

FILED
CLERK, U.S. DISTRICT COURT
10/10/2025
CENTRAL DISTRICT OF CALIFORNIA
BY: jm DEPUTY

COVER SHEET


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,) **NO. 2:25-cr-678-KS**
))
) **Plaintiff,**)
))
) **v.**) **CLOSING JURY INSTRUCTIONS**
))
))
ALEXANDRIA DEMETRIUS))
AUGUSTINE,))
))
) **Defendant.**)
))
_____)

The following are the Court’s jury instructions to guide your consideration of the evidence in this case.

DATED: October 10, 2025



KAREN L. STEVENSON
CHIEF U.S. MAGISTRATE JUDGE

1 U.S.A. v. Alexandria Demetrius Augustine
2 2:25-cr-678-KS

3
4 **CLOSING JURY INSTRUCTIONS**

5
6 **COURT’S INSTRUCTION NO. 1**

7
8 **Duties of Jury to Find Facts and Follow Law**

9
10 Members of the jury, now that you have heard all the evidence, it is my duty to
11 instruct you on the law that applies to this case. A copy of these instructions will be
12 available in the jury room for you to consult.

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

25
26
27 You must follow all these instructions and not single out some and ignore others;
28 they are all important. Please do not read into these instructions or into anything I may

1 have said or done as any suggestion as to what verdict you should return—that is a matter
2 entirely up to you.

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. 2

Charge Against Defendant Not Evidence—Presumption of Innocence—Burden of Proof

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

COURT’S INSTRUCTION NO. 3

Defendant’s Decision Not to 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.

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

COURT’S INSTRUCTION NO. 4

Reasonable Doubt—Defined

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

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

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

COURT’S INSTRUCTION NO. 5

What is Evidence

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

First, the sworn testimony of any witness;

Second, the exhibits received in evidence.

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

COURT’S INSTRUCTION NO. 6

What is Not Evidence

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

1. Questions, statements, objections, and arguments by the lawyers are not evidence. The lawyers are not witnesses. Although you must consider a lawyer’s questions to understand the answers of a witness, the lawyer’s questions are not evidence. Similarly, what the lawyers have said in their opening statements, will say in their closing arguments, and have said at other times is intended to help you interpret the evidence, but it is not evidence. If the facts as you remember them differ from the way the lawyers state them, your memory of them controls.
2. Any testimony that I have excluded, stricken, or instructed you to disregard is not evidence. In addition, some evidence was received only for a limited purpose; when I have instructed you to consider certain evidence in a limited way, you must do so.
3. Anything you may have seen or heard when the court was not in session is not evidence. You are to decide the case solely on the evidence received at the trial.

1 COURT'S INSTRUCTION NO. 7

2
3 Direct and Circumstantial Evidence

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

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

14
15 By way of example, if you wake up in the morning and see that the sidewalk is
16 wet, you may find from that fact that it rained during the night. However, other evidence,
17 such as a turned-on garden hose, may provide an explanation for the water on the
18 sidewalk. Therefore, before you decide that a fact has been proved by circumstantial
19 evidence, you must consider all the evidence in the light of reason, experience, and
20 common sense.
21
22
23
24
25
26
27
28

1 COURT'S INSTRUCTION NO. 8

2
3 Credibility of Witnesses
4

5 In deciding the facts in this case, you may have to decide which testimony to
6 believe and which testimony not to believe. You may believe everything a witness says,
7 or part of it, or none of it.
8

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

11
12 First, the opportunity and ability of the witness to see or hear or know the things
13 testified to;
14

15 Second, the witness's memory;
16

17 Third, the witness's manner while testifying;
18

19 Fourth, the witness's interest in the outcome of the case, if any;
20

21 Fifth, the witness's bias or prejudice, if any;
22

23 Sixth, whether other evidence contradicted the witness's testimony;
24

25 Seventh, the reasonableness of the witness's testimony in light of all the evidence;
26 and
27
28

1 Eighth, any other factors that bear on believability.

2
3 Sometimes a witness may say something that is not consistent with something
4 else he or she said. Sometimes different witnesses will give different versions of what
5 happened. People often forget things or make mistakes in what they remember. Also,
6 two people may see the same event but remember it differently. You may consider these
7 differences, but do not decide that testimony is untrue just because it differs from other
8 testimony.

9
10 However, if you decide that a witness has deliberately testified untruthfully about
11 something important, you may choose not to believe anything that witness said. On the
12 other hand, if you think the witness testified untruthfully about some things but told the
13 truth about others, you may accept the part you think is true and ignore the rest.

14
15 You must avoid bias conscious or unconscious based on a witness's race, color,
16 religious beliefs, national ancestry, sexual orientation, gender identity, gender, or
17 economic circumstances in your determination of credibility.

18
19
20 The weight of the evidence as to a fact does not necessarily depend on the number
21 of witnesses who testify. What is important is how believable the witnesses were, and
22 how much weight you think their testimony deserves.

COURT’S INSTRUCTION NO. 9

Activities Not Charged

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

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

COURT’S INSTRUCTION NO. 10

Statements by Defendant

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.

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

COURT’S INSTRUCTION NO. 11

Assault on Federal Officer or Employee (18 U.S.C. § 111(a)(1))

The defendant is charged in Count One of the Second Superseding Information with assault on a federal officer in violation of Section 111(a)(1) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant forcibly assaulted a federal officer, namely Alexandro Gutierrez; and

Second, the defendant did so while Alexandro Gutierrez was engaged in, or on account of his official duties; and

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

COURT’S INSTRUCTION NO. 12

Forcible Assault

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

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

COURT’S INSTRUCTION NO. 13

Official Duties

The test for determining whether the officer is engaged in the performance of official duties is whether the officer is acting within the scope of his employment, that is, whether the officer’s actions fall within his agency’s overall mission, in contrast to engaging in a personal frolic of his own. The excessive use of force in the pursuit of official duty is not considered a good faith performance of official duties.

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

1 COURT'S INSTRUCTION NO. 14

2
3 Self-Defense
4

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

10 The government must prove beyond a reasonable doubt, with all of you agreeing,
11 that the defendant did not act in reasonable self-defense.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 COURT'S INSTRUCTION NO. 15

2
3 Duty to Deliberate

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

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

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

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

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

22
23 Perform these duties fairly and impartially. You should also not be influenced by
24 any person's race, color, religious beliefs, national ancestry, sexual orientation, gender
25 identity, gender, or economic circumstances. Also, do not allow yourself to be
26 influenced by personal likes or dislikes, sympathy, prejudice, fear, public opinion, or
27 biases, including unconscious biases. Unconscious biases are stereotypes, attitudes, or
28

1 preferences that people may consciously reject but may be expressed without conscious
2 awareness, control, or intention.

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

1 COURT'S INSTRUCTION NO. 16

2
3 Consideration of Evidence

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

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

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

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

1 could result that would require the entire trial process to start over. If any juror is
2 exposed to any outside information, please notify 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. 17

Use of Notes

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.

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

1 COURT'S INSTRUCTION NO. 18

2
3 Jury Consideration of Punishment

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

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. 19

Verdict Form

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 bailiff that you are ready to return to the courtroom.

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

1 COURT’S INSTRUCTION NO. 20

2
3 Communication with Court

4
5 If it becomes necessary during your deliberations to communicate with me, you
6 may send a note through the Bailiff, signed by any one or more of you. No member of
7 the jury should ever attempt to communicate with me except by a signed writing, and I
8 will respond to the jury concerning the case only in writing or here in open court. If you
9 send out a question, I will consult with the lawyers before answering it, which may take
10 some time. You may continue your deliberations while waiting for the answer to any
11 question. Remember that you are not to tell anyone—including me—how the jury
12 stands, numerically or otherwise, on any question submitted to you, including the
13 question of the guilt of the defendant, until after you have reached a unanimous verdict
14 or have been discharged.
15
16
17
18
19
20
21
22
23
24
25
26
27
28