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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID JOSE HUERTA,

Defendant.

No. 2:25-cr-00841-SB

GOVERNMENT'S PROPOSED JURY
INSTRUCTIONS

Trial Date: February 17, 2026
Trial Time: 8:30 a.m.
Location: Courtroom of the Hon.
Stanley Blumenfeld Jr.

Information: December 12, 2025
Pretrial Conf.: February 3, 2026
Trial: February 17, 2026
Last Day: March 28, 2026

Plaintiff United States of America, by and through its counsel of record, the First Assistant United States Attorney for the Central District of California and Assistant United States Attorneys Neil P. Thakor and Chris S. Bulut, submits its Proposed Jury Instructions in the above-captioned case.

The government respectfully reserve the right to supplement these jury instructions as needed.

Unless otherwise noted, the government has used the most recent version (as of

1 January 19, 2026) of the Jury Instructions found on the Ninth Circuit's website at:
2 <https://www.ce9.uscourts.gov/jury-instructions/model-criminal>.¹

3 Dated: January 28, 2026

Respectfully submitted,

4 TODD BLANCHE
Deputy Attorney General

5 BILAL A. ESSAYLI
6 First Assistant United States Attorney

7 ALEXANDER B. SCHWAB
8 Assistant United States Attorney
Acting Chief, Criminal Division

9 /s/

10 _____
NEIL P. THAKOR
11 CHRIS S. BULUT
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12 Attorneys for Plaintiff
13 UNITED STATES OF AMERICA
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25 _____
26 ¹ As the parties were addressing outstanding discovery issues and waiting for a
27 new case schedule, there was no meet and confer over these documents. The defense
28 is not consenting to any of the substance of the documents and will be prepared to
submit the remainder of the filings based on a new schedule requested and set by the
Court.

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COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 1

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

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

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

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 2

This is a criminal case brought by the United States government. The government charges the defendant with knowingly and willfully obstructing, resisting, or opposing an officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any legal or judicial writ or process of any court of the United States, or United States magistrate judge, in violation of 18 U.S.C. § 1501. The charge against the defendant is contained in the information. The information simply describes the charge the government brings against the defendant. The information 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 to present any evidence.

To help you follow the evidence, I will now give you a brief summary of the elements of the crime that the government must prove to make its case:

First, an officer was attempting to execute judicial process of a United States court or United States magistrate judge;

Second, the defendant obstructed, resisted, or opposed the officer; and

Third, defendant acted knowingly and willfully in obstructing, resisting, or opposing the officer.

Ninth Circuit Model Jury Instructions, No. 1.2 (2022 ed.) [The Charge—Presumption of Innocence] (modified to reflect information and elements of offense); 18 U.S.C. § 1501; United States v. Peifer, 474 F.Supp. 498, 505 (E.D. Pa. 1979), aff’d, 615 F.2d 1354 (3d Cir. 1980); Coleman v. United States, 268 F. 468, 471 (6th Cir. 1920).

GOVERNMENT’S 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.

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 4

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

- (1) statements and arguments of the attorneys;
- (2) questions and objections of the attorneys;
- (3) testimony that I instruct you to disregard; and
- (4) anything you may see or hear when the court is not in session even if what you see or hear is done or said by one of the parties or by one of the witnesses.

Ninth Circuit Model Criminal Jury Instructions, No. 1.4 (2022 ed.) [What Is Not Evidence]

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 5

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 one 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. 1.5 (2022 ed.) [Direct and Circumstantial Evidence]

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 6

There are rules of evidence that control what can be received in evidence. When a lawyer asks a question or offers an exhibit in evidence and a lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. If I overrule the objection, the question may be answered or the exhibit received. If I sustain the objection, the question cannot be answered, or the exhibit cannot be received. Whenever I sustain an objection to a question, you must ignore the question and must not guess what the answer would have been.

Sometimes I may order that evidence be stricken from the record and that you disregard or ignore the evidence. That means that when you are deciding the case, you must not consider the evidence that I told you to disregard.

Ninth Circuit Model Criminal Jury Instructions, No. 1.6 (2022 ed.) [Ruling on Objections]

COURT'S INSTRUCTION NO. _____

GOVERNMENT'S PROPOSED INSTRUCTION NO. 7

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

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

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

Second, the witness's memory;

Third, the witness's manner while testifying;

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

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

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

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

Eighth, any other factors that bear on believability.

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

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

You must avoid bias, conscious or unconscious, based on a witness's race, color,

1 religious beliefs, national ancestry, sexual orientation, gender identity, gender, or
2 economic circumstances in your determination of credibility.

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

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27 Ninth Circuit Model Criminal Jury Instructions, No. 1.7 (2022 ed.) [Credibility of
28 Witnesses]

COURT'S INSTRUCTION NO. _____

GOVERNMENT'S PROPOSED INSTRUCTION NO. 8

I will now say a few words about your conduct as jurors.

First, keep an open mind throughout the trial, and do not decide what the verdict should be until you and your fellow jurors have completed your deliberations at the end of the case.

Second, because you must decide this case based only on the evidence received in the case and on my instructions as to the law that applies, you must not be exposed to any other information about the case or to the issues it involves during the course of your jury duty. Thus, until the end of the case or unless I tell you otherwise:

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, or computer, or any other means, via email, via text messaging, or any Internet chat room, blog, website or application, including but not limited to Facebook, YouTube, the platform "X" formerly known as Twitter, Instagram, LinkedIn, Snapchat, TikTok, or any other forms of social media. This restriction also applies to communicating with your fellow jurors until I give you the case for deliberation, and it applies to communicating with everyone else including your family members, your employer, the media or press, and the people involved in the trial, although you may notify your family and your employer that you have been seated as a juror in the case, and how long you expect the trial to last. But, 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. In addition, you must report the contact to the court.

Because you will receive all the evidence and legal instruction you properly may consider to return a verdict: 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

1 not make any investigation or in any other way try to learn about the case on your own.
2 Do not visit or view any place discussed in this case, and do not use the Internet or any
3 other resource to search for or view any place discussed during the trial. Also, do not do
4 any research about this case, the law, or the people involved—including the parties, the
5 witnesses or the lawyers—until you have been excused as jurors. If you happen to read
6 or hear anything touching on this case in the media, turn away and report it to me as soon
7 as possible.

8 These rules protect each party’s right to have this case decided only on evidence
9 that has been presented here in court. Witnesses here in court take an oath to tell the
10 truth, and the accuracy of their testimony is tested through the trial process. If you do
11 any research or investigation outside the courtroom, or gain any information through
12 improper communications, then your verdict may be influenced by inaccurate,
13 incomplete or misleading information that has not been tested by the trial process. Each
14 of the parties is entitled to a fair trial by an impartial jury, and if you decide the case
15 based on information not presented in court, you will have denied the parties a fair trial.
16 Remember, you have taken an oath to follow the rules, and it is very important that you
17 follow these rules.

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

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26 Ninth Circuit Model Criminal Jury Instructions, No. 1.8 (2022 ed.) [Conduct of the Jury]
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COURT’S INSTRUCTION NO. _____

GOVERNMENT’S 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]

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 10

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

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

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 11

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

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

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

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

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 12

During the trial, I may need to take up legal matters with the attorneys privately, either by having a conference at the bench when the jury is present in the courtroom, or by calling a recess. Please understand that while you are waiting, we are working. The purpose of these conferences is not to keep relevant information from you, but to decide how certain evidence is to be treated under the rules of evidence and to avoid confusion and error.

Of course, we will do what we can to keep the number and length of these conferences to a minimum. I may not always grant an attorney’s request for a conference. Do not consider my granting or denying a request for a conference as any indication of my opinion of the case or what your verdict should be.

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

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 13

At the End of Each Day of the Case:

As I indicated before this trial started, you as jurors will decide this case based solely on the evidence presented in this courtroom. This means that, after you leave here for the night, you must not conduct any independent research about this case, the matters in the case, the legal issues in the case, or the individuals or other entities involved in the case. This is important for the same reasons that jurors have long been instructed to limit their exposure to traditional forms of media information such as television and newspapers. You also must not communicate with anyone, in any way, about this case. And you must ignore any information about the case that you might see while browsing the internet or your social media feeds.

At the Beginning of Each Day of the Case:

As I reminded you yesterday and continue to emphasize to you today, it is important that you decide this case based solely on the evidence and the law presented here. So you must not learn any additional information about the case from sources outside the courtroom. To ensure fairness to all parties in this trial, I will now ask each of you whether you have learned about or shared any information about this case outside of this courtroom, even if it was accidental.

If you think that you might have done so, please let me know now by raising your hand. [Wait for a show of hands]. I see no raised hands; however, if you would prefer to talk to the court privately in response to this question, please notify a member of the court’s staff at the next break. Thank you for your careful adherence to my instructions.

Ninth Circuit Model Criminal Jury Instructions, No. 2.1 (2022 ed.) [Cautionary Instruction]

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 14

[IF APPLICABLE]

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]

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 15

[IF APPLICABLE]

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 GOVERNMENT'S PROPOSED INSTRUCTION NO. 16

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

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

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

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

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 17

The 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 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]

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 18

[If defendant does not testify]

A defendant in a criminal case has a constitutional right not to testify. You may not draw any inference of any kind from the fact 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]

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 19

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.

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

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 20

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; and

Third, any facts to which the parties have agreed.

COURT'S INSTRUCTION NO. _____

GOVERNMENT'S PROPOSED INSTRUCTION NO. 21

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, closing arguments, and 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.

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

COURT'S INSTRUCTION NO. _____

GOVERNMENT'S PROPOSED INSTRUCTION NO. 22

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.

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

Ninth Circuit Model Criminal Jury Instructions, No. 6.8 (2022 ed.) [Direct and Circumstantial Evidence] (modified to include illustrative example)

COURT'S INSTRUCTION NO. _____

GOVERNMENT'S PROPOSED INSTRUCTION NO. 23

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

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

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

Second, the witness's memory;

Third, the witness's manner while testifying;

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

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

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

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

Eighth, any other factors that bear on believability.

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

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

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

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

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

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 24

The defendant is charged in the information with knowingly and willfully obstructing, resisting, and opposing any officer of the United States executing a search warrant in violation of Section 1501 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, an officer or agent of the United States was attempting to execute a search warrant;

Second, the defendant obstructed, resisted, or opposed the officer or agent; and

Third, defendant acted knowingly and willfully in obstructing, resisting, or opposing the officer or agent executing the search warrant.

The defendant, however, does not need to know that the officer or agent was attempting to execute the search warrant.

18 U.S.C. § 1501; United States v. Peifer, 474 F.Supp. 498, 505 (E.D. Pa. 1979), aff’d, 615 F.2d 1354 (3d Cir. 1980); Coleman v. United States, 268 F. 468, 471 (6th Cir. 1920)

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 25

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.

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 26

An act is done willfully if the defendant acted consciously with the purpose of obstructing, resisting, or opposing an officer of the United States.

Ninth Circuit Model Criminal Jury Instruction No. 4.6 [Willfully] (2022 ed.); United States v. Taylor, 749 F.3d 842, 848 (9th Cir. 2014)

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 27

To establish that defendant obstructed, resisted or opposed an officer executing a search warrant, the government must prove beyond a reasonable doubt that the defendant performed an act which delayed or interfered with the execution of the warrant.

United States v. Peifer, 474 F. Supp. 498, 505 (E.D. Pa. 1979), aff’d, 615 F.2d 1354 (3d Cir. 1980).

COURT'S INSTRUCTION NO. _____

GOVERNMENT'S PROPOSED INSTRUCTION NO. 28

A defendant may be found guilty of obstructing an officer of the United States executing a search warrant, even if the defendant personally did not commit the act or acts constituting the crime but aided and abetted in its commission. To "aid and abet" means intentionally to help someone else commit a crime. To prove a defendant guilty of obstructing, resisting, or opposing an officer of the United States executing a search warrant by aiding and abetting, the government must prove each of the following beyond a reasonable doubt:

First, someone else committed the crime of obstructing an officer or agent of the United States executing a search warrant;

Second, the defendant aided, counseled, commanded, induced or procured that person with respect to at least one element of obstructing an officer or agent of the United States executing a search warrant;

Third, the defendant acted with the intent to facilitate the obstruction of the search warrant; and

Fourth, the defendant acted before the crime was completed.

It is not enough that the defendant merely associated with the person committing the crime, or unknowingly or unintentionally did things that were helpful to that person, or was present at the scene of the crime. The evidence must show beyond a reasonable doubt that the defendant acted with the knowledge and intention of helping that person obstruct an officer of the United States executing a search warrant;

A defendant acts with the intent to facilitate the crime when the defendant actively participates in a criminal venture with advance knowledge of the crime and having acquired that knowledge when the defendant still had a realistic opportunity to withdraw from the crime.

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1 The government is not required to prove precisely which person actually
2 committed the crime that the defendant aided and abetted.

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26 Ninth Circuit Model Criminal Jury Instruction No. 5.1 [Aiding And Abetting] (2022 ed.)
27 (modified last sentence to reflect individual who committed the crime is not a defendant)
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COURT'S INSTRUCTION NO. _____

GOVERNMENT'S PROPOSED INSTRUCTION NO. 29

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

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

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

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

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

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

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

COURT'S INSTRUCTION NO. _____

GOVERNMENT'S PROPOSED INSTRUCTION NO. 30

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

Ninth Circuit Model Criminal Jury Instructions, No. 6.20 (2022 ed.) [Consideration of Evidence—Conduct of the Jury]

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 31

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.

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 32

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

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

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 33

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.

COURT’S INSTRUCTION NO. _____

GOVERNMENT’S PROPOSED INSTRUCTION NO. 34

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

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