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 UNITED STATES OF AMERICA

13 UNITED STATES DISTRICT COURT  
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,  
 16 Plaintiff,  
 17 v.  
 18 JONATHON REDONDO-ROSALES,  
 19 Defendant.  
 20

No. 2:25-CR-679-CV

JOINT PROPOSED JURY INSTRUCTIONS

Trial Date: February 3, 2026  
 Trial Time: 9:00 a.m.  
 Location: Courtroom of the Hon.  
 Cynthia Valenzuela

21 Plaintiff United States of America, by and through its counsel  
 22 of record, the First Assistant United States Attorney for the  
 23 Central District of California and Special Assistant United States  
 24 Attorney Robert K. Quealy and Assistant United States Attorney Thi  
 25 Hoang Ho, and defendant JONATHON REDONDO-ROSALES ("defendant"), by  
 26 and through his counsel of record Kacey McBroom, hereby submit their  
 27

28 <sup>1</sup> Authorized to Practice Pursuant to Local Rule 83-2.1.4.2



**INDEX OF AGREED-UPON JOINT PROPOSED JURY INSTRUCTIONS**

<b>Proposed No.</b>	<b>Court No.</b>	<b>Title</b>	<b>Source</b>	<b>Page</b>
1		Duty of Jury	Ninth Circuit Model Criminal Jury Instructions, No. 1.1 (2022 ed.)	1
2		The Charge -- Presumption of Innocence	Ninth Circuit Model Criminal Jury Instructions, No. 1.2 (2022 ed.)	2
3		What is Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 1.3 (2022 ed.)	3
4		What is Not Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 1.4 (2022 ed.)	4
5		Direct and Circumstantial Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 1.5 (2022 ed.)	5
6		Ruling on Objections	Ninth Circuit Model Criminal Jury Instructions, No. 1.6 (2022 ed.)	6
7		Credibility of Witnesses	Ninth Circuit Model Criminal Jury Instructions, No. 1.7 (2022 ed.)	7
8		Conduct of the Jury	Ninth Circuit Model Criminal Jury Instructions, No. 1.8 (2022 ed.)	9
9		No Transcript Available to Jury	Ninth Circuit Model Criminal Jury Instructions, No. 1.9 (2022 ed.)	12

Proposed No.	Court No.	Title	Source	Page
10		Taking Notes	Ninth Circuit Model Criminal Jury Instructions, No. 1.10 (2022 ed.)	13
11		Outline of Trial	Ninth Circuit Model Criminal Jury Instructions, No. 1.11 (2022 ed.)	14
12		Questions to Witnesses by Jurors During Trial	Ninth Circuit Model Criminal Jury Instructions, No. 1.14 (2022 ed.)	15
13		Bench Conferences And Recesses	Ninth Circuit Model Criminal Jury Instructions, No. 1.16 (2022 ed.)	16
14		Cautionary Instruction	Ninth Circuit Model Criminal Jury Instructions, No. 2.1 (2022 ed.)	17
15		Transcript of Recording in English	Ninth Circuit Model Criminal Jury Instructions, No. 2.6 (2022 ed.)	19
16		Other Crimes, Wrongs or Acts of Defendant	Ninth Circuit Model Criminal Jury Instructions, No. 2.10 (2022 ed.)	20
17		Evidence for Limited Purpose	Ninth Circuit Model Criminal Jury Instructions, No. 2.12 (2022 ed.)	23
18		Other Crimes, Wrongs or Acts of Defendant	Ninth Circuit Model Criminal Jury Instructions, No. 3.3 (2022 ed.)	24

Proposed No.	Court No.	Title	Source	Page
19		Character of Victim	Ninth Circuit Model Criminal Jury Instructions, No. 3.5 (2022 ed.)	26
20		Impeachment Evidence -- Witness	Ninth Circuit Model Criminal Jury Instructions, No. 3.8 (2022 ed.)	27
21		Untimely Disclosure of Exculpatory or Impeachment Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 3.20 (2022 ed.)	28
22		Duties of the Jury to Find Facts and Follow Law	Ninth Circuit Model Criminal Jury Instructions, No. 6.1 (2022 ed.)	30
23		Charge Against Defendant Not Evidence -- Presumption of Innocence -- Burden of Proof	Ninth Circuit Model Criminal Jury Instructions, No. 6.2 (2022 ed.)	31
24		Defendant's Decision Not to Testify/to Testify	Ninth Circuit Model Criminal Jury Instructions, Nos. 6.3 and 6.4 (2022 ed.)	32
25		Reasonable Doubt - Defined	Ninth Circuit Model Criminal Jury Instructions, No. 6.5 (2022 ed.)	33
26		What Is Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 6.6 (2022 ed.)	34

Proposed No.	Court No.	Title	Source	Page
27		What Is Not Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 6.7 (2022 ed.)	35
28		Direct and Circumstantial Evidence	Ninth Circuit Model Criminal Jury Instructions, No. 6.8 (2022 ed.)	36
29		Credibility of Witnesses	Ninth Circuit Model Criminal Jury Instructions, No. 6.9 (2022 ed.)	37
30		Activities Not Charged	Ninth Circuit Model Criminal Jury Instructions, No. 6.10 (2022 ed.)	39
31		On or About -- Defined	Ninth Circuit Model Criminal Jury Instructions, No. 6.18 (2022 ed.)	40
32		Assault on a Federal Officer or Employee	Ninth Circuit Model Criminal Jury Instructions, No. 8.1 (2022 ed.)	41
33		Official Duties Defined	Ninth Circuit Model Criminal Jury Instructions, No. 8.1 (2022 ed.) (comment) (quoting <u>United States v. Ornelas</u> , 906 F.3d 1138, 1149 (9th Cir. 2018))	42

Proposed No.	Court No.	Title	Source	Page
34		Assault on Federal Officer or Employee— Defenses [IF APPLICABLE]	Ninth Circuit Model Criminal Jury Instructions, Nos. 8.3 (2022 ed.) (Self-Defense) (modified consistent with Comment to Model Instruction)	43
35		Duty to Deliberate	Ninth Circuit Model Criminal Jury Instructions, No. 6.19 (2022 ed.)	45
36		Consideration of Evidence -- Conduct of the Jury	Ninth Circuit Model Criminal Jury Instructions, No. 6.20 (2022 ed.)	47
37		Use of Notes	Ninth Circuit Model Criminal Jury Instructions, No. 6.21 (2022 ed.)	49
38		Jury Consideration of Punishment	Ninth Circuit Model Criminal Jury Instructions, No. 6.22 (2022 ed.)	50
39		Verdict Form	Ninth Circuit Model Criminal Jury Instructions, No. 6.23 (2022 ed.)	51
40		Communication with Court	Ninth Circuit Model Criminal Jury Instructions, No. 6.24 (2022 ed.)	52

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

2 JOINT PROPOSED INSTRUCTION NO. 1

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

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

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

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27 Ninth Circuit Model Criminal Jury Instructions, No 1.1 (2022 ed.)  
28 [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 on a federal officer or employee, in violation of Title 18,  
6 United States Code, Section 111(a)(1). The charges against the  
7 defendant are contained in the information. The information simply  
8 describes the charge the government brings against the defendant.  
9 The information is not evidence and does not 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 to present any evidence.

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

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

JOINT PROPOSED INSTRUCTION NO. 3

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

- (1) the sworn testimony of any witness;
- (2) the exhibits which are received in evidence; and
- (3) any facts to which the parties agree.

Ninth Circuit Model Criminal Jury Instructions, No. 1.3 (2022 ed.)  
[What Is Evidence]

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

2 JOINT PROPOSED INSTRUCTION NO. 4

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

5 (1) statements and arguments of the attorneys;

6 (2) questions and objections of the attorneys;

7 (3) testimony that I instruct you to disregard; and

8 (4) anything you may see or hear when the court is not in  
9 session even if what you see or hear is done or said by one of the  
10 parties or by one of the witnesses.

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

28 [What Is Not Evidence]

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

2 JOINT PROPOSED INSTRUCTION NO. 5

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

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

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27 Ninth Circuit Model Criminal Jury Instructions, No. 1.5 (2022 ed.)  
28 [Direct and Circumstantial Evidence]

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

2 JOINT PROPOSED INSTRUCTION NO. 6

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]

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

2 JOINT PROPOSED INSTRUCTION NO. 7

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

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

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

10 Second, the witness's memory;

11 Third, the witness's manner while testifying;

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

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

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

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

19 Eighth, any other factors that bear on believability.

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

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

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Ninth Circuit Model Criminal Jury Instructions, No. 1.7 (2022 ed.)  
[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  
7 there will be news reports about this case]; do not do any research,  
8 such as consulting dictionaries, searching the Internet or using  
9 other reference materials; and do not make any investigation or in  
10 any other way try to learn about the case on your own. Do not visit  
11 or view any place discussed in this case, and do not use the  
12 Internet or any other resource to search for or view any place  
13 discussed during the trial. Also, do not do any research about this  
14 case, the law, or the people involved—including the parties, the  
15 witnesses or the lawyers—until you have been excused as jurors. If  
16 you happen to read or hear anything touching on this case in the  
17 media, turn away 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 court.  
20 Witnesses here in court take an oath to tell the truth, and the  
21 accuracy of their testimony is tested through the trial process. If  
22 you do any research or investigation outside the courtroom, or gain  
23 any information through improper communications, then your verdict  
24 may be influenced by inaccurate, incomplete or misleading  
25 information that has not been tested by the trial process. Each of  
26 the parties is entitled to a fair trial by an impartial jury, and if  
27 you decide the case based on information not presented in court, you  
28 will have denied the parties a fair trial. Remember, you have taken

1 an oath to follow the rules, and it is very important that you  
2 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]

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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]

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

2 JOINT PROPOSED INSTRUCTION NO. 10

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

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

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

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

2 JOINT PROPOSED INSTRUCTION NO. 11

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

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

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

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

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

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

2 JOINT PROPOSED INSTRUCTION NO. 12

3 Only the lawyers and I are allowed to ask questions of  
4 witnesses. A juror is not permitted to ask questions of witnesses.  
5 [Specific reasons for not allowing jurors to ask questions may be  
6 explained.] If, however, you are unable to hear a witness or a  
7 lawyer, please raise your hand and I will correct the situation.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 1.14 (2022 ed.)

28 [Questions to Witnesses by Jurors During Trial]

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

2 JOINT PROPOSED INSTRUCTION NO. 13

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 recess.

6 Please understand that while you are waiting, we are working. The  
7 purpose of these conferences is not to keep relevant information  
8 from you, but to decide how certain evidence is to be treated under  
9 the rules of evidence and to avoid confusion and error.

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

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

2 JOINT PROPOSED INSTRUCTION NO. 14

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.]

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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]

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

2 JOINT PROPOSED INSTRUCTION NO. 15

3 You [are about to [hear] [watch]] [have [heard] [watched]] a  
4 recording that has been received in evidence. [Please listen to it  
5 very carefully.] Each of you [has been] [was] given a transcript of  
6 the recording to help you identify speakers and as a guide to help  
7 you listen to the recording. However, bear in mind that the  
8 recording is the evidence, not the transcript. If you [hear][heard]  
9 something different from what [appears][appeared] in the transcript,  
10 what you [hear][heard] is controlling. [[After] [Now that] the  
11 recording has been played, the transcript will be taken from you.]

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27 Ninth Circuit Model Criminal Jury Instructions, No. 2.6 (2022 ed.)  
28 [Transcript of Recording in English]

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

2 JOINT PROPOSED INSTRUCTION NO. 16

3 You [[are about to hear] [have heard] testimony] [[are about to  
4 see] [have seen] evidence] [are about to see evidence] that the  
5 defendant [summarize other act evidence]. This evidence of other  
6 acts [was] [will be] admitted only for [a] limited purpose[s]. You  
7 may consider this evidence only for the purpose of deciding whether  
8 the defendant:

9 [had the state of mind, knowledge, or intent necessary to  
10 commit the crime charged in the information;]

11 or

12 [had a motive or the opportunity to commit the acts charged in  
13 the information;]

14 or

15 [was preparing or planning to commit the acts charged in the  
16 information;]

17 or

18 [acted with a method of operation as evidenced by a unique  
19 pattern [describe pattern];]

20 or

21 [did not commit the acts for which the defendant is on trial by  
22 accident or mistake;]

23 or

24 [is the person who committed the crime charged in the  
25 information. You may consider this evidence to help you decide  
26 [describe how the evidence will be used to prove identity];]

27 or

28

1 [describe other purpose for which other act evidence was  
2 admitted.]

3 Do not consider this evidence for any other purpose.

4 Of course, it is for you to determine whether you believe this  
5 evidence and, if you do believe it, whether you accept it for the  
6 purpose offered. You may give it such weight as you feel it  
7 deserves, but only for the limited purpose that I described to you.

8 The defendant is not on trial for committing these other acts.  
9 You may not consider the evidence of these other acts as a  
10 substitute for proof that the defendant committed the crimes  
11 charged. You may not consider this evidence as proof that the  
12 defendant has a bad character or any propensity to commit crimes.  
13 Specifically, you may not use this evidence to conclude that because  
14 the defendant may have committed the other acts, he must also have  
15 committed the acts charged in the information.

16 Remember that the defendant is on trial here only for simple  
17 assault on a federal officer or employee, not for these other acts.  
18 Do not return a guilty verdict unless the government proves the  
19 crime charged in the information beyond a reasonable doubt.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 2.10 (2022 ed.)  
28 [Other Crimes, Wrongs or Acts of Defendant]

1 STATEMENT AS TO JOINT PROPOSED INSTRUCTION NO. 16

2 Defendant objects to the inclusion of Instruction No. 16 for  
3 the reasons set forth in his Opposition to the Government's Motion  
4 in Limine #1 to Admit Evidence Under Fed. R. Evid. 404 and 609  
5 ("Motion"). See Dkt. 39. The government requests the inclusion of  
6 the instruction for the reasons set forth in its Motion (Dkt. 32).

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

JOINT PROPOSED INSTRUCTION NO. 17

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]

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

2 JOINT PROPOSED INSTRUCTION NO. 18

3 **[IF APPLICABLE]**

4 You have heard evidence that a defendant committed other  
5 crimes, wrongs, or acts not charged here. You may consider this  
6 evidence only for its bearing, if any, on the question of the  
7 defendant's intent, motive, opportunity, preparation, plan,  
8 knowledge, identity, absence of mistake, or absence of accident, and  
9 for no other purpose. You may not consider this evidence as  
10 evidence of guilt of the crime for which the defendant is now on  
11 trial.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 3.3 (2022  
28 ed.) [Other Crimes, Wrongs or Acts of Defendant]

1 STATEMENT AS TO JOINT PROPOSED INSTRUCTION NO. 18

2 Defendant objects to the inclusion of Instruction No. 18 for  
3 the reasons set forth in his Opposition to the Government's Motion  
4 in Limine #1 to Admit Evidence Under Fed. R. Evid. 404 and 609  
5 ("Motion"). See Dkt. 39. The government requests the inclusion of  
6 the instruction for the reasons set forth in its Motion (Dkt. 32).

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

2 JOINT PROPOSED INSTRUCTION NO. 19

3 **[IF APPLICABLE]**

4 You have heard evidence of specific instances of the victim's  
5 character for [specify character trait]. You may consider this  
6 evidence in determining whether the victim acted in conformance with  
7 that character trait at the time of the offense charged against the  
8 defendant in this case. In deciding this case, you should consider  
9 the victim's character evidence together with and in the same manner  
10 as all the other evidence in this case.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 3.5 (2022 ed.)  
28 [Character of Victim]

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

JOINT PROPOSED INSTRUCTION NO. 20

**[IF APPLICABLE]**

You have heard evidence that [name of witness], a witness,  
[specify basis for impeachment]. You may consider this evidence in  
deciding whether or not to believe this witness and how much weight  
to give to the testimony of this witness.

Ninth Circuit Model Criminal Jury Instructions, No. 3.8 (2022 ed.)  
[Impeachment Evidence]

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

JOINT PROPOSED INSTRUCTION NO. 21

A trial court has discretion in shaping the remedies for violations of *Brady v. Maryland*, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972). For example, in *United States v. Garrison*, 888 F.3d 1057, 1061 (9th Cir. 2018), "the government made grave mistakes in its prosecution of the case by repeatedly failing to timely disclose information to the defense." Rather than dismiss the case, the district court instructed the jury that "the government's failure to timely comply with its constitutional obligations . . . could lead the jury to find reasonable doubt" as to guilt. The Ninth Circuit held that there was no error. *Id.* at 1066.

Ninth Circuit Model Criminal Jury Instructions, No. 3.20 (2022 ed.)  
[Untimely Disclosure of Exculpatory or Impeachment Evidence]

1 STATEMENT AS TO JOINT PROPOSED INSTRUCTION NO. 22

2 The government objects to the inclusion of Instruction No. 22  
3 for the reasons set forth in its Opposition to Defendant's Motion to  
4 Compel Brady Discovery ("Motion"). See Dkt. 58. Defendant requests  
5 the inclusion of the instruction for the reasons set forth in  
6 defendant's Motion (Dkt. 53).

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

2 JOINT PROPOSED INSTRUCTION NO. 22

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

7 It is your duty to weigh and to evaluate all the evidence  
8 received in the case and, in that process, to decide the facts. It  
9 is also your duty to apply the law as I give it to you to the facts  
10 as you find them, whether you agree with the law or not. You must  
11 decide the case solely on the evidence and the law. You will recall  
12 that you took an oath promising to do so at the beginning of the  
13 case. You should also not be influenced by any person's race,  
14 color, religious beliefs, national ancestry, sexual orientation,  
15 gender identity, gender, or economic circumstances. Also, do not  
16 allow yourself to be influenced by personal likes or dislikes,  
17 sympathy, prejudice, fear, public opinion, or biases, including  
18 unconscious biases. Unconscious biases are stereotypes, attitudes,  
19 or preferences that people may consciously reject but may be  
20 expressed without conscious awareness, control, or intention.

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

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

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

2 JOINT PROPOSED INSTRUCTION NO. 23

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

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26 Ninth Circuit Model Criminal Jury Instructions, No. 6.2 (2022 ed.)

27 [Charge Against Defendant Not Evidence -- Presumption of

28 Innocence -- Burden of Proof]

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

JOINT PROPOSED INSTRUCTION NO. 24

[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 and 6.4 (2022 ed.) [Defendant's Decision Not To Testify/To Testify]

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

2 JOINT PROPOSED INSTRUCTION NO. 25

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

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

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

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

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

JOINT PROPOSED INSTRUCTION NO. 26

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

- (1) the sworn testimony of any witness;
- (2) the exhibits received in evidence; and
- (3) any facts to which the parties have agreed.

Ninth Circuit Model Criminal Jury Instructions, No. 6.6 (2022 ed.)  
[What Is Evidence]

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

2 JOINT PROPOSED INSTRUCTION NO. 27

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

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

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

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

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

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

JOINT PROPOSED INSTRUCTION NO. 28

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.

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]

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

2 JOINT PROPOSED INSTRUCTION NO. 29

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

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

8 First, the opportunity and ability of the witness to see or  
9 hear or know the things testified to;

10 Second, the witness's memory;

11 Third, the witness's manner while testifying;

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

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

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

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

19 Eighth, any other factors that bear on believability.

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

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1           However, if you decide that a witness has deliberately  
2 testified untruthfully about something important, you may choose not  
3 to believe anything that witness said. On the other hand, if you  
4 think the witness testified untruthfully about some things but told  
5 the truth about others, you may accept the part you think is true  
6 and ignore the rest.

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

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

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

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

JOINT PROPOSED INSTRUCTION NO. 30

You are here only to determine whether the defendant is guilty or not guilty of the charge in the information. The defendant is not on trial for any conduct or offense not charged in the information.

Ninth Circuit Model Criminal Jury Instructions, No. 6.10 (2022 ed.)  
[Activities Not Charged]

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

JOINT PROPOSED INSTRUCTION NO. 31

The information charges that the offenses alleged in the information were committed "on or about" a certain date.

Although it is necessary for the government to prove beyond a reasonable doubt that the offenses were committed on a date reasonably near the dates alleged in the information, it is not necessary for the government to prove that the offenses were committed precisely on the dates charged.

Ninth Circuit Model Criminal Jury Instructions, No. 6.18 (2022 ed.)  
[On or About -- Defined]

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

2 JOINT PROPOSED INSTRUCTION NO. 32

3 Defendant Jonathon Redondo-Rosales is charged in the sole count  
4 of the information with simple assault on a federal officer or  
5 employee, in violation of Section 111(a), of Title 18 of the United  
6 States Code. For the defendant to be found guilty of that charge,  
7 the government must prove each of the following elements beyond a  
8 reasonable doubt:

9 First, the defendant forcibly assaulted Z.C.; and

10 Second, the defendant did so while Z.C. was engaged in, or on  
11 account of his official duties.

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13 There is a forcible assault when one person intentionally  
14 strikes another, or willfully attempts to inflict injury on another,  
15 or intentionally threatens another coupled with an apparent ability  
16 to inflict injury on another which causes a reasonable apprehension  
17 of immediate bodily harm.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 8.1 (2022 ed.)  
28 [Assault on Federal Officer or Employee].

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

2 JOINT PROPOSED INSTRUCTION NO. 33

3 The test for determining whether an officer is engaged in the  
4 performance in an official capacity in the performance of their  
5 duties is a question for you, the jury, to decide based on all the  
6 evidence presented in this case. *United States v. Ellsworth*, 647  
7 F.2d 957 (9th Cir. 1981).

8 To determine whether the federal officer was engaged in the  
9 performance of "official duties" at the time of the alleged assault,  
10 you must consider whether the officer was acting within the scope of  
11 his employment. Specifically, an officer is engaged in the  
12 performance of official duties if his or her actions fall within his  
13 or her agency's overall mission, as opposed to engaging in a  
14 personal frolic of their own. *United States v. Ornelas*, 906 F.3d  
15 1138, 1149 (9th Cir. 2018).

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25 Ninth Circuit Model Criminal Jury Instructions, No. 8.1 (2022 ed.)  
26 (comment) (quoting *United States v. Ornelas*, 906 F.3d 1138, 1149  
27 (9th Cir. 2018)); *United States v. Ellsworth*, 647 F.2d 957 (9th Cir.  
28 1981)

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

2 GOVERNMENT'S PROPOSED INSTRUCTION NO. 34

3 **[IF APPLICABLE]**

4 The defendant asserts that he acted in self-defense. It is a  
5 defense to the charge if (1) the defendant did not know that Z.C.  
6 was a federal officer or employee, (2) the defendant reasonably  
7 believed that use of force was necessary to defend oneself against  
8 an immediate use of unlawful force, and (3) the defendant used no  
9 more force than appeared reasonably necessary in the circumstances.

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11 Force which is likely to cause death or great bodily harm is  
12 justified in self-defense only if a person reasonably believes that  
13 such force is necessary to prevent death or great bodily harm.

14  
15 In addition to proving all the elements of the crime beyond a  
16 reasonable doubt, the government must also prove beyond a reasonable  
17 doubt either (1) that the defendant knew that Z.C. was a federal  
18 officer or employee or (2) that the defendant did not reasonably  
19 believe force was necessary to defend against an immediate use of  
20 unlawful force or (3) that the defendant used more force than  
21 appeared reasonably necessary in the circumstances.

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27 Ninth Circuit Model Criminal Jury Instructions, No. 8.3 (2022 ed.)  
28 [Assault on Federal Officer or Employee--Defenses]

1 STATEMENT AS TO JOINT PROPOSED INSTRUCTION NO. 34

2 The government objects to the inclusion of Instruction No. 34  
3 for the reasons set forth in its Motion in Limine #2 to Preclude  
4 Self-Defense Arguments ("Motion"). Dkt. 33. Defendant requests the  
5 inclusion of the instruction for the reasons set forth in his  
6 Opposition to the Motion (Dkt. 40).

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

2 JOINT PROPOSED INSTRUCTION NO. 35

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

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

JOINT PROPOSED INSTRUCTION NO. 36

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

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

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

The law requires these restrictions to ensure the parties have a fair trial based on the same evidence that each party has had an opportunity to address. A juror who violates these restrictions

1 jeopardizes the fairness of these proceedings, and a mistrial could  
2 result that would require the entire trial process to start over. If  
3 any juror is exposed to any outside information, please notify the  
4 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]

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

JOINT PROPOSED INSTRUCTION NO. 37

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]

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

2 JOINT PROPOSED INSTRUCTION NO. 38

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

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

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

JOINT PROPOSED INSTRUCTION NO. 39

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. 40

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]