

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

4 It is your duty to weigh and to evaluate all the evidence received in the case and,
5 in that process, to decide the facts. It is also your duty to apply the law as I give it to you
6 to the facts as you find them, whether you agree with the law or not. You must decide the
7 case solely on the evidence and the law. Do not allow personal likes or dislikes, sympathy,
8 fear, public opinion, prejudices, or biases, including unconscious bias, to influence you.
9 Unconscious biases are stereotypes, attitudes, or preferences that people may
10 consciously reject but may be expressed without conscious awareness, control, or
11 intention. Like conscious bias, unconscious bias also can affect how we evaluate
12 information and make decisions.

13 You also should not be influenced by any person's race, color, religion, national
14 ancestry, gender, sexual orientation, profession, occupation, celebrity, economic
15 circumstances, or position in life or in the community. You will recall that you took an oath
16 promising to do so at the beginning of the case.

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 any suggestion as to what verdict you should return—that is a matter
20 entirely up to you.

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

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

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

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

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

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

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

11 2. Any testimony that I have excluded, stricken, or instructed you to disregard
12 is not evidence. [In addition, some evidence was received only for a limited purpose; when
13 I have instructed you to consider certain evidence in a limited way, you must do so.]

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

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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.

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

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

- 5 1. the witness's opportunity and ability to see or hear or know the things
6 testified to;
- 7 2. the witness's memory;
- 8 3. the witness's manner while testifying;
- 9 4. the witness's interest in the outcome of the case, if any;
- 10 5. the witness's bias or prejudice, if any;
- 11 6. whether other evidence contradicted the witness's testimony;
- 12 7. the reasonableness of the witness's testimony in light of all the evidence;
13 and
- 14 8. any other factors that bear on believability.

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

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

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

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1 A defendant in a criminal case has a constitutional right not to testify. In arriving at
2 your verdict, the law prohibits you from considering in any manner that the defendant did
3 not testify.

4 **OR**

5 The defendant has testified. You should treat this testimony just as you would the
6 testimony of any other witness.

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1 You have heard testimony from witnesses who testified to opinions and the
2 reasons for their opinions. This opinion testimony is allowed because of the education or
3 experience of these witnesses.

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

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The parties have agreed to certain facts that have been stated to you. Those facts are now conclusively established.

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

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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.

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

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

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1 Your verdict must be based solely upon the evidence developed at trial or the lack
2 of evidence.

3 It would be improper for you to consider, in reaching your decision as to whether
4 the government sustained its burden of proof, any personal feelings you may have about
5 the defendant's race, color, religion, national ancestry, gender, sexual orientation,
6 profession, occupation, celebrity, economic circumstances, or position in life or in the
7 community. All persons are entitled to the presumption of innocence and the government
8 has the burden of proof.

9 It would be equally improper for you to allow any feelings you might have about
10 the nature of the crime charged to interfere with your decision making process.

11 To repeat, your verdict must be based exclusively upon the evidence or the lack
12 of evidence in the case.

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1 You are to perform the duty of finding the facts without bias or prejudice as to any
2 party. You are to perform your final duty in an attitude of complete fairness and
3 impartiality.

4 The case is important to the government, for the enforcement of criminal laws is a
5 matter of prime concern to the community. Equally, it is important to the defendant, who
6 is charged with a serious crime.

7 The fact that the prosecution is brought in the name of the United States of America
8 entitles the government to no greater consideration than that accorded to any other party
9 to a litigation. By the same token, it is entitled to no less consideration. All parties, whether
10 government or individuals, stand as equals at the bar of justice. The question before you
11 can never be: will the government win or lose the case. The government always wins
12 when justice is done, regardless of whether the verdict is guilty or not guilty.

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1 Because you must base your verdict only on the evidence received in the case
2 and on these instructions, I remind you that you must not be exposed to any other
3 information about the case or the issues it involves.

4 Throughout your deliberations, you may discuss with each other the evidence
5 and the law that has been presented in this case, but you must not communicate with
6 anyone else by any means about the case. This includes discussing the case in person,
7 in writing, by phone, or electronic means. This means you may not use any electronic
8 device or media (such as a phone, computer, or tablet), the internet, any text or instant
9 messaging service, or any social media apps to research or communicate about what
10 you've seen and heard in this courtroom. You also cannot learn from outside sources
11 about the case, the matters in the case, the legal issues in the case, or individuals or
12 other entities involved in the case.

13 This restriction also applies to communicating with your family members, your
14 employer, the media or press, and the people involved in the trial. If you are asked or
15 approached in any way about your jury service or anything about this case, you must
16 respond that you have been ordered not to discuss the matter and to report the contact
17 to the court. Do not read, watch, or listen to any news or media accounts or commentary
18 about the case or anything to do with it; do not do any research, such as consulting
19 dictionaries, searching the internet or using other reference materials; and do not make
20 any investigation or in any other way try to learn about the case on your own.

21 These restrictions continue during your deliberations because it is essential,
22 under our Constitution, that you decide this case based solely on the evidence and law
23 presented in this courtroom. Information you find on the internet or through social media
24 might be incomplete, misleading, or inaccurate. And even using your smartphones,
25 tablets, and computers—and the news and social media apps on those devices—may
26 inadvertently expose you to certain notices, such as pop-ups or advertisements, that
27 could influence your consideration of the matters you've heard about in this courtroom.

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1 You are permitted to discuss the case with only your fellow jurors during
2 deliberations because they have seen and heard the same evidence and instructions on
3 the law that you have, and it is important that you decide this case solely on the evidence
4 presented during the trial, without undue influence by anything or anyone outside of the
5 courtroom. The law requires these restrictions to ensure the parties have a fair trial based
6 on the same evidence that each party has had an opportunity to address.

7 If any juror is exposed to any outside information, please notify the court
8 immediately.

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

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

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

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

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

13 Perform these duties fairly and impartially. Do not allow personal likes or dislikes,
14 sympathy, prejudice, fear, or public opinion to influence you. You should also not be
15 influenced by any person's race, color, religion, national ancestry, gender, sexual
16 orientation, profession, occupation, celebrity, economic circumstances, or position in life
17 or in the community.

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

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

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A verdict form has been prepared for you. [Explain verdict form as needed.] 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.