth Circuit Model Criminal Jury Instructions, No. 6.23 (2022 ed.)	46
32		Communication with Court	Ninth Circuit Model Criminal Jury Instructions, No. 6.24 (2022 ed.)	47

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# **INSTRUCTIONS BEFORE OPENING STATEMENTS**

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 1

Jurors: You now are the jury in this case, and I want to take a few minutes to tell you something about your duties as jurors and to give you some preliminary instructions. At the end of the trial I will give you more detailed instructions that will control your deliberations.

When you deliberate, it will be your duty to weigh and to evaluate all the evidence received in the case and, in that process, to decide the facts. To the facts as you find them, you will apply the law as I give it to you, whether you agree with the law or not. You must decide the case solely on the evidence and the law before you.

Perform these duties fairly and impartially. You should not be influenced by any person's race, color, religious beliefs, national ancestry, sexual orientation, gender identity, gender, or economic circumstances. Also, do not allow yourself to be influenced by personal likes or dislikes, sympathy, prejudice, fear, public opinion, or biases, including unconscious biases. Unconscious biases are stereotypes, attitudes, or preferences that people may consciously reject but may be expressed without conscious awareness, control, or intention. Like conscious bias, unconscious bias can affect how we evaluate information and make decisions.

Ninth Circuit Model Criminal Jury Instructions, No 1.1 (2022 ed.)

[Duty of Jury]

1 COURT'S INSTRUCTION NO. \_\_\_\_\_

2 JOINT PROPOSED INSTRUCTION NO. 2

3 This is a criminal case brought by the United States  
4 government. The government charges the defendant with simple  
5 assault of a federal officer. The charge against the defendant is  
6 contained in a charging instrument called an information. The  
7 information simply describes the charge the government brings  
8 against the defendant. The information is not evidence and does not  
9 prove anything.

10 The defendant has pleaded not guilty to the charge and is  
11 presumed innocent unless and until the government proves the  
12 defendant guilty beyond a reasonable doubt. In addition, the  
13 defendant has the right to remain silent and never has to prove  
14 innocence or present any evidence.

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26 Ninth Circuit Model Jury Instructions, No. 1.2 (2022 ed.) [The  
27 Charge -- Presumption of Innocence] (modified to reflect  
28 information)

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 3

The evidence you are to consider in deciding what the facts are consists of:

First, the sworn testimony of any witness;

Second, the exhibits that are received in evidence; and

Third, any facts to which the parties agree.

Ninth Circuit Model Criminal Jury Instructions, No. 1.3 (2022 ed.)

[What Is Evidence]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 4

The following things are not evidence, and you must not consider them as evidence in deciding the facts of this case:

First, statements and arguments of the attorneys;

Second, questions and objections of the attorneys;

Third, testimony that I instruct you to disregard; and

Fourth, anything you may see or hear when the court is not in session even if what you see or hear is done or said by one of the parties or by one of the witnesses.

Ninth Circuit Model Criminal Jury Instructions, No. 1.4 (2022 ed.)

[What Is Not Evidence]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 5

Evidence may be direct or circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw or heard or did. Circumstantial evidence is indirect evidence, that is, it is proof of one or more facts from which one can find another fact.

By way of example, if you wake up in the morning and see that the sidewalk is wet, you may find from that fact that it rained during the night. However, other evidence, such as a turned-on garden hose, may provide an explanation for the water on the sidewalk. Therefore, before you decide that a fact has been proven by circumstantial evidence, you must consider all the evidence in the light of reason, experience, and common sense.

You are to consider both direct and circumstantial evidence. Either can be used to prove any fact. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. It is for you to decide how much weight to give to any evidence.

Ninth Circuit Model Criminal Jury Instructions, No. 1.5 (2022 ed.)  
[Direct and Circumstantial Evidence] (modified to include example from commentary)

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 6

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3 There are rules of evidence that control what can be received  
4 in evidence. When a lawyer asks a question or offers an exhibit in  
5 evidence and a lawyer on the other side thinks that it is not  
6 permitted by the rules of evidence, that lawyer may object. If I  
7 overrule the objection, the question may be answered or the exhibit  
8 received. If I sustain the objection, the question cannot be  
9 answered, or the exhibit cannot be received. Whenever I sustain an  
10 objection to a question, you must ignore the question and must not  
11 guess what the answer would have been.

12 Sometimes I may order that evidence be stricken from the record  
13 and that you disregard or ignore the evidence. That means that when  
14 you are deciding the case, you must not consider the evidence that I  
15 told you to disregard.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 1.6 (2022 ed.)  
28 [Ruling on Objections]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 7

In deciding the facts in this case, you may have to decide which testimony to believe and which testimony not to believe. You may believe everything a witness says, or part of it, or none of it.

In considering the testimony of any witness, you may take into account:

First, the witness's opportunity and ability to see or hear or know the things testified to;

Second, the witness's memory;

Third, the witness's manner while testifying;

Fourth, the witness's interest in the outcome of the case, if any;

Fifth, the witness's bias or prejudice, if any;

Sixth, whether other evidence contradicted the witness's testimony;

Seventh, the reasonableness of the witness's testimony in light of all the evidence; and

Eighth, any other factors that bear on believability.

Sometimes a witness may say something that is not consistent with something else he or she said. Sometimes different witnesses will give different versions of what happened. People often forget things or make mistakes in what they remember. Also, two people may see the same event but remember it differently. You may consider these differences, but do not decide that testimony is untrue just because it differs from other testimony.

However, if you decide that a witness has deliberately testified untruthfully about something important, you may choose not

1 to believe anything that witness said. On the other hand, if you  
2 think the witness testified untruthfully about some things but told  
3 the truth about others, you may accept the part you think is true  
4 and ignore the rest.

5 You must avoid bias, conscious or unconscious, based on a  
6 witness's race, color, religious beliefs, national ancestry, sexual  
7 orientation, gender identity, gender, or economic circumstances in  
8 your determination of credibility.

9 The weight of the evidence as to a fact does not necessarily  
10 depend on the number of witnesses who testify about it. What is  
11 important is how believable the witnesses are, and how much weight  
12 you think their testimony deserves.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 1.7 (2022 ed.)  
28 [Credibility of Witnesses]

1 COURT'S INSTRUCTION NO. \_\_\_\_\_

2 JOINT PROPOSED INSTRUCTION NO. 8

3 I will now say a few words about your conduct as jurors.

4 First, keep an open mind throughout the trial, and do not  
5 decide what the verdict should be until you and your fellow jurors  
6 have completed your deliberations at the end of the case.

7 Second, because you must decide this case based only on the  
8 evidence received in the case and on my instructions as to the law  
9 that applies, you must not be exposed to any other information about  
10 the case or to the issues it involves during the course of your jury  
11 duty. Thus, until the end of the case or unless I tell you  
12 otherwise:

13 Do not communicate with anyone in any way and do not let anyone  
14 else communicate with you in any way about the merits of the case or  
15 anything to do with it. This restriction includes discussing the  
16 case in person, in writing, by phone, tablet, or computer, or any  
17 other means, via email, via text messaging, or any Internet chat  
18 room, blog, website or application, including but not limited to  
19 Facebook, YouTube, Twitter, Instagram, LinkedIn, Snapchat, TikTok,  
20 or any other forms of social media. This restriction also applies  
21 to communicating with your fellow jurors until I give you the case  
22 for deliberation, and it applies to communicating with everyone else  
23 including your family members, your employer, the media or press,  
24 and the people involved in the trial, although you may notify your  
25 family and your employer that you have been seated as a juror in the  
26 case, and how long you expect the trial to last. But, if you are  
27 asked or approached in any way about your jury service or anything  
28 about this case, you must respond that you have been ordered not to

1 discuss the matter. In addition, you must report the contact to the  
2 court.

3 Because you will receive all the evidence and legal instruction  
4 you properly may consider to return a verdict: do not read, watch,  
5 or listen to any news or media accounts or commentary about the case  
6 or anything to do with it, although I have no information that there  
7 will be news reports about this case; do not do any research, such  
8 as consulting dictionaries, searching the Internet or using other  
9 reference materials; and do not make any investigation or in any  
10 other way try to learn about the case on your own. Do not visit or  
11 view any place discussed in this case, and do not use the Internet  
12 or any other resource to search for or view any place discussed  
13 during the trial. Also, do not do any research about this case, the  
14 law, or the people involved—including the parties, the witnesses or  
15 the lawyers—until you have been excused as jurors. If you happen to  
16 read or hear anything touching on this case in the media, turn away  
17 and report it to me as soon as possible.

18 These rules protect each party's right to have this case  
19 decided only on evidence that has been presented here in  
20 court. Witnesses here in court take an oath to tell the truth, and  
21 the accuracy of their testimony is tested through the trial  
22 process. If you do any research or investigation outside the  
23 courtroom, or gain any information through improper communications,  
24 then your verdict may be influenced by inaccurate, incomplete, or  
25 misleading information that has not been tested by the trial  
26 process. Each of the parties is entitled to a fair trial by an  
27 impartial jury, and if you decide the case based on information not  
28 presented in court, you will have denied the parties a fair

1 trial. Remember, you have taken an oath to follow the rules, and it  
2 is very important that you follow these rules.

3 A juror who violates these restrictions jeopardizes the  
4 fairness of these proceedings, and a mistrial could result that  
5 would require the entire trial process to start over. If any juror  
6 is exposed to any outside information, please notify the court  
7 immediately.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 1.8 (2022 ed.)  
28 [Conduct of the Jury]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 9

At the end of the trial you will have to make your decision based on what you recall of the evidence. You will not have a written transcript of the trial. I urge you to pay close attention to the testimony as it is given.

Ninth Circuit Model Criminal Jury Instructions, No. 1.9 (2022 ed.)

[No Transcript Available to Jury]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 10

If you wish, you may take notes to help you remember the evidence. If you do take notes, please keep them to yourself until you and your fellow jurors go to the jury room to decide the case. Do not let note-taking distract you from being attentive. When you leave court for recesses, your notes should be left in the courtroom. No one will read your notes.

Whether or not you take notes, you should rely on your own memory of the evidence. Notes are only to assist your memory. You should not be overly influenced by your notes or those of your fellow jurors.

Ninth Circuit Model Criminal Jury Instructions, No. 1.10 (2022 ed.)  
[Taking Notes]

1 COURT'S INSTRUCTION NO. \_\_\_\_\_

2 JOINT PROPOSED INSTRUCTION NO. 11

3 During the trial, I may need to take up legal matters with the  
4 attorneys privately, either by having a conference at the bench when  
5 the jury is present in the courtroom, or by calling a  
6 recess. Please understand that while you are waiting, we are  
7 working. The purpose of these conferences is not to keep relevant  
8 information from you, but to decide how certain evidence is to be  
9 treated under the rules of evidence and to avoid confusion and  
10 error.

11 Of course, we will do what we can to keep the number and length  
12 of these conferences to a minimum. I may not always grant an  
13 attorney's request for a conference. Do not consider my granting or  
14 denying a request for a conference as any indication of my opinion  
15 of the case or what your verdict should be.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 1.16 (2022 ed.)  
28 [Bench Conferences and Recesses]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 12

The next phase of the trial will now begin. First, each side may make an opening statement. An opening statement is not evidence. It is simply an outline to help you understand what that party expects the evidence will show. A party is not required to make an opening statement.

The government will then present evidence and counsel for the defendant may cross-examine. Then, if the defendant chooses to offer evidence, counsel for the government may cross-examine.

After the evidence has been presented, I will instruct you on the law that applies to the case and the attorneys will make closing arguments.

After that, you will go to the jury room to deliberate on your verdict.

Ninth Circuit Model Criminal Jury Instructions, No. 1.11 (2022 ed.)  
[Outline of Trial]

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**INSTRUCTIONS DURING THE  
COURSE OF TRIAL**

1 COURT'S INSTRUCTION NO. \_\_\_\_\_

2 JOINT PROPOSED INSTRUCTION NO. 13

3 At the End of Each Day of the Case:

4 As I indicated before this trial started, you as jurors will  
5 decide this case based solely on the evidence presented in this  
6 courtroom. This means that, after you leave here for the night, you  
7 must not conduct any independent research about this case, the  
8 matters in the case, the legal issues in the case, or the  
9 individuals or other entities involved in the case. This is  
10 important for the same reasons that jurors have long been instructed  
11 to limit their exposure to traditional forms of media information  
12 such as television and newspapers. You also must not communicate  
13 with anyone, in any way, about this case. And you must ignore any  
14 information about the case that you might see while browsing the  
15 internet or your social media feeds.

16  
17 At the Beginning of Each Day of the Case:

18 As I reminded you yesterday and continue to emphasize to you  
19 today, it is important that you decide this case based solely on the  
20 evidence and the law presented here. So you must not learn any  
21 additional information about the case from sources outside the  
22 courtroom. To ensure fairness to all parties in this trial, I will  
23 now ask each of you whether you have learned about or shared any  
24 information about this case outside of this courtroom, even if it  
25 was accidental.

26  
27 [ALTERNATIVE 1 (in open court): if you think that you might  
28 have done so, please let me know now by raising your hand. [Wait for

1 a show of hands]. I see no raised hands; however, if you would  
2 prefer to talk to the court privately in response to this question,  
3 please notify a member of the court's staff at the next break.  
4 Thank you for your careful adherence to my instructions.]

5  
6 [ALTERNATIVE 2 (during voir dire with each juror,  
7 individually): Have you learned about or shared any information  
8 about this case outside of this courtroom? . . . Thank you for your  
9 careful adherence to my instructions.]

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27 Ninth Circuit Model Criminal Jury Instructions, No. 2.1 (2022 ed.)  
28 [Cautionary Instruction]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 14

You are about to hear evidence that [*describe evidence to be received for limited purpose*]. I instruct you that this evidence is admitted only for the limited purpose of [*describe purpose*] and, therefore, you must consider it only for that limited purpose and not for any other purpose.

Ninth Circuit Model Criminal Jury Instructions, No. 2.12 (2022 ed.)  
[Evidence for Limited Purpose]

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5 **INSTRUCTIONS AFTER THE**  
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7 **CLOSE OF EVIDENCE**  
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COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 15

Members of the jury, now that you have heard all the evidence, it is my duty to instruct you on the law that applies to this case. A copy of these instructions will be available in the jury room for you to consult.

It is your duty to weigh and to evaluate all the evidence received in the case and, in that process, to decide the facts. It is also your duty to apply the law as I give it to you to the facts as you find them, whether you agree with the law or not. You must decide the case solely on the evidence and the law. Do not allow personal likes or dislikes, sympathy, prejudice, fear, or public opinion to influence you. You should also not be influenced by any person's race, color, religious beliefs, national ancestry, sexual orientation, gender identity, gender, or economic circumstances. Also, do not allow yourself to be influenced by personal likes or dislikes, sympathy, prejudice, fear, public opinion, or biases, including unconscious biases. Unconscious biases are stereotypes, attitudes, or preferences that people may consciously reject but may be expressed without conscious awareness, control, or intention.

You must follow all these instructions and not single out some and ignore others; they are all important. Please do not read into these instructions, or into anything I may have said or done, any suggestion as to what verdict you should return -- that is a matter entirely up to you.

Ninth Circuit Model Criminal Jury Instructions, No. 6.1 (2022 ed.)  
[Duties of the Jury to Find Facts and Follow Law]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 16

The information is not evidence. The defendant has pleaded not guilty to the charge. The defendant is presumed to be innocent unless and until the government proves the defendant guilty beyond a reasonable doubt. In addition, the defendant does not have to testify or present any evidence. The defendant does not have to prove innocence; the government has the burden of proving every element of the charge beyond a reasonable doubt.

Ninth Circuit Model Criminal Jury Instructions, No. 6.2 (2022 ed.)  
[Charge Against Defendant Not Evidence— Presumption of Innocence— Burden of Proof] (modified to reflect information)

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 17

**[If defendant does not testify]**

A defendant in a criminal case has a constitutional right not to testify. In arriving at your verdict, the law prohibits you from considering in any manner that the defendant did not testify.

**[If defendant testifies]**

The defendant has testified. You should treat this testimony just as you would the testimony of any other witness.

Ninth Circuit Model Criminal Jury Instructions, Nos. 6.3, 6.4 (2022 ed.) [Defendant's Decision Not to Testify; Defendant's Decision to Testify]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 18

Proof beyond a reasonable doubt is proof that leaves you firmly convinced the defendant is guilty. It is not required that the government prove guilt beyond all possible doubt.

A reasonable doubt is a doubt based upon reason and common sense and is not based purely on speculation. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence.

If after a careful and impartial consideration of all the evidence, you are not convinced beyond a reasonable doubt that the defendant is guilty, it is your duty to find the defendant not guilty. On the other hand, if after a careful and impartial consideration of all the evidence, you are convinced beyond a reasonable doubt that the defendant is guilty, it is your duty to find the defendant guilty.

Ninth Circuit Model Criminal Jury Instructions, No. 6.5 (2022 ed.)  
[Reasonable Doubt-Defined]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 19

The evidence you are to consider in deciding what the facts are consists of:

First, the sworn testimony of any witness;

Second, the exhibits received in evidence; and

Third, any facts to which the parties have agreed.

Ninth Circuit Model Criminal Jury Instructions, No. 6.6 (2022 ed.)

[What Is Evidence]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 20

In reaching your verdict you may consider only the testimony and exhibits received in evidence. The following things are not evidence and you may not consider them in deciding what the facts are:

1. Questions, statements, objections, and arguments by the lawyers are not evidence. The lawyers are not witnesses. Although you must consider a lawyer's questions to understand the answers of a witness, the lawyer's questions are not evidence. Similarly, what the lawyers have said in their opening statements, closing arguments, and at other times is intended to help you interpret the evidence, but it is not evidence. If the facts as you remember them differ from the way the lawyers state them, your memory of them controls.

2. Any testimony that I have excluded, stricken, or instructed you to disregard is not evidence. [*In addition, some evidence was received only for a limited purpose; when I have instructed you to consider certain evidence in a limited way, you must do so.*]

3. Anything you may have seen or heard when the court was not in session is not evidence. You are to decide the case solely on the evidence received at the trial.

Ninth Circuit Model Criminal Jury Instructions, No. 6.7 (2022 ed.)  
[What Is Not Evidence]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 21

Evidence may be direct or circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw or heard or did. Circumstantial evidence is indirect evidence, that is, it is proof of one or more facts from which you can find another fact.

By way of example, if you wake up in the morning and see that the sidewalk is wet, you may find from that fact that it rained during the night. However, other evidence, such as a turned-on garden hose, may provide an explanation for the water on the sidewalk. Therefore, before you decide that a fact has been proved by circumstantial evidence, you must consider all the evidence in the light of reason, experience, and common sense.

You are to consider both direct and circumstantial evidence. Either can be used to prove any fact. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. It is for you to decide how much weight to give to any evidence.

Ninth Circuit Model Criminal Jury Instructions, No. 6.8 (2022 ed.)  
[Direct and Circumstantial Evidence] (modified to include example from commentary)

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 22

In deciding the facts in this case, you may have to decide which testimony to believe and which testimony not to believe. You may believe everything a witness says, or part of it, or none of it.

In considering the testimony of any witness, you may take into account the following:

First, the witness's opportunity and ability to see or hear or know the things testified to;

Second, the witness's memory;

Third, the witness's manner while testifying;

Fourth, the witness's interest in the outcome of the case, if any;

Fifth, the witness's bias or prejudice, if any;

Sixth, whether other evidence contradicted the witness's testimony;

Seventh, the reasonableness of the witness's testimony in light of all the evidence; and

Eighth, any other factors that bear on believability.

Sometimes a witness may say something that is not consistent with something else he or she said. Sometimes different witnesses will give different versions of what happened. People often forget things or make mistakes in what they remember. Also, two people may see the same event but remember it differently. You may consider these differences, but do not decide that testimony is untrue just because it differs from other testimony.

However, if you decide that a witness has deliberately testified untruthfully about something important, you may choose not

1 to believe anything that witness said. On the other hand, if you  
2 think the witness testified untruthfully about some things but told  
3 the truth about others, you may accept the part you think is true  
4 and ignore the rest.

5 You must avoid bias, conscious or unconscious, based on a  
6 witness's race, color, religious beliefs, national ancestry, sexual  
7 orientation, gender identity, gender, or economic circumstances in  
8 your determination of credibility.

9 The weight of the evidence as to a fact does not necessarily  
10 depend on the number of witnesses who testify. What is important is  
11 how believable the witnesses were, and how much weight you think  
12 their testimony deserves.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 6.9 (2022 ed.)  
28 [Credibility of Witnesses]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 23

**[If applicable]**

The parties have agreed to certain facts that have been stated to you. Those facts are now conclusively established.

Ninth Circuit Model Criminal Jury Instructions, No. 2.3 (2022 ed.)

[Stipulations of Fact]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 24

*[Disputed instruction. The parties will file their proposed versions in a subsequent filing, along with their respective positions.]*

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 25

*[Disputed instruction. The parties will file their proposed versions in a subsequent filing, along with their respective positions.]*

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 26

*[Disputed instruction. The parties will file their proposed versions in a subsequent filing, along with their respective positions.]*

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1 COURT'S INSTRUCTION NO. \_\_\_\_\_

2 JOINT PROPOSED INSTRUCTION NO. 27

3 When you begin your deliberations, elect one member of the jury  
4 as your foreperson who will preside over the deliberations and speak  
5 for you here in court.

6 You will then discuss the case with your fellow jurors to reach  
7 agreement if you can do so. Your verdict, whether guilty or not  
8 guilty, must be unanimous.

9 Each of you must decide the case for yourself, but you should  
10 do so only after you have considered all the evidence, discussed it  
11 fully with the other jurors, and listened to the views of your  
12 fellow jurors.

13 Do not be afraid to change your opinion if the discussion  
14 persuades you that you should. But do not come to a decision simply  
15 because other jurors think it is right.

16 It is important that you attempt to reach a unanimous verdict  
17 but, of course, only if each of you can do so after having made your  
18 own conscientious decision. Do not change an honest belief about  
19 the weight and effect of the evidence simply to reach a verdict.

20 Perform these duties fairly and impartially. You should also  
21 not be influenced by any person's race, color, religious beliefs,  
22 national ancestry, sexual orientation, gender identity, gender, or  
23 economic circumstances. Also, do not allow yourself to be  
24 influenced by personal likes or dislikes, sympathy, prejudice, fear,  
25 public opinion, or biases, including unconscious biases.

26 Unconscious biases are stereotypes, attitudes, or preferences that  
27 people may consciously reject but may be expressed without conscious  
28 awareness, control, or intention.

1 It is your duty as jurors to consult with one another and to  
2 deliberate with one another with a view towards reaching an  
3 agreement if you can do so. During your deliberations, you should  
4 not hesitate to reexamine your own views and change your opinion if  
5 you become persuaded that it is wrong.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 6.19 (2022 ed.)  
28 [Duty to Deliberate]

1 COURT'S INSTRUCTION NO. \_\_\_\_\_

2 JOINT PROPOSED INSTRUCTION NO. 28

3 Because you must base your verdict only on the evidence  
4 received in the case and on these instructions, I remind you that  
5 you must not be exposed to any other information about the case or  
6 to the issues it involves. Except for discussing the case with your  
7 fellow jurors during your deliberations:

8 Do not communicate with anyone in any way and do not let anyone  
9 else communicate with you in any way about the merits of the case or  
10 anything to do with it. This restriction includes discussing the  
11 case in person, in writing, by phone, tablet, computer, or any other  
12 means, via email, text messaging, or any Internet chat room, blog,  
13 website or any other forms of social media. This restriction  
14 applies to communicating with your family members, your employer,  
15 the media or press, and the people involved in the trial. If you  
16 are asked or approached in any way about your jury service or  
17 anything about this case, you must respond that you have been  
18 ordered not to discuss the matter and to report the contact to the  
19 court.

20 Do not read, watch, or listen to any news or media accounts or  
21 commentary about the case or anything to do with it; do not do any  
22 research, such as consulting dictionaries, searching the Internet or  
23 using other reference materials; and do not make any investigation  
24 or in any other way try to learn about the case on your own.

25 The law requires these restrictions to ensure the parties have  
26 a fair trial based on the same evidence that each party has had an  
27 opportunity to address. A juror who violates these restrictions  
28 jeopardizes the fairness of these proceedings, and a mistrial could

1 result that would require the entire trial process to start over.  
2 If any juror is exposed to any outside information, please notify  
3 the court immediately.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 6.20 (2022 ed.)

28 [Consideration of Evidence -- Conduct of the Jury]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 29

Some of you have taken notes during the trial. Whether or not you took notes, you should rely on your own memory of what was said. Notes are only to assist your memory. You should not be overly influenced by your notes or those of your fellow jurors.

Ninth Circuit Model Criminal Jury Instructions, No. 6.21 (2022 ed.)

[Use of Notes]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 30

The punishment provided by law for this crime is for the court to decide. You may not consider punishment in deciding whether the government has proved its case against the defendant beyond a reasonable doubt.

Ninth Circuit Model Criminal Jury Instructions, No. 6.22 (2022 ed.)  
[Jury Consideration of Punishment]

COURT'S INSTRUCTION NO. \_\_\_\_\_

JOINT PROPOSED INSTRUCTION NO. 31

A verdict form has been prepared for you. After you have reached unanimous agreement on a verdict, your foreperson should complete the verdict form according to your deliberations, sign and date it, and advise the clerk that you are ready to return to the courtroom.

Ninth Circuit Model Criminal Jury Instructions, No. 6.23 (2022 ed.)

[Verdict Form]

1 COURT'S INSTRUCTION NO. \_\_\_\_\_

2 JOINT PROPOSED INSTRUCTION NO. 32

3 If it becomes necessary during your deliberations to  
4 communicate with me, you may send a note through the clerk, signed  
5 by any one or more of you. No member of the jury should ever  
6 attempt to communicate with me except by a signed writing, and I  
7 will respond to the jury concerning the case only in writing or here  
8 in open court. If you send out a question, I will consult with the  
9 lawyers before answering it, which may take some time. You may  
10 continue your deliberations while waiting for the answer to any  
11 question. Remember that you are not to tell anyone -- including me  
12 -- how the jury stands, numerically or otherwise, on any question  
13 submitted to you, including the question of the guilt of the  
14 defendant, until after you have reached a unanimous verdict or have  
15 been discharged.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 6.24 (2022 ed.)  
28 [Communication with Court]