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 11 UNITED STATES OF AMERICA

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

14 UNITED STATES OF AMERICA,
 15 Plaintiff,
 16 v.
 17 JOSE ANTONIO BONILLA,
 18 Defendant.

No. 2:25-CR-259-WLH

JOINT PROPOSED JURY INSTRUCTIONS

Trial Date: June 2, 2025
 Trial Time: 9:00 a.m.
 Location: Courtroom of the
 Hon. Wesley L. Hsu

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 22 Plaintiff United States of America, by and through its counsel
 23 of record, the United States Attorney for the Central District of
 24 California and Assistant United States Attorneys Lindsay M. Bailey
 25 and Alix R. Sandman, and defendant JOSE ANTONIO BONILLA, by and
 26 through his counsel of record, Deputy Federal Public Defenders Kyra
 27 Nickell and Jake Cramer, hereby submit their Joint Proposed Jury
 28 Instructions in the above-captioned case. The parties respectfully

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PRELIMINARY INSTRUCTIONS

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 a
4 few minutes to tell you something about your duties as jurors and to
5 give you some preliminary instructions. At the end of the trial I
6 will give you more detailed written instructions that will control
7 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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26 Ninth Circuit Model Criminal Jury Instructions, No 1.1 (2022 ed.)

27 [Duty of Jury]

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COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 2

This is a criminal case brought by the United States government. The government charges the defendant with being an Illegal Alien Found in the United States Following Deportation or Removal. The charge against the defendant is contained in the indictment. The indictment simply describes the charge the government brings against the defendant. The indictment is not evidence and does not prove anything.

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

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

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

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[What Is Not Evidence]

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COURT'S INSTRUCTION NO. _____
JOINT PROPOSED INSTRUCTION NO. 5

Disputed

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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26 Ninth Circuit Model Criminal Jury Instructions, No. 1.6 (2022 ed.)
27 [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 (1) the witness's opportunity and ability to see or hear or
9 know the things testified to;

10 (2) the witness's memory;

11 (3) the witness's manner while testifying;

12 (4) the witness's interest in the outcome of the case, if any;

13 (5) the witness's bias or prejudice, if any;

14 (6) whether other evidence contradicted the witness's
15 testimony;

16 (7) the reasonableness of the witness's testimony in light of
17 all the evidence; and

18 (8) any other factors that bear on believability.

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

26 However, if you decide that a witness has deliberately
27 testified untruthfully about something important, you may choose not
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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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25 Ninth Circuit Model Criminal Jury Instructions, No. 1.7 (2022 ed.)

26 [Credibility of Witnesses]

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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
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1 about this case, you must respond that you have been ordered not to
2 discuss the matter. In addition, you must report the contact to the
3 court.

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

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

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

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

1 COURT'S INSTRUCTION NO. _____

2 JOINT PROPOSED INSTRUCTION NO. 9

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

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

27 [No Transcript Available to Jury]

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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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26 Ninth Circuit Model Criminal Jury Instructions, No. 1.10 (2022 ed.)
27 [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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26 Ninth Circuit Model Criminal Jury Instructions, No. 1.11 (2022 ed.)
27 [Outline of Trial]

COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 12

Only the lawyers and I are allowed to ask questions of witnesses. A juror is not permitted to ask questions of witnesses. If, however, you are unable to hear a witness or a lawyer, please raise your hand and I will correct the situation.

Ninth Circuit Model Criminal Jury Instructions, No. 1.14 (2022 ed.)
[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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26 Ninth Circuit Model Criminal Jury Instructions, No. 1.16 (2022 ed.)
27 [Bench Conferences and Recesses]

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INSTRUCTIONS DURING COURSE OF TRIAL

COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 14

You have heard testimony that the defendant made a statement. It is for you to decide (1) whether the defendant made the statement, and (2) if so, how much weight to give to it. In making those decisions, you should consider all the evidence about the statement, including the circumstances under which the defendant may have made it.

Ninth Circuit Model Criminal Jury Instructions, No. 3.1 (2022 ed.)
[Statements by Defendant]

1 COURT'S INSTRUCTION NO. _____

2 JOINT PROPOSED INSTRUCTION NO. 15

3 You are about to hear testimony from [NAME] who will testify
4 about his or her opinions and the reasons for those opinions. This
5 opinion testimony is allowed because of the specialized knowledge,
6 skill, experience, training, or education of this witness.

7 Such opinion testimony should be judged like any other
8 testimony. You may accept it or reject it, and give it as much
9 weight as you think it deserves, considering the witness's
10 knowledge, skill, experience, training, or education, the reasons
11 given for the opinion, and all the other evidence in the case.

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26 Ninth Circuit Model Criminal Jury Instructions, No. 3.14 (2022 ed.)
27 [Opinion Evidence, Expert Witness]
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INSTRUCTIONS AT END OF CASE

1 COURT'S INSTRUCTION NO. _____

2 JOINT PROPOSED INSTRUCTION NO. 16

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. Do not allow
12 personal likes or dislikes, sympathy, prejudice, fear, or public
13 opinion to influence you. You should also not be influenced by any
14 person's race, color, religious beliefs, national ancestry, sexual
15 orientation, gender identity, gender, or economic circumstances.
16 Also, do not allow yourself to be influenced by personal likes or
17 dislikes, sympathy, prejudice, fear, public opinion, or biases,
18 including unconscious biases. Unconscious biases are stereotypes,
19 attitudes, or preferences that people may consciously reject but may
20 be 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

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1 suggestion as to what verdict you should return -- that is a matter
2 entirely up to you.

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25 Ninth Circuit Model Criminal Jury Instructions, No. 6.1 (2022 ed.)

26 [Duties of Jury to Find Facts and Follow Law]

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COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 17

The indictment 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]

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COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 18

Disputed

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COURT'S INSTRUCTION NO. _____
JOINT PROPOSED INSTRUCTION NO. 19

Disputed

COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 20

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. 21

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

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

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

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26 Ninth Circuit Model Criminal Jury Instructions, No. 6.7 (2022 ed.)

27 [What Is Not Evidence]

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COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 22

Disputed

1 COURT'S INSTRUCTION NO. _____

2 JOINT PROPOSED INSTRUCTION NO. 23

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 (1) the opportunity and ability of the witness to see or hear
9 or know the things testified to;

10 (2) the witness's memory;

11 (3) the witness's manner while testifying;

12 (4) the witness's interest in the outcome of the case, if any;

13 (5) the witness's bias or prejudice, if any;

14 (6) whether other evidence contradicted the witness's
15 testimony;

16 (7) the reasonableness of the witness's testimony in light of
17 all the evidence; and

18 (8) any other factors that bear on believability.

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

26 However, if you decide that a witness has deliberately
27 testified untruthfully about something important, you may choose not
28

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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26 Ninth Circuit Model Criminal Jury Instructions, No. 6.9 (2022 ed.)
27 [Credibility of Witnesses]
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COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 24

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

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

COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 25

The indictment charges that the offense alleged was committed "on or about" a certain date.

Although it is necessary for the government to prove beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged in the indictment, it is not necessary for the government to prove that the offense was committed precisely on the date charged.

Ninth Circuit Model Criminal Jury Instructions, No. 6.18 (2022 ed.)

[On or About -- Defined]

COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 26

You have heard testimony that a defendant made a statement. It is for you to decide (1) whether the defendant made the statement, and (2) if so, how much weight to give to it. In making those decisions, you should consider all the evidence about the statement, including the circumstances under which the defendant may have made it.

Ninth Circuit Model Criminal Jury Instructions, No. 3.1 (2022 ed.)
[Statements by Defendant]

1 COURT'S INSTRUCTION NO. _____

2 JOINT PROPOSED INSTRUCTION NO. 27

3 You have heard testimony from Fingerprint Forensic Analyst
4 [NAME], who testified to opinions and the reasons for his or her
5 opinions. The opinion testimony is allowed because of the education
6 or experience of this witness.

7 Such opinion testimony should be judged like any other
8 testimony. You may accept it or reject it, and give it as much
9 weight as you think it deserves, considering the witness's education
10 and experience, the reasons given for the opinion, and all the other
11 evidence in the case.

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25 Ninth Circuit Model Criminal Jury Instructions, No. 3.14 (2022 ed.)
26 [Opinion Evidence, Expert Witness]
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1 COURT'S INSTRUCTION NO. _____

2 JOINT PROPOSED INSTRUCTION NO. 28

3 The defendant is charged in the indictment with being an alien
4 who, after deportation or removal, was found in the United States in
5 violation of Section 1326(a) of Title 8 of the United States Code.
6 In order for the defendant to be found guilty of that charge, the
7 government must prove each of the following elements beyond a
8 reasonable doubt:

9 First, the defendant was deported or removed from the United
10 States;

11 Second, thereafter, the defendant voluntarily entered the
12 United States or the defendant voluntarily remained in the United
13 States after entry;

14 Third, at the time of entry, the defendant knew he was entering
15 the United States, or after entering the United States the defendant
16 knew that he was in the United States and knowingly remained;

17 Fourth, the defendant was found in the United States without
18 having obtained the consent of the Attorney General or the Secretary
19 of the Department of Homeland Security to reapply for admission into
20 the United States;

21 Fifth, the defendant was an alien at the time of the
22 defendant's entry into the United States; and

23 Sixth, the defendant was free from official restraint at the
24 time he entered the United States.

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1 An alien is a person who is not a natural-born or naturalized
2 citizen of the United States.

3 The defendant was free from official restraint if the defendant
4 was first observed by a United States officer after the defendant
5 physically crossed the border into the United States.

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17 Ninth Circuit Model Criminal Jury Instructions, No. 7.8 (2022 ed.)
18 [Alien -- Deported Alien Found in United States (8 U.S.C.
19 § 1326(a))]; United States v. Reyes-Ceja, 712 F.3d 1284, 1288-89
20 (9th Cir. 2013) ("And to be convicted of a 'found in' offense, a
21 defendant must voluntarily return to the United States or
22 voluntarily remain after an involuntary entry."); United States v.
23 Quintana-Torres, 235 F.3d 1197, 1200 (9th Cir. 2000) ("Therefore,
24 the voluntariness of the return is an element of the crime and, as
25 such, must be proved beyond a reasonable doubt by the prosecution.
26 Alternatively, voluntarily remaining in the country after an
27 involuntary entry satisfies the statute.").

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COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 29

An act is done knowingly if the defendant is aware of the act and does not act through ignorance, mistake, or accident. You may consider evidence of the defendant's words, acts, or omissions, along with all the other evidence, in deciding whether the defendant acted knowingly.

Ninth Circuit Model Jury Instructions, No. 4.8 (2022 ed.)
[Knowingly]

1 COURT'S INSTRUCTION NO. _____

2 JOINT PROPOSED INSTRUCTION NO. 30

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. Do not allow
21 personal likes or dislikes, sympathy, prejudice, fear, or public
22 opinion to influence you. You should also not be influenced by any
23 person's race, color, religious beliefs, national ancestry, sexual
24 orientation, gender identity, gender, or economic circumstances.
25 Also, do not allow yourself to be influenced by personal likes or
26 dislikes, sympathy, prejudice, fear, public opinion, or biases,
27 including unconscious biases. Unconscious biases are stereotypes,
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1 attitudes, or preferences that people may consciously reject but may
2 be expressed without conscious awareness, control, or intention.

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

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26 Ninth Circuit Model Criminal Jury Instructions, No. 6.19 (2022 ed.)
27 [Duty to Deliberate]
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1 COURT'S INSTRUCTION NO. _____

2 JOINT PROPOSED INSTRUCTION NO. 31

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
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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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26 Ninth Circuit Model Criminal Jury Instructions, No. 6.20 (2022 ed.)
27 [Consideration of Evidence -- Conduct of the Jury]
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COURT'S INSTRUCTION NO. _____

JOINT PROPOSED INSTRUCTION NO. 32

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. 33

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. 34

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. 35

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