

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA §
 §
V. § **EP-25-CR-274-LS**
 §
DAIKELY YULIANYS LOPEZ- §
CEDENO §

DEFENDANT’S PROPOSED INSTRUCTIONS TO THE JURY AND VERDICT FORM

Daikely Yulianys Lopez-Cedeno (“Ms. Lopez-Cedeno”), by and through the undersigned counsel, hereby files these Proposed Instructions to the Jury and Verdict Form. Ms. Lopez-Cedeno requests that, before the jurors deliberate in this case, they be given the Court’s standard instructions on the issues listed below, and further requests permission to submit such additional instructions as may become appropriate during trial. The sections referenced in the proposed instructions correspond to the section number of the Fifth Circuit Pattern Jury Instructions (Criminal Cases) 2024 Edition, unless otherwise noted.

1. Preliminary Instructions, Section 1.01
2. Note Taking by Jurors, Section 1.02, Alternative A
3. Introduction to Final Instructions, Section 1.03
4. Duty to Follow Instructions, Section 1.04
5. Presumption of Innocence, Burden of Proof, Reasonable Doubt, Section 1.05
6. Evidence—Excluding What is Not Evidence, Section 1.06
7. Evidence—Inferences—Direct and Circumstantial, Section 1.08
8. Credibility of Witnesses, Section 1.09
9. Character Evidence, Section 1.10 (*if applicable*)

10. Caution—Consider Only Crime Charged, Section 1.21
11. Duty to Deliberate, Section 1.26
12. Unanimity of Theory, Section 1.27
13. Confession—Statement Voluntariness (Single Defendant), Section 1.28
14. Forcibly Assaulting a Federal Officer 18 U.S.C. § 111(a)(1), Section 2.07
15. Self-Defense, Section 1.39. *See United States v. Branch*, 91 F.3d 699, 715 (5th Cir. 1996)(instruction appropriate in § 111 case when “use of force, viewed from the perspective of a reasonable officer at the scene, was objectively unreasonable under the circumstances”).
16. Justification, Duress, or Coercion. Section 1.38

Non-Pattern Instructions:

INTENTIONALLY – TO ACT

[Adapted from the Third Circuit Model Criminal Jury Instr. 5.03 (2024)]

The offense charged in the indictment requires that the government prove that the defendant acted “intentionally” with respect to a certain elements of the offense.. This means that the government must prove beyond a reasonable doubt either that (1) it was the defendant’s conscious desire or purpose to act in a certain way or to cause a certain result, or that (2) the defendant knew that she was acting in that way or would be practically certain to cause that result.

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EP-25-CR-274-LS

VERDICT

1. WE, the jury, find the defendant, DAIKELY YULIANYS LOPEZ-CEDENO,
_____ (guilty or not guilty) as to Count 1, ASSAULT ON A
FEDERAL OFFICER.

FOREPERSON

Respectfully Submitted,

MAUREEN SCOTT FRANCO
Federal Public Defender

/S/

MICHAEL F. GORMAN
Assistant Federal Public Defender
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Attorney for Mr. Thompson

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of April, 2025, I electronically filed the foregoing with the Clerk of Courts using the CM/ECF system which will send notification of such filing to AUSAs Nallely Barbosa, Stanley Michael Serwatka and Phillip Douglas Countryman, Office of the U.S. Attorney, Richard C. White Building, 700 E. San Antonio, Suite 200, El Paso, TX 79901.

/S/

MICHAEL F. GORMAN
Attorney for Mr. Thompson