

Table of Contents

CRIMINAL INSTRUCTIONS

1. Preliminary Instructions	1
1.1 Duty of Jury	2
1.2 The Charge—Presumption of Innocence	4
1.3 What is Evidence	6
1.4 What is Not Evidence	7
1.5 Direct and Circumstantial Evidence	9
1.6 Ruling on Objections	11
1.7 Credibility of Witnesses	12
1.8 Conduct of the Jury	14
1.9 No Transcript Available to Jury	17
1.10 Taking Notes	18
1.11 Outline of Trial	19
1.12 Jury to Be Guided by English Translation/Interpretation	20
1.13 Separate Consideration for Each Defendant	22
1.14 Questions to Witnesses by Jurors During Trial	23
1.15 Pro Se Defendant	24
1.16 Bench Conferences and Recesses	26
2. Instructions During Course of Trial	27
2.1 Cautionary Instruction	28
2.2 Stipulated Testimony	30
2.3 Stipulations of Fact	31
2.4 Judicial Notice	32
2.5 Deposition as Substantive Evidence	33
2.6 Transcript of Recording in English	34
2.7 Transcript of Recording in Foreign Language	35
2.8 Disputed Transcript of Recording in Foreign Language	37
2.9 Foreign Language Testimony	39
2.10 Other Crimes, Wrongs, or Acts of Defendant	40
2.11 Similar Acts in Sexual Assault and Child Molestation Cases (Fed. R. Evid. 413 and 414)	43
2.12 Evidence for Limited Purpose	45
2.13 Photos of Defendant, “Mugshots”	46
2.14 Dismissal of Some Charges Against Defendant	47
2.15 Disposition of Charge Against Codefendant	48
2.16 Defendant’s Previous Trial	50
3. Consideration of Particular Evidence	51
3.1 Statements by Defendant	53

CRIMINAL INSTRUCTIONS

3.2	Silence in the Face of Accusation	54
3.3	Other Crimes, Wrongs, or Acts of Defendant	55
3.4	Character of Defendant	56
3.5	Character of Victim.....	57
3.6	Impeachment, Prior Conviction of Defendant	58
3.7	Character of Witness for Truthfulness	59
3.8	Impeachment Evidence—Witness.....	60
3.9	Testimony of Witnesses Involving Special Circumstances— Immunity, Benefits, Accomplice, Plea.....	61
3.10	Government’s Use of Undercover Agents and Informants	63
3.11	Eyewitness Identification	64
3.12	Child Witness	66
3.13	Deported Material Witness	67
3.14	Opinion Evidence, Expert Witness.....	68
3.15	Dual Role Testimony	70
3.16	Charts and Summaries Not Admitted into Evidence	72
3.17	Charts and Summaries Admitted into Evidence	73
3.18	Flight/Concealment of Identity.....	74
3.19	Lost or Destroyed Evidence.....	75
3.20	Untimely Disclosure of Exculpatory or Impeachment Evidence.....	76
4.	Responsibility.....	77
4.1	Aiding and Abetting (18 U.S.C. § 2(a))	78
4.2	Aiding and Abetting (18 U.S.C. § 2(b))	82
4.3	Accessory After the Fact	83
4.4	Attempt	85
4.5	Specific Intent.....	88
4.6	Willfully.....	89
4.7	Maliciously	91
4.8	Knowingly	92
4.9	Deliberate Ignorance	93
4.10	Presumptions.....	95
4.11	Advice of Counsel.....	96
4.12	Corruptly	97
4.13	Intent to Defraud	99
5.	Specific Defenses.....	100
5.1	Alibi.....	102
5.2	Entrapment	103
5.3	Sentencing Entrapment	106
5.4	Entrapment by Estoppel Defense.....	107
5.5	Entrapment Defense—Whether Person Acted as Government Agent.....	110
5.6	Insanity.....	112
5.7	Duress, Coercion, or Compulsion (Legal Excuse)	114

TABLE OF CONTENTS

5.8	Necessity (Legal Excuse)	117
5.9	Justification (Legal Excuse)	119
5.10	Self-Defense	121
5.11	Diminished Capacity	123
5.12	Mere Presence	125
5.13	Public Authority or Government Authorization Defense	126
6.	Jury Deliberations	128
6.0	Cover Sheet	131
6.1	Duties of Jury to Find Facts and Follow Law	132
6.2	Charge Against Defendant Not Evidence—Presumption of Innocence—Burden of Proof	134
6.3	Defendant's Decision Not to Testify	136
6.4	Defendant's Decision to Testify	137
6.5	Reasonable Doubt—Defined	138
6.6	What is Evidence	140
6.7	What is Not Evidence	141
6.8	Direct and Circumstantial Evidence	143
6.9	Credibility of Witnesses	145
6.10	Activities Not Charged	147
6.11	Separate Consideration of Multiple Counts—Single Defendant	148
6.12	Separate Consideration of Single Count—Multiple Defendants	149
6.13	Separate Consideration of Multiple Counts—Multiple Defendants	150
6.14	Lesser Included Offense	151
6.15	Possession—Defined	153
6.16	Corporate Defendant	154
6.17	Foreign Language Testimony	155
6.18	On or About—Defined	156
6.19	Duty to Deliberate	157
6.20	Consideration of Evidence—Conduct of the Jury	159
6.21	Use of Notes	161
6.22	Jury Consideration of Punishment	162
6.23	Verdict Form	163
6.24	Communication with Court	164
6.25	Deadlocked Jury	165
6.26	Script for Post- <i>Allen</i> Charge Inquiry	168
6.27	Specific Issue Unanimity	170
6.28	Readback or Playback	172
6.29	Continuing Deliberations After Juror is Discharged and Not Replaced	173
6.30	Resumption of Deliberations After Alternate Juror is Added	174

CRIMINAL INSTRUCTIONS

6.31	Post-Discharge Instruction	175
7.	Alien Offenses	176
7.1	Alien—Bringing or Attempting to Bring to the United States (Other than Designated Place) (8 U.S.C. § 1324(a)(1)(A)(i)).....	177
7.2	Alien—Illegal Transportation or Attempted Transportation (8 U.S.C. § 1324(a)(1)(A)(ii))	180
7.3	Alien—Harboring or Attempted Harboring (8 U.S.C. § 1324(a)(1)(A)(iii))	183
7.4	Alien—Encouraging Illegal Entry (8 U.S.C. § 1324(a)(1)(A)(iv))	186
7.5	Alien—Bringing or Attempting to Bring to The United States (Without Authorization) (8 U.S.C. § 1324(a)(2)(B)(i)-(iii)).....	187
7.6	Alien—Deported Alien Reentering United States Without Consent (8 U.S.C. § 1326(a)).....	190
7.7	Alien—Deported Alien Reentering United States Without Consent—Attempt (8 U.S.C. § 1326(a)).....	193
7.8	Alien—Deported Alien Found in United States (8 U.S.C. § 1326(a))	196
8.	Assault and Threat Offenses	199
8.1	Assault on Federal Officer or Employee (18 U.S.C. § 111(a)).....	200
8.2	Assault on Federal Officer or Employee [With a Deadly or Dangerous Weapon] [Which Inflicts Bodily Injury] (18 U.S.C. § 111(b)).....	202
8.3	Assault on Federal Officer or Employee—Defenses	204
8.4	Assault with Intent to Commit Murder or Other Felony (18 U.S.C. § 113(a)(1), (2))	206
8.5	Assault with Dangerous Weapon (18 U.S.C. § 113(a)(3)).....	207
8.6	Assault by Striking or Wounding (18 U.S.C. § 113(a)(4)).....	209
8.7	Simple Assault of Person Under Age 16 (18 U.S.C. § 113(a)(5)).....	210
8.8	Assault Resulting in Serious Bodily Injury (18 U.S.C. § 113(a)(6)).....	211
8.9	Assault of Person Under Age 16 Resulting in Substantial Bodily Injury (18 U.S.C. § 113(a)(7)).....	212
8.10	Assault by Strangulation or Suffocation (18 U.S.C. § 113(a)(8)).....	213
8.11	Assault of Spouse, Intimate Partner, or Dating Partner (18 U.S.C. § 113(a)(7)).....	216
8.12	Threats Against the President (18 U.S.C. § 871).....	218
8.13	Transmitting a Communication Containing a Threat to Kidnap or Injure (18 U.S.C. § 875(c)).....	219

TABLE OF CONTENTS

8.14	Mailing Threatening Communications—Threats to Kidnap or Injure (18 U.S.C. § 876(c))	220
9.	Bank Robbery and Hobbs Act Offenses	222
9.1	Bank Robbery (18 U.S.C. § 2113(a), (d))	223
9.2	Bank Robbery (18 U.S.C. § 2113(b), (c))	226
9.3	Bank Robbery (18 U.S.C. § 2113(e))	228
9.4	Attempted Bank Robbery (18 U.S.C. § 2113)	231
9.5	Hobbs Act—Extortion or Attempted Extortion by Force (18 U.S.C. § 1951)	233
9.6	Hobbs Act—Extortion or Attempted Extortion by Nonviolent Threat (18 U.S.C. § 1951)	236
9.7	Hobbs Act—Extortion or Attempted Extortion Under Color of Official Right (18 U.S.C. § 1951)	240
9.8	Hobbs Act—Robbery or Attempted Robbery (18 U.S.C. § 1951)	243
9.9	Hobbs Act—Affecting Interstate Commerce	246
10.	Bribery	247
10.1	Official Act—Defined (18 U.S.C. § 201(a)(3))	248
10.2	Bribery of Federal Public Official (18 U.S.C. § 201(b)(1))	250
10.3	Receiving Bribe by Public Official (18 U.S.C. § 201(b)(2))	252
10.4	Bribery of Witness (18 U.S.C. § 201(b)(3))	254
10.5	Receiving Bribe by Witness (18 U.S.C. § 201(b)(4))	255
10.6	Illegal Gratuity to Public Official (18 U.S.C. § 201(c)(1)(A))	256
10.7	Receiving Illegal Gratuity by Public Official (18 U.S.C. § 201(c)(1)(B))	258
10.8	Illegal Gratuity to Witness (18 U.S.C. § 201(c)(2))	260
10.9	Receiving Illegal Gratuity by Witness (18 U.S.C. § 201(c)(3))	262
10.10	Receiving Commissions or Gifts for Procuring Loans (18 U.S.C. § 215(a)(2))	263
11.	Conspiracy	264
11.1	Conspiracy—Elements	265
11.2	Conspiracy to Defraud the United States (18 U.S.C. § 371 “Defraud Clause”)	269
11.3	Multiple Conspiracies	272
11.4	Conspiracy—Knowledge of and Association with Other Conspirators	273
11.5	Withdrawal from Conspiracy	275
11.6	Conspiracy—Liability for Substantive Offense Committed by Co-Conspirator (<i>Pinkerton</i> Charge)	277
11.7	Conspiracy— <i>Sears</i> Charge	279
12.	Controlled Substances Offenses	280
12.1	Controlled Substance—Possession with Intent to Distribute (21 U.S.C. § 841(a)(1))	282

CRIMINAL INSTRUCTIONS

12.2	Determining Amount of Controlled Substance.....	285
12.3	Controlled Substance—Attempted Possession with Intent to Distribute (21 U.S.C. §§ 841(a)(1), 846).....	287
12.4	Controlled Substance—Distribution or Manufacture (21 U.S.C. § 841(a)(1)).....	290
12.5	Controlled Substance—Conspiracy to Distribute or Manufacture (21 U.S.C. §§ 841(a), 846).....	292
12.6	Buyer-Seller Relationship	296
12.7	Controlled Substance—Attempted Distribution or Manufacture (21 U.S.C. §§ 841(a)(1), 846).....	299
12.8	Controlled Substance—Distribution to Person Under 21 Years (21 U.S.C. §§ 841(a)(1), 859)	301
12.9	Controlled Substance—Attempted Distribution to Person Under 21 Years (21 U.S.C. §§ 841(a)(1), 846, 859)....	303
12.10	Controlled Substance—Distribution in or Near School (21 U.S.C. §§ 841(a)(1), 860)	306
12.11	Controlled Substance—Attempted Distribution in or Near School (21 U.S.C. §§ 841(a)(1), 846, 860)	308
12.12	Controlled Substance—Employment of Minor to Violate Drug Law (21 U.S.C. §§ 841(a)(1), 860(a)(1)).....	310
12.13	Controlled Substance—Attempted Employment of Minor to Violate Drug Laws (21 U.S.C. §§ 841(a)(1), 846, 860(a)(1))	312
12.14	Controlled Substance—Possession of Listed Chemical with Intent to Manufacture (21 U.S.C. § 841(c)(1))....	314
12.15	Controlled Substance—Possession or Distribution of Listed Chemical (21 U.S.C. § 841(c)(2)).....	315
12.16	Illegal Use of Communication Facility (21 U.S.C. § 843(b))	317
12.17	Controlled Substance—Continuing Criminal Enterprise (21 U.S.C. § 848).....	318
12.18	Controlled Substance—Maintaining Drug-Involved Premises (21 U.S.C. § 856(a)(1))	320
12.19	Controlled Substance—Unlawful Importation (21 U.S.C. §§ 952, 960)	322
12.20	Controlled Substance—Manufacture for Purpose of Importation(21 U.S.C. §§ 959, 960(a)(3)).....	324
13.	Counterfeiting	325
13.1	Counterfeiting (18 U.S.C. § 471).....	326
13.2	Passing or Attempting to Pass Counterfeit Obligations (18 U.S.C. § 472)	327
13.3	Connecting Parts of Genuine Instruments (18 U.S.C. § 484).....	329
13.4	Falsely Making, Altering, Forging, or Counterfeiting a Writing to Obtain Money from United States (18 U.S.C. § 495).....	330

TABLE OF CONTENTS

13.5	Uttering or Publishing False Writing (18 U.S.C. § 495).....	331
13.6	Transmitting or Presenting False Writing to Defraud United States (18 U.S.C. § 495).....	332
13.7	Forging Endorsement on Treasury Check, Bond, or Security of United States (18 U.S.C. § 510(a)(1))	334
13.8	Passing or Attempting to Pass Forged Endorsement on Treasury Check, Bond, or Security of United States (18 U.S.C. § 510(a)(2))	335
14.	Firearms Offenses	337
14.1	Firearms	339
14.2	Firearms—Fugitive from Justice Defined (18 U.S.C. § 921(a)(15)).....	340
14.3	Firearms—Dealing, Importing, or Manufacturing Without License (18 U.S.C. § 922(a)(1)(A), (B))	341
14.4	Firearms—Shipment or Transportation to a Person Not Licensed as a Dealer, Importer, Manufacturer, or Collector (18 U.S.C. § 922(a)(2))	342
14.5	Firearms—Transporting or Receiving in State of Residence (18 U.S.C. § 922(a)(3))	344
14.6	Firearms—Unlawful Transportation of Destructive Device, Machine Gun, Short-Barreled Shotgun, or Short-Barreled Rifle (18 U.S.C. § 922(a)(4))	345
14.7	Firearms—Unlawful Disposition by Unlicensed Dealer (18 U.S.C. § 922(a)(5)).....	347
14.8	Firearms—False Statement or Identification in Acquisition or Attempted Acquisition (18 U.S.C. § 922(a)(6))	348
14.9	Firearms—Unlawful Sale or Delivery (18 U.S.C. § 922(b)(1)-(3))	349
14.10	Firearms—Unlawful Sale or Delivery Without Specific Authority (18 U.S.C. § 922(b)(4))	351
14.11	Firearms—Unlawful Sale (18 U.S.C. § 922(d)).....	353
14.12	Firearms—Delivery to Carrier Without Written Notice (18 U.S.C. § 922(e)).....	354
14.13	Firearms—Unlawful Receipt (18 U.S.C. § 922(g))	355
14.14	Firearms—Unlawful Shipment or Transportation (18 U.S.C. § 922(g))	359
14.15	Firearms—Unlawful Possession (18 U.S.C. § 922(g)) ..	360
14.16	Firearms—Unlawful Possession—Convicted Felon (18 U.S.C. § 922(g)(1))	363
14.17	Firearms—Unlawful Possession—Defense of Justification	365
14.18	Firearms—Transportation or Shipment of Stolen Firearm (18 U.S.C. § 922(i))	367
14.19	Firearms—Transportation, Shipment, Possession, or Receipt in Commerce with Removed or Altered Serial Number (18 U.S.C. § 922(k))	368

CRIMINAL INSTRUCTIONS

14.20	Firearms—Shipment or Transportation by Person Under Indictment for Felony (18 U.S.C. § 922(n))	369
14.21	Firearms—Receipt by Person Under Indictment for Felony (18 U.S.C. § 922(n))	370
14.22	Firearms—Using, Carrying, or Brandishing in Commission of Crime of Violence or Drug Trafficking Crime (18 U.S.C. § 924(c))	371
14.23	Firearms—Possession in Furtherance of Crime of Violence or Drug Trafficking Crime (18 U.S.C. § 924(c))	376
14.24	Firearms—Unlawful Possession of Body Armor (18 U.S.C. § 931(a))	379
14.25	Firearms—Possession of Unregistered Firearm (26 U.S.C. § 5861(d))	380
14.26	Firearms—Destructive Devices—Component Parts (26 U.S.C. § 5861(d))	382
14.27	Firearms—Possession Without Serial Number (26 U.S.C. § 5861(i))	383
15.	Fraud, Access Device, and Computer Offenses	384
15.1	Fraud in Connection with Identification Documents—Production (18 U.S.C. § 1028(a)(1))	387
15.2	Fraud in Connection with Identification Documents—Transfer (18 U.S.C. § 1028(a)(2))	389
15.3	Fraud in Connection with Identification Documents—Possession of Five or More Documents (18 U.S.C. § 1028(a)(3))	391
15.4	Fraud in Connection with Identification Documents—Possession of Identification Document to Defraud United States (18 U.S.C. § 1028(a)(4))	393
15.5	Fraud in Connection with Identification Documents—Document-Making Implements (18 U.S.C. § 1028(a)(5))	395
15.6	Fraud in Connection with Identification Documents—Possession (18 U.S.C. § 1028(a)(6))	397
15.7	Fraud in Connection with Identification Documents—Possessing Another’s Means of Identification (18 U.S.C. § 1028 (a)(7))	399
15.8	Fraud in Connection with Identification Documents—Trafficking (18 U.S.C. § 1028(a)(8))	401
15.9	Fraud in Connection with Identification Documents—Aggravated Identity Theft (18 U.S.C. § 1028A)	403
15.10	Counterfeit Access Devices—Producing, Using, or Trafficking (18 U.S.C. § 1029(a)(1))	406
15.11	Unauthorized Access Devices—Using or Trafficking (18 U.S.C. § 1029(a)(2))	408
15.12	Access Devices—Unlawfully Possessing Fifteen or More (18 U.S.C. § 1029(a)(3))	410

TABLE OF CONTENTS

15.13	Device-Making Equipment—Illegal Possession or Production (18 U.S.C. § 1029(a)(4)).....	412
15.14	Access Devices—Illegal Transactions (18 U.S.C. § 1029(a)(5)).....	414
15.15	Access Devices—Unauthorized Solicitation (18 U.S.C. § 1029(a)(6)).....	415
15.16	Access Device—Defined (18 U.S.C. § 1029).....	416
15.17	Telecommunications Instrument—Illegal Modification (18 U.S.C. § 1029(a)(7)).....	417
15.18	Use or Control of Scanning Receiver (18 U.S.C. § 1029(a)(8)).....	419
15.19	Illegally Modified Telecommunications Equipment—Possession or Production (18 U.S.C. § 1029(a)(9)) ...	421
15.20	Credit Card Transaction Fraud (18 U.S.C. § 1029(a)(10)).....	423
15.21	Without Authorization—Defined.....	425
15.22	Obtaining Information by Computer—Injurious to United States or Advantageous to Foreign Nation (18 U.S.C. § 1030(a)(1)).....	426
15.23	Obtaining Information by Computer—From Financial Institution or Government Computer (18 U.S.C. § 1030(a)(2)(A), (B))	428
15.24	Obtaining Information by Computer—“Protected” Computer (18 U.S.C. § 1030(a)(2)(C))	430
15.25	Unlawfully Accessing Nonpublic Computer Used by the Government (18 U.S.C. § 1030(a)(3)).....	432
15.26	Computer Fraud—Use of Protected Computer (18 U.S.C. § 1030(a)(4)).....	433
15.27	Intentional Damage to a Protected Computer (18 U.S.C. § 1030(a)(5)(A))	435
15.28	Reckless Damage to a Protected Computer (18 U.S.C. § 1030(a)(5)(B))	437
15.29	Damage to a Protected Computer Causing Loss (18 U.S.C. § 1030(a)(5)(C))	439
15.30	Trafficking in Passwords (18 U.S.C. § 1030(a)(6)(A), (B))	441
15.31	Threatening to Damage a Computer (18 U.S.C. § 1030(a)(7)).....	442
15.32	Mail Fraud—Scheme to Defraud or to Obtain Money or Property by False Promises (18 U.S.C. § 1341)	444
15.33	Scheme to Defraud—Vicarious Liability (18 U.S.C. §§ 1341, 1343, 1344, 1346).....	448
15.34	Mail Fraud—Scheme to Defraud—Deprivation of Intangible Right of Honest Services (18 U.S.C. §§ 1341, 1346).....	450
15.35	Wire Fraud (18 U.S.C. § 1343).....	454

CRIMINAL INSTRUCTIONS

15.36	Bank Fraud—Scheme to Defraud Bank (18 U.S.C. § 1344(1))	458
15.37	Bank Fraud—Scheme to Deprive Bank of Intangible Right of Honest Services (18 U.S.C. §§ 1344(1), 1346)	461
15.38	Attempted Bank Fraud—Scheme to Deprive Bank of Intangible Right of Honest Services (18 U.S.C. §§ 1344(1), 1346)	463
15.39	Bank Fraud—Scheme to Defraud by False Promises (18 U.S.C. § 1344(2))	466
15.40	Attempted Bank Fraud—Scheme to Defraud by False Promises (18 U.S.C. § 1344)	468
15.41	False Statement to a Bank or Other Federally Insured Institution (18 U.S.C. § 1014)	471
15.42	Health Care Fraud (18 U.S.C. § 1347)	473
15.43	Immigration Fraud—Forged, Counterfeited, Altered, or Falsely Made Immigration Document (18 U.S.C. § 1546(a))	475
15.44	Immigration Fraud—Use or Possession of Immigration Document Procured by Fraud (18 U.S.C. § 1546(a))	476
15.45	Immigration Fraud—False Statement on Immigration Document (18 U.S.C. § 1546(a))	478
15.46	Bankruptcy Fraud—Scheme or Artifice to Defraud (18 U.S.C. § 157)	480
15.47	Securities Fraud (15 U.S.C. §§ 78j(b), 78ff; 17 C.F.R. § 240.10b-5)	482
15.48	Sale of Unregistered Securities (15 U.S.C. § 77e)	486
16.	Homicide	488
16.1	Murder—First Degree (18 U.S.C. § 1111)	489
16.2	Murder—Second Degree (18 U.S.C. § 1111)	492
16.3	Manslaughter—Voluntary (18 U.S.C. § 1112)	495
16.4	Manslaughter—Involuntary (18 U.S.C. § 1112)	498
16.5	Attempted Murder (18 U.S.C. § 1113)	500
16.6	Killing or Attempting to Kill Federal Officer or Employee (18 U.S.C. § 1114)	502
16.7	Murder for Hire (18 U.S.C. § 1958)	503
17.	Kidnapping	505
17.1	Kidnapping—Interstate Transportation (18 U.S.C. § 1201(a)(1))	506
17.2	Kidnapping—Within Special Maritime and Territorial Jurisdiction of United States (18 U.S.C. § 1201(a)(2))	508
17.3	Kidnapping—Foreign Official or Official Guest (18 U.S.C. § 1201(a)(4))	511
17.4	Kidnapping—Federal Officer or Employee (18 U.S.C. § 1201(a)(5))	513
17.5	Attempted Kidnapping—Foreign Official or Official Guest (18 U.S.C. § 1201(d))	515

TABLE OF CONTENTS

17.6	Attempted Kidnapping—Federal Officer or Employee (18 U.S.C. § 1201(d))	517
17.7	Hostage Taking (18 U.S.C. § 1203(a))	519
18.	Money Laundering and Racketeering Offenses	521
18.1	Travel Act—Interstate or Foreign Travel in Aid of Racketeering Enterprise (18 U.S.C. § 1952(a)(3))	522
18.2	Illegal Gambling Business (18 U.S.C. § 1955)	524
18.3	Financial Transaction or Attempted Transaction to Promote Unlawful Activity (18 U.S.C. § 1956(a)(1)(A))	525
18.4	Laundering or Attempting to Launder Monetary Instruments (18 U.S.C. § 1956(a)(1)(B))	528
18.5	Transporting or Attempting to Transport Funds to Promote Unlawful Activity (18 U.S.C. § 1956(a)(2)(A))	532
18.6	Transporting or Attempting to Transport Monetary Instruments for the Purpose of Laundering (18 U.S.C. § 1956(a)(2)(B))	534
18.7	Money Laundering (18 U.S.C. § 1957)	537
18.8	Violent Crime or Attempted Violent Crime in Aid of Racketeering Enterprise (18 U.S.C. § 1959)	540
18.9	Racketeering Enterprise—Enterprise Affecting Interstate Commerce—Defined (18 U.S.C. § 1959)	543
18.10	Racketeering Activity—Defined (18 U.S.C. § 1959)	545
18.11	Racketeering Enterprise—Proof of Purpose (18 U.S.C. § 1959)	546
18.12	RICO—Racketeering Act—Charged as Separate Count in Indictment (18 U.S.C. § 1961(1))	548
18.13	RICO—Racketeering Act—Not Charged as Separate Count in Indictment (18 U.S.C. § 1961(1))	549
18.14	RICO—Pattern of Racketeering Activity (18 U.S.C. § 1961(5))	550
18.15	RICO—Using or Investing Income from Racketeering Activity (18 U.S.C. § 1962(a))	552
18.16	RICO—Acquiring Interest in Enterprise (18 U.S.C. § 1962(b))	554
18.17	RICO—Conducting Affairs of Commercial Enterprise or Union (18 U.S.C. § 1962(c))	556
18.18	RICO—Conducting Affairs of Association-in-Fact (18 U.S.C. § 1962(c))	558
19.	Obstruction of Justice	560
19.1	Obstruction of Justice—Influencing Juror (18 U.S.C. § 1503)	561
19.2	Obstruction of Justice—Injuring Juror (18 U.S.C. § 1503)	563
19.3	Obstruction of Justice—Omnibus Clause of 18 U.S.C. § 1503	564

CRIMINAL INSTRUCTIONS

19.4	Obstruction of Justice—Destruction, Alteration, or Falsification of Records in Federal Investigations and Bankruptcy (18 U.S.C. § 1519)	566
19.5	Obstruction of Justice—Official Proceeding (18 U.S.C. § 1512(c)).....	568
20.	Sexual Abuse, Sexual Exploitation, and Child Pornography Offenses	569
20.1	Aggravated Sexual Abuse (18 U.S.C. § 2241(a))	571
20.2	Attempted Aggravated Sexual Abuse (18 U.S.C. § 2241(a))	572
20.3	Aggravated Sexual Abuse—Administration of Drug, Intoxicant, or Other Substance (18 U.S.C. § 2241(b)(2))	574
20.4	Attempted Aggravated Sexual Abuse—Administration of Drug, Intoxicant, or Other Substance (18 U.S.C. § 2241(b)(2))	575
20.5	Aggravated Sexual Abuse of Child (18 U.S.C. § 2241(c))	577
20.6	Attempted Aggravated Sexual Abuse of Child (18 U.S.C. § 2241(c))	579
20.7	Sexual Abuse—By Threat (18 U.S.C. § 2242(1))	581
20.8	Attempted Sexual Abuse—By Threat (18 U.S.C. § 2242(1))	582
20.9	Sexual Abuse—Incapacity of Victim (18 U.S.C. § 2242(2))	584
20.10	Attempted Sexual Abuse—Incapacity of Victim (18 U.S.C. § 2242(2))	585
20.11	Sexual Abuse of Minor (18 U.S.C. § 2243(a))	587
20.12	Attempted Sexual Abuse of Minor (18 U.S.C. § 2243(a))	588
20.13	Sexual Abuse of Person in Official Detention (18 U.S.C. § 2243(b))	590
20.14	Attempted Sexual Abuse of Person in Official Detention (18 U.S.C. § 2243(b))	591
20.15	Sexual Abuse—Defense of Reasonable Belief of Minor's Age (18 U.S.C. § 2243(c)(1))	593
20.16	Abusive Sexual Contact—General (18 U.S.C. § 2244(a))	594
20.17	Abusive Sexual Contact—Without Permission (18 U.S.C. § 2244(b))	595
20.18	Sexual Exploitation of Child (18 U.S.C. § 2251(a))	597
20.19	Sexual Exploitation of Child—Permitting or Assisting by Parent or Guardian (18 U.S.C. § 2251(b))	600
20.20	Sexual Exploitation of Child—Transportation of Visual Depiction into United States (18 U.S.C. § 2251(c))	603
20.21	Sexual Exploitation of Child—Notice or Advertisement Seeking or Offering (18 U.S.C. § 2251(d))	605

TABLE OF CONTENTS

20.22	Sexual Exploitation of Child—Transportation of Child Pornography (18 U.S.C. § 2252(a)(1))	608
20.23	Sexual Exploitation of Child—Possession of Child Pornography (18 U.S.C. § 2252(a)(4)(B))	610
20.24	Sexual Exploitation of Child—Defense of Reasonable Belief of Age	614
20.25	Sex Trafficking of Children or by Force, Fraud, or Coercion (18 U.S.C. § 1591(a)(1))	615
20.26	Sex Trafficking of Children or by Force, Fraud, or Coercion—Benefitting from Participation in Venture (18 U.S.C. § 1591(a)(2))	617
20.27	Transportation or Attempted Transportation for Prostitution or Criminal Sexual Activity (18 U.S.C. § 2421)	619
20.28	Persuading or Coercing to Travel to Engage in Prostitution or Sexual Activity (18 U.S.C. § 2422(a))	622
20.29	Using or Attempting to Use the Mail or a Means of Interstate Commerce to Persuade or Coerce a Minor to Travel to Engage in Prostitution or Sexual Activity (18 U.S.C. § 2422(b))	625
20.30	Transportation of Minor for Prostitution or Criminal Sexual Activity (18 U.S.C. § 2423(a))	628
20.31	Engaging in Illicit Sexual Conduct Abroad (18 U.S.C. § 2423(c))	630
20.32	Transfer of Obscene Material to a Minor (18 U.S.C. § 1470)	632
21.	Smuggling	633
21.1	Smuggling or Attempting to Smuggle Goods (18 U.S.C. § 545)	634
21.2	Smuggling or Attempting to Smuggle Goods from the United States (18 U.S.C. § 554)	636
21.3	Passing or Attempting to Pass False Papers Through Customhouse (18 U.S.C. § 545)	639
21.4	Importing Merchandise Illegally (18 U.S.C. § 545)	642
21.5	Receiving, Concealing, Buying, or Selling Smuggled Merchandise (18 U.S.C. § 545)	643
22.	Tax and Bulk Smuggling Offenses	644
22.1	Attempt to Evade or Defeat Income Tax (26 U.S.C. § 7201)	645
22.2	Willful Failure to Pay Tax or File Tax Return (26 U.S.C. § 7203)	647
22.3	Filing False Tax Return (26 U.S.C. § 7206(1))	648
22.4	Aiding or Advising False Income Tax Return (26 U.S.C. § 7206(2))	650
22.5	Filing False Tax Return (Misdemeanor) (26 U.S.C. § 7207)	652

CRIMINAL INSTRUCTIONS

22.6	Willfully—Defined (26 U.S.C. §§ 7201, 7203, 7206, 7207)	653
22.7	Forcible or Attempted Rescue of Seized Property (26 U.S.C. § 7212(b))	656
22.8	Failure to Report Exporting or Importing Monetary Instruments (31 U.S.C. §§ 5316(a)(1), 5324(c))	658
22.9	Bulk Cash Smuggling (31 U.S.C. § 5332(a))	660
23.	Theft and Stolen Property Offenses	662
23.1	Theft of Government Money or Property (18 U.S.C. § 641)	663
23.2	Receiving Stolen Government Money or Property (18 U.S.C. § 641)	665
23.3	Theft, Embezzlement, or Misapplication of Bank Funds (18 U.S.C. § 656)	666
23.4	Embezzlement or Misapplication by Officer or Employee of Lending, Credit or Insurance Institution (18 U.S.C. § 657)	668
23.5	Theft from Interstate or Foreign Shipment (18 U.S.C. § 659)	669
23.6	Interstate Transportation of Stolen Vehicle, Vessel, or Aircraft (18 U.S.C. § 2312)	670
23.7	Sale or Receipt of Stolen Vehicle, Vessel, or Aircraft (18 U.S.C. § 2313)	672
23.8	Interstate Transportation of Stolen Property (18 U.S.C. § 2314)	674
23.9	Sale or Receipt of Stolen Goods, Securities, and Other Property (18 U.S.C. § 2315)	676
23.10	Mail Theft (18 U.S.C. § 1708)	678
23.11	Attempted Mail Theft (18 U.S.C. § 1708)	679
23.12	Possession of Stolen Mail (18 U.S.C. § 1708)	681
23.13	Embezzlement of Mail by Postal Employee (18 U.S.C. § 1709)	682
23.14	Economic Espionage (18 U.S.C. § 1831)	683
23.15	Theft of Trade Secrets (18 U.S.C. § 1832)	685
23.16	Trade Secret—Defined (18 U.S.C. § 1839(3))	687
24.	Other Offenses	689
24.1	Misprision of Felony (18 U.S.C. § 4)	691
24.2	Arson or Attempted Arson (18 U.S.C. § 81)	692
24.3	Conspiracy to Commit Arson (18 U.S.C. § 81)	694
24.4	Escape from Custody (18 U.S.C. § 751(a))	696
24.5	Attempted Escape (18 U.S.C. § 751(a))	697
24.6	Assisting Escape (18 U.S.C. § 752(a))	699
24.7	Extortionate Credit Transactions (18 U.S.C. § 892)	700
24.8	False Impersonation of Citizen of United States (18 U.S.C. § 911)	701

TABLE OF CONTENTS

24.9	False Impersonation of Federal Officer or Employee (18 U.S.C. § 912)	703
24.10	False Statement to Government Agency (18 U.S.C. § 1001)	704
24.11	False Statement to a Bank or Other Federally Insured Institution (18 U.S.C. § 1014)	707
24.12	Harboring or Concealing Person from Arrest (18 U.S.C. § 1071)	709
24.13	Harboring or Concealing Escaped Prisoner (18 U.S.C. § 1072)	711
24.14	Determination of Indian Status for Offenses Committed Within Indian Country (18 U.S.C. § 1153)	713
24.15	Perjury—Testimony (18 U.S.C. § 1621)	716
24.16	Subornation of Perjury (18 U.S.C. § 1622)	719
24.17	False Declaration Before Grand Jury or Court (18 U.S.C. § 1623)	721
24.18	Failure to Appear (18 U.S.C. § 3146(a)(1))	723
24.19	Failure to Surrender (18 U.S.C. § 3146(a)(2))	725
24.20	Failure to Appear or Surrender—Affirmative Defense (18 U.S.C. § 3146(c))	726
24.21	Excavating or Trafficking in Archaeological Resources (16 U.S.C. § 470ee(a), (b)(2))	727
24.22	Lacey Act—Import or Export of Illegally Taken Fish, Wildlife, or Plants (16 U.S.C. §§ 3372, 3373(d)(1)(A))	729
24.23	Lacey Act—Commercial Activity in Illegally Taken Fish, Wildlife, or Plants (16 U.S.C. §§ 3372, 3373(d)(1)(B))	732
24.24	Lacey Act—Defendant Should Have Known That Fish, Wildlife, or Plants Were Illegally Taken (16 U.S.C. §§ 3372, 3373(d)(2))	736
24.25	Lacey Act—False Labeling of Fish, Wildlife, or Plants (16 U.S.C. §§ 3372(d), 3373(d)(3))	739
24.26	Soliciting or Receiving Kickbacks in Connection with Medicare or Federal Health Care Program Payments (42 U.S.C. § 1320a-7b(b)(1)(A))	741
24.27	False Entry in Bank Records (18 U.S.C. § 1005)	743

Table of Laws and Rules

Table of Cases

Index