



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
KATHERINE CARRENO,
Defendant.

Case No. CR 25-772-MWF
JURY INSTRUCTIONS

COURT'S INSTRUCTION NO. 1

1
2 Members of the jury, now that you have heard all the evidence,
3 it is my duty to instruct you on the law that applies to this case.
4 A copy of these instructions will be available in the jury room for
5 you to consult.

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

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

25
26
27
28

COURT'S INSTRUCTION NO. 2

1
2 The information is not evidence. The defendant has pleaded not
3 guilty to the charge. The defendant is presumed to be innocent
4 unless and until the government proves the defendant guilty beyond a
5 reasonable doubt. In addition, the defendant does not have to
6 testify or present any evidence. The defendant does not have to
7 prove innocence; the government has the burden of proving every
8 element of the charge beyond a reasonable doubt.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT'S INSTRUCTION NO. 3

1
2 The defendant has testified. You should treat this testimony
3 just as you would the testimony of any other witness.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT'S INSTRUCTION NO. 4

1
2 Proof beyond a reasonable doubt is proof that leaves you firmly
3 convinced the defendant is guilty. It is not required that the
4 government prove guilt beyond all possible doubt.

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

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

COURT'S INSTRUCTION NO. 5

1
2 The evidence you are to consider in deciding what the facts are
3 consists of:

4 First, the sworn testimony of any witness;

5 Second, the exhibits received in evidence; and

6 Third, any facts to which the parties have agreed.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT'S INSTRUCTION NO. 6

1
2 In reaching your verdict you may consider only the testimony
3 and exhibits received in evidence. The following things are not
4 evidence and you may not consider them in deciding what the facts
5 are:

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

15 2. Any testimony that I have excluded, stricken, or instructed
16 you to disregard is not evidence.

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

20
21
22
23
24
25
26
27
28

COURT'S INSTRUCTION NO. 7

1
2 Evidence may be direct or circumstantial. Direct evidence is
3 direct proof of a fact, such as testimony by a witness about what
4 that witness personally saw or heard or did. Circumstantial
5 evidence is indirect evidence, that is, it is proof of one or more
6 facts from which you can find another fact.

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

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

19
20
21
22
23
24
25
26
27
28

COURT'S INSTRUCTION NO. 8

1
2 In deciding the facts in this case, you may have to decide
3 which testimony to believe and which testimony not to believe. You
4 may believe everything a witness says, or part of it, or none of it.

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

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

9 Second, the witness's memory;

10 Third, the witness's manner while testifying;

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

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

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

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

18 Eighth, 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 to believe anything that witness said. On the other hand, if you

1 think the witness testified untruthfully about some things but told
2 the truth about others, you may accept the part you think is true
3 and ignore the rest.

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

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

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT'S INSTRUCTION NO. 9

1
2 The defendant is charged in the information with assault on a
3 federal officer in violation of Section 111(a) of Title 18 of the
4 United States Code. For the defendant to be found guilty of that
5 charge, the government must prove each of the following elements
6 beyond a reasonable doubt:

7 First, the defendant forcibly assaulted Y.P.; and

8 Second, the defendant did so while Y.P. was engaged in, or on
9 account of her official duties; and

10 Third, the defendant did not act in reasonable self-defense.

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

16 The test for determining whether the officer is engaged in the
17 performance of official duties is whether the officer is acting
18 within the scope of her employment, that is, whether the officer's
19 actions fall within her agency's overall mission, in contrast to
20 engaging in a personal frolic of her own.

21 The excessive use of force in the pursuit of official duty is
22 not considered a good faith performance of official duties. The
23 reasonableness of a particular use of force is an objective standard
24 that turns on the facts of each case.

25 The use of force must be judged from the perspective of a
26 reasonable officer on the scene, rather than with the 20/20 vision
27 of hindsight.

28 To determine whether the force was objectively unreasonable,

1 you should consider all of the facts and circumstances of the
2 particular case. How much force the officer is entitled to use
3 depends upon how much force or resistance she encounters. The
4 amount of force the officer may use is the amount that is reasonable
5 to deal with the resistance or attack that she faces.

6 The defendant has offered evidence of having acted in
7 self-defense. Use of force is justified when a person reasonably
8 believes that it is necessary for the defense of oneself or another
9 against the immediate use of unlawful force. However, a person must
10 use no more force than appears reasonably necessary under the
11 circumstances.

12 The government must prove beyond a reasonable doubt, with all
13 of you agreeing, that the defendant did not act in reasonable
14 self-defense.

COURT'S INSTRUCTION NO. 10

1
2 When you begin your deliberations, elect one member of the jury
3 as your foreperson who will preside over the deliberations and speak
4 for you here in court.

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

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

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

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

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

28

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.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

COURT'S INSTRUCTION NO. 11

1
2 Because you must base your verdict only on the evidence
3 received in the case and on these instructions, I remind you that
4 you must not be exposed to any other information about the case or
5 to the issues it involves. Except for discussing the case with your
6 fellow jurors during your deliberations:

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

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

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

1 If any juror is exposed to any outside information, please notify
2 the court immediately.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

COURT'S INSTRUCTION NO. 12

1
2 Some of you have taken notes during the trial. Whether or not
3 you took notes, you should rely on your own memory of what was said.
4 Notes are only to assist your memory. You should not be overly
5 influenced by your notes or those of your fellow jurors.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT'S INSTRUCTION NO. 13

1
2 The punishment provided by law for this crime is for the court
3 to decide. You may not consider punishment in deciding whether the
4 government has proved its case against the defendant beyond a
5 reasonable doubt.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COURT'S INSTRUCTION NO. 14

1
2 A verdict form has been prepared for you. After you have
3 reached unanimous agreement on a verdict, your foreperson should
4 complete the verdict form according to your deliberations, sign and
5 date it, and advise the clerk that you are ready to return to the
6 courtroom.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

COURT'S INSTRUCTION NO. 15

1
2 If it becomes necessary during your deliberations to
3 communicate with me, you may send a note through the clerk, signed
4 by any one or more of you. No member of the jury should ever
5 attempt to communicate with me except by a signed writing, and I
6 will respond to the jury concerning the case only in writing or here
7 in open court. If you send out a question, I will consult with the
8 lawyers before answering it, which may take some time. You may
9 continue your deliberations while waiting for the answer to any
10 question. Remember that you are not to tell anyone -- including me
11 -- how the jury stands, numerically or otherwise, on any question
12 submitted to you, including the question of the guilt of the
13 defendant, until after you have reached a unanimous verdict or have
14 been discharged.

15
16
17
18
19
20
21
22
23
24
25
26
27
28