

TABLE OF CONTENTS

PRELIMINARY INSTRUCTIONS—FOR USE AT THE BEGINNING OF TRIAL

Instruction	Page
Functions of Court and Jury	6
The Charge	8
Presumption of Innocence/Burden of Proof	9
The Evidence	10
Testimony Presented Through Interpreter	11
Direct and Circumstantial Evidence	12
Considering the Evidence	13
Credibility of Witnesses	14
Number of Witnesses	15
Juror Note-Taking	16
Juror Conduct	17
Conduct of the Trial	19

GENERAL INSTRUCTIONS

1.01 Functions of Court and Jury	20
1.02 The Charge	22
1.03 Presumption of Innocence/Burden of Proof	24
1.04 Definition of Reasonable Doubt	26
1.05 Definition of Crime Charged	27
1.06 Definition of Felony/Misdemeanor	28
1.07 Bill of Particulars	29
2.01 The Evidence	30
2.02 Considering the Evidence	32
2.03 Direct and Circumstantial Evidence	33
2.04 Number of Witnesses	34
2.05 Defendant's Decision Not to Testify or Present Evidence	35
3.01 Credibility of Witnesses	36
3.02 Attorney Interviewing Witness	38
3.03 Prior Inconsistent Statements	39
3.04 Prior Inconsistent Statement by Defendant	40

Instruction	Page
3.05 Witnesses Requiring Special Caution.....	41
3.06 Impeachment by Prior Conviction.....	43
3.07 Character Evidence Regarding Witness	44
3.08 Character Evidence Regarding Defendant	45
3.09 Statement by Defendant	46
3.10 Defendant's Silence in the Face of Accusation.....	48
3.11 Evidence of Other Acts by Defendant.....	49
3.12 Identification Testimony.....	52
3.13 Opinion Testimony	54
3.13(a) Dual-Capacity Witness Testimony	55
3.14 Recorded Conversations/Transcripts	57
3.15 Foreign Language Recordings/English Transcripts	59
3.16 Summaries Received in Evidence	60
3.17 Demonstrative Summaries/Charts Not Received in Evidence	61
3.18 Juror Note-Taking	62
3.19 Government Investigative Techniques	63
4.01 Burden of Proof—Elements	65
4.02 Burden of Proof in Case Involving Insanity Defense—Elements.....	66
4.03 Burden of Proof in Case Involving Coercion Defense—Elements.....	68
4.04 Unanimity on Specific Acts	70
4.05 Date of Crime Charged.....	73
4.06 Separate Consideration—One Defendant Charged with Multiple Crimes.....	74
4.07 Separate Consideration—Multiple Defendants Charged with Same or Multiple Crimes	75
4.08 Punishment.....	76
4.09 Attempt	77
4.10 Definition of Knowingly	80
4.11 Definition of Willfully.....	82
4.12 Specific Intent/General Intent	83
4.13 Definition of Possession	84
4.14 Possession of Recently Stolen Property.....	85
5.01 Responsibility.....	86
5.02 Personal Responsibility of Corporate Agent.....	87
5.03 Entity Responsibility—Entity Defendant—Agency.....	88
5.04 Entity Responsibility—Entity Defendant—Agency Ratification	92
5.05 Joint Venture	93
5.06 Aiding and Abetting/Acting Through Another	94
5.06(A) Aiding and Abetting.....	95
5.06(B) Acting Through Another	96
5.07 Presence/Activity/Association	99

TABLE OF CONTENTS

Instruction	Page
5.08(A) Conspiracy—Overt Act Required	102
5.08(B) Conspiracy—No Overt Act Required	105
5.09 Conspiracy—Definition of Conspiracy	107
5.10 Conspiracy—Membership in Conspiracy	109
5.10(A) Buyer/Seller Relationship	111
5.10(B) Single Conspiracy vs. Multiple Conspiracies	113
5.11 Conspirator’s Liability for Substantive Crimes Committed by Co-Conspirators Where Conspiracy Charged—Elements	115
5.12 Conspirator’s Liability for Substantive Crimes Committed by Co-Conspirators; Conspiracy Not Charged in the Indictment—Elements	117
5.13 Conspiracy—Withdrawal	119
5.14(A) Conspiracy—Withdrawal—Statute of Limitations—Elements	122
5.14(B) Conspiracy—Withdrawal—Statute of Limitations	124
6.01 Self Defense/Defense of Others	126
6.02 Insanity	128
6.03 Defendant’s Presence	130
6.04 Entrapment—Elements	131
6.05 Entrapment—Definitions of Terms	132
6.06 Reliance on Public Authority	136
6.07 Entrapment by Estoppel	138
6.08 Coercion/Duress	140
6.09(A) Voluntary Intoxication	141
6.09(B) Diminished Capacity	142
6.10 Good Faith—Fraud/False Statements/Misrepresentations	143
6.11 Good Faith—Tax and Other Technical Statute Cases	145
6.12 Reliance on Advice of Counsel	146
7.01 Jury Deliberations	147
7.02 Verdict Form	149
7.03 Unanimity/Disagreement Among Jurors	150

STATUTORY INSTRUCTIONS

7 U.S.C. § 2024(b) Unauthorized Acquisition of Food Stamps—Elements	152
7 U.S.C. § 2024(b) Definition of “Contrary to Law”	154
8 U.S.C. § 1324a(a)(1)(A) Unlawful Employment—Elements	155
8 U.S.C. § 1324(a)(1)(A)(i) Bringing Alien to the United States Other than at Designated Place—Elements	157
8 U.S.C. § 1324(a)(1)(A)(ii) Alien Transportation—Elements	160
8 U.S.C. § 1324(a)(1)(A)(iii) Concealing or Harboring Aliens—Elements	163

Instruction	Page
8 U.S.C. § 1324(a)(1)(A)(iv) Encouraging Illegal Entry—Elements	166
8 U.S.C. § 1324(a)(2)(B)(ii) Bringing Alien into United States for Commercial Advantage or Private Financial Gain—Elements.....	168
8 U.S.C. § 1324(a)(2)(B)(iii) Bringing Alien into United States Without Immediate Presentation at Designated Port of Entry—Elements	171
8 U.S.C. § 1325(a)(1) Illegal Entry—Elements	174
8 U.S.C. § 1325(a)(2) Eluding Examination or Inspection—Elements	176
8 U.S.C. § 1325(a)(3) Entry by False or Misleading Representation—Elements	178
8 U.S.C. § 1325(c) Marriage Fraud—Elements	180
8 U.S.C. § 1326(a) Deported Alien Found in United States—Elements	182
8 U.S.C. § 1546(a) Use, Possession of Immigration Document Procured by Fraud—Elements	184
18 U.S.C. § 3 Accessory After the Fact.....	186
18 U.S.C. § 111(a) Assaulting a Federal Officer—Elements ..	188
18 U.S.C. §§ 111(a) & 111(b) Definition of “Assault”.....	190
18 U.S.C. §§ 111(a) & 111(b) Definition of “Forcibly”	191
18 U.S.C. § 111(b) Assaulting a Federal Officer Using a Deadly or Dangerous Weapon or Inflicting Bodily Injury—Elements	192
18 U.S.C. § 111(b) Definition of “Bodily Injury”	194
18 U.S.C. § 111(b) Definition of “Deadly or Dangerous Weapon”.....	195
18 U.S.C. § 115(a)(1)(B) Definition of “Threaten”	196
18 U.S.C. § 115(a)(1)(B) Threatening A United States Official, United States Judge, or Federal Law Enforcement Officer—Elements	197
18 U.S.C. § 115(c)(1) Definition of “Federal Law Enforcement Officer”	199
18 U.S.C. § 115(c)(3) Definition of “United States Judge”....	200
18 U.S.C. § 115(c)(4) Definition of “United States Official” ..	201
18 U.S.C. § 152(1) Concealment of Property—Elements	202
18 U.S.C. § 152(1) Definition of “Concealment”	204
18 U.S.C. § 152(2) & (3) False Oath, False Declaration under Penalty of Perjury—Elements	205
18 U.S.C. § 152(2) & (3) False Declaration under Penalty of Perjury—Definition of Materiality	207
18 U.S.C. § 152(4) Presenting or Using a False Claim—Elements	208
18 U.S.C. § 152(6) Bribery—Elements	209
18 U.S.C. § 152(7) Concealment or Transfer of Assets in	

TABLE OF CONTENTS

Instruction	Page
Contemplation of Bankruptcy or with Intent to Defeat the Provisions of the Bankruptcy Law—Elements	235
18 U.S.C. § 152(7) Definition of “In Contemplation of a Bankruptcy Proceeding”	212
18 U.S.C. § 152(7) Definition of “Transfer”	213
18 U.S.C. § 152(8) Destruction of Records; False Entries—Elements.....	214
18 U.S.C. § 152(9) Withholding Records—Elements.....	215
18 U.S.C. § 201 Intent to Influence.....	216
18 U.S.C. § 201 Definition of “Official Act”	217
18 U.S.C. § 201(b)(1)(A) Giving a Bribe—Elements	220
18 U.S.C. § 201(b)(2)(A) Accepting a Bribe—Elements.....	222
18 U.S.C. § 241 Conspiracy Against Civil Rights—Elements.....	225
18 U.S.C. § 241 Definition of Constitutional Rights	227
18 U.S.C. § 241 Death	228
18 U.S.C. § 242 Deprivation of Rights under Color of Law—Elements	232
18 U.S.C. § 242 Deprivation of Rights under Color of Law—Definition of Intentionally	234
18 U.S.C. § 242 Deprivation of Rights under Color of Law—Definition of Intentionally—For Use in Excessive Force Cases	235
18 U.S.C. § 242 Definition of Constitutional Rights	236
18 U.S.C. § 242 Definition of “Color of Law”	237
18 U.S.C. § 242 Death	238
18 U.S.C. § 242 Definition of “Bodily Injury”.....	239
18 U.S.C. § 286 Conspiracy to Defraud the Government with Respect to Claims—Elements	241
18 U.S.C. § 287 False, Fictitious, or Fraudulent Claims—Elements	243
18 U.S.C. § 401 Criminal Contempt.....	246
18 U.S.C. § 402 Criminal Contempt.....	247
18 U.S.C. § 471 Falsely Making, Forging, Counterfeiting, or Altering a Security or Obligation—Elements.....	248
18 U.S.C. § 472 Uttering Counterfeit Obligations or Securities—Elements.....	250
18 U.S.C. § 473 Dealing in Counterfeit Obligations or Securities—Elements.....	252
18 U.S.C. § 495 Falsely Making, Forging, Counterfeiting, or Altering a Document—Elements.....	253
18 U.S.C. § 495 Uttering or Publishing a False Document—Elements	255
18 U.S.C. § 495 Presenting a False Document—Elements	257
18 U.S.C. § 500 Falsely Making, Forging, Counterfeiting, Engraving, or Printing a Money Order—Elements	259
18 U.S.C. § 500 Forging or Counterfeiting a Signature or	

Instruction	Page
Initials of Any Person Authorized to Issue a Money Order, Postal Note, or Blank—Elements	277
18 U.S.C. § 500 Forging or Counterfeiting a Signature or Endorsement on a Money Order, Postal Note, or Blank—Elements	264
18 U.S.C. § 500 Forging or Counterfeiting a Signature on a Receipt or Certificate of Identification—Elements	266
18 U.S.C. § 500 Falsely Altering a Money Order or Postal Note—Elements.....	268
18 U.S.C. § 500 Passing, Uttering, or Publishing Forged or Altered Money Orders or Postal Notes—Elements	269
18 U.S.C. § 500 Fraudulently Issuing a Money Order or Postal Note—Elements.....	271
18 U.S.C. § 500 Theft of a Money Order—Elements	273
18 U.S.C. § 500 Receipt or Possession of a Stolen Money Order—Elements	274
18 U.S.C. § 500 False Presentment of a Money Order or Postal Note—Elements.....	275
18 U.S.C. § 500 Theft or Receipt of a Money Order Machine or Instrument—Elements.....	277
18 U.S.C. § 500 Definition of “Material”	279
18 U.S.C. § 500 Definition of “Material Alteration”.....	280
18 U.S.C. § 511 Altering or Removing Vehicle Identification Numbers	281
18 U.S.C. § 542 Entry of Goods by Means of False Statements—Elements.....	282
18 U.S.C. § 542 Entry of Goods by Means of False Statements—Definition of “Fraudulent”	284
18 U.S.C. § 542 Definition of “Material”	285
18 U.S.C. § 542 Entry of Goods by Means of False Statements—Definition of Entry.....	286
18 U.S.C. § 542 Entry of Goods by Means of False Statements—Definition of Imported Merchandise	287
18 U.S.C. § 542 Entry of Goods by Means of False Statements—United States Has Been or May Have Been Deprived of Any Lawful Duties—Elements.....	288
18 U.S.C. § 641 Theft of Government Property—Elements...	289
18 U.S.C. § 641 Definition of “Value”.....	291
18 U.S.C. § 659 Embezzlement or Theft of Goods from Interstate Shipment—Elements	292
18 U.S.C. § 659 Possession of Goods Stolen from Interstate Shipment—Elements	294
18 U.S.C. § 666(a)(1)(A) Theft Concerning Federally Funded Program—Elements	296
18 U.S.C. § 666(a)(1)(B) Bribery Concerning Federally Funded Program—Elements	298

TABLE OF CONTENTS

Instruction	Page
18 U.S.C. § 666(a)(1)(B) Accepting a Bribe—Elements.....	300
18 U.S.C. § 666(a)(2) Paying a Bribe—Elements	304
18 U.S.C. § 666(c) Bona Fide Compensation	308
18 U.S.C. § 666 Definition of “Agent”	309
18 U.S.C. § 669(a) Health Care Theft or Embezzlement—Elements	310
18 U.S.C. § 669(a) Definition of “Health Care Benefit Program”	312
18 U.S.C. § 751 Escape—Elements.....	313
18 U.S.C. § 842(a)(1) Importing, Manufacturing, or Dealing in Explosive Materials Without a License—Elements	314
18 U.S.C. § 842(a)(2) Withholding Information, Making a False Statement, or Furnishing False Identification to Obtain Explosive Materials—Elements	316
18 U.S.C. § 875(a) Transmission of a Ransom or Reward—Elements	318
18 U.S.C. § 875(b) Transmission of an Extortionate Threat to Kidnap or Injure a Person—Elements	320
18 U.S.C. § 875(c) Transmission of a Threat to Kidnap or Injure—Elements	322
18 U.S.C. § 875(d) Transmission of an Extortionate Threat to Property or Reputation—Elements	324
18 U.S.C. § 876(a) Mailing a Demand for Ransom or Reward—Elements	326
18 U.S.C. § 876(b) Mailing an Extortionate Threat to Kidnap or Injure—Elements	327
18 U.S.C. § 876(c) Mailing a Threat to Kidnap or Injure—Elements	329
18 U.S.C. § 876(d) Mailing an Extortionate Threat to Reputation—Elements	331
Definition of “True Threat”	333
Definition of “Intent to Extort”	335
18 U.S.C. § 892 Extortionate Extension of Credit—Elements	336
18 U.S.C. § 892 Definition of “Debtor”	338
18 U.S.C. § 892 Definition of Understanding.....	339
18 U.S.C. § 894 Extortionate Collection of Debt—Elements ..	340
18 U.S.C. § 894 Definition of “Extortionate Means”	342
Forfeiture—Third Party Interests	343
18 U.S.C. § 911 Representation of Citizenship of United States—Elements	344
18 U.S.C. § 912 Impersonation of an Officer or Employee of the United States	347
18 U.S.C. § 922 Definition of “Ammunition”	350
18 U.S.C. § 922(a)(6) Making a False Statement or Furnishing False Identification to a Licensed Firearms Importer,	

Instruction	Page
Manufacturer, Dealer, or Collector in Connection with the Acquisition of a Firearm or Ammunition—Elements	366
18 U.S.C. § 922(d) Sale or Transfer of a Firearm or Ammunition to a Prohibited Person—Elements	353
18 U.S.C. § 922(d) Definition of “Reasonable Cause to Believe”	355
18 U.S.C. § 922(g) Definitions of “In or Affecting Commerce” and “In Interstate or Foreign Commerce”	356
18 U.S.C. § 922(g) Definition of “Possession”	358
18 U.S.C. § 922(g)(1) Unlawful Shipment or Transportation of a Firearm or Ammunition by a Convicted Felon—Elements	359
18 U.S.C. § 922(g)(1) Unlawful Possession or Receipt of a Firearm or Ammunition by a Prohibited Person—Elements	361
18 U.S.C. § 922(g)(3) Definition of “Unlawful User”	363
18 U.S.C. § 922(g)(3) Unlawful Shipment or Transportation of a Firearm or Ammunition by an Unlawful User or Addict of a Controlled Substance—Elements	364
18 U.S.C. § 922(g)(3) Unlawful Possession or Receipt of a Firearm or Ammunition by an Unlawful User or Addict of a Controlled Substance—Elements	366
18 U.S.C. § 922(g)(5) Definition of “Alien Illegally or Unlawfully in the United States”	368
18 U.S.C. § 922(g)(5) Unlawful Possession or Receipt of a Firearm or Ammunition by an Alien Illegally or Unlawfully in the United States—Elements	369
18 U.S.C. § 922(g)(5) Unlawful Shipment or Transportation of a Firearm or Ammunition by an Alien Illegally or Unlawfully in the United States—Elements	371
Definition of “True Threat”	373
Definition of “Intent to Extort”	375
18 U.S.C. §§ 922 & 924 Definition of “Firearm”	376
18 U.S.C. §§ 922 & 924 Definition of “Antique Firearm”	377
18 U.S.C. §§ 922 & 924 Brandish/Discharge Special Verdict Instructions—Definition of “Brandish”	378
18 U.S.C. § 924(c) Definition of “Use”	380
18 U.S.C. § 924(c) Definition of “Carry”	381
18 U.S.C. § 924(c) Definition of “During”	382
18 U.S.C. § 924(c) Definition of “In Relation To”	383
18 U.S.C. § 924(c) Definition of “In Furtherance Of”	384
18 U.S.C. § 924(c)(1)(A) Using or Carrying a Firearm During and in Relation to a Crime of Violence or Drug Trafficking Crime—Elements	386
18 U.S.C. § 924(c)(1)(A) Using or Carrying a Firearm During and in Relation to a Crime of Violence or Drug Trafficking Crime—Accountability Theory Elements	388

TABLE OF CONTENTS

Instruction	Page
18 U.S.C. § 924(c)(1)(A) Possession of a Firearm in Furtherance of a Crime of Violence or Drug Trafficking Crime—Elements	390
18 U.S.C. § 924(c)(1)(A) Possession of a Firearm in Furtherance of a Crime of Violence or Drug Trafficking Crime—Accountability Theory Elements	392
18 U.S.C. § 924(c)(1)(A) Definition of “Advance Knowledge”	393
18 U.S.C. § 981(a)(1)(A) Forfeiture Instruction	395
18 U.S.C. § 981(a)(1)(C) Forfeiture Instruction—Elements	398
18 U.S.C. § 981(a)(1)(G)(i–iii) Forfeiture Instruction—Elements	402
18 U.S.C. § 981(a)(1)(G)(iv) Forfeiture Instruction—Elements	405
18 U.S.C. § 981(a)(1)(H) Forfeiture Instruction—Elements	407
18 U.S.C. § 981(a)(2) Definition of “Proceeds”	409
18 U.S.C. § 981(a)(2) Definition of “Traceable To”	411
18 U.S.C. § 982(a)(1) Forfeiture Instruction	412
18 U.S.C. § 982(a)(2) Forfeiture Instruction	414
18 U.S.C. § 982(a)(3) Forfeiture Instruction	417
18 U.S.C. § 982(a)(4) Forfeiture Instruction	420
18 U.S.C. § 982(a)(5) Forfeiture Instruction	423
18 U.S.C. § 982(a)(6) Forfeiture Instruction	425
18 U.S.C. § 982(a)(7) Forfeiture Instruction	428
18 U.S.C. § 982(a)(8) Forfeiture Instruction	430
18 U.S.C. § 982(a)(8) Definition of “Nexus” Instruction	432
18 U.S.C. § 982(a)(8) Definition of Federal “Health Care Fraud Offense”	433
18 U.S.C. § 982(a)(8) Definition of “Conveyance”	435
18 U.S.C. § 982(a)(8) Property Subject to Forfeiture	436
18 U.S.C. § 1001 Definition of False or Fictitious	437
18 U.S.C. § 1001 Definition of Fraudulent	438
18 U.S.C. § 1001 Definition of “Material”	439
18 U.S.C. § 1001 Definition of “Willfully”	440
18 U.S.C. § 1001 Department or Agency	441
18 U.S.C. § 1001(a)(1) Concealing a Material Fact—Elements	442
18 U.S.C. § 1001(a)(1) Definition of “Trick, Scheme, or Device”	444
18 U.S.C. § 1001(a)(2) Making a False Statement or Representation—Elements	445
18 U.S.C. § 1001(a)(3) Making or Using a False Writing or Document—Elements	447
18 U.S.C. § 1005 Fraudulently Benefitting from a Loan by a Federally Insured Institution—Elements	449
18 U.S.C. § 1006 Insider Fraud on a Federally Insured Financial Institution—Elements	450

Instruction	Page
18 U.S.C. § 1007 False Statements to Influence the FDIC—Elements.....	452
18 U.S.C. § 1014 False Statement to Financial Institution—Elements.....	453
18 U.S.C. § 1015(a) Making a False Statement in an Immigration Document—Elements.....	455
18 U.S.C. § 1015(b) False Denial of Naturalization or Citizenship—Elements.....	456
18 U.S.C. § 1015(c) Use of Fraudulent Immigration Document—Elements.....	457
18 U.S.C. § 1015(d) Making False Certificate of Appearance—Elements.....	458
18 U.S.C. § 1015(e) False Claim of Citizenship—Elements.....	460
18 U.S.C. § 1015(f) False Claim of Citizenship in Order to Vote—Elements.....	461
18 U.S.C. § 1028 Penalty-Enhancing Instructions and Special Verdict Forms.....	462
18 U.S.C. § 1028 Penalty-Enhancing Provisions under § 1028(b).....	464
18 U.S.C. § 1028 Special Verdict Form.....	467
18 U.S.C. § 1028 Definitions.....	469
18 U.S.C. § 1028 Definition of “Lawful Authority”.....	470
18 U.S.C. § 1028 Definition of “Interstate or Foreign Commerce”.....	472
18 U.S.C. § 1028(a) Offenses and § 1028(b) Penalties.....	473
18 U.S.C. § 1028(a)(1) Fraudulent Production of an Identification Document, Authentication Feature, or False Identification Document—Elements.....	475
18 U.S.C. § 1028(a)(2) Fraudulent Transfer of an Identification Document, Authentication Feature, or False Identification Document—Elements.....	478
18 U.S.C. § 1028(a)(3) Fraudulent Possession of Five or more Identification Documents, Authentication Features, or False Identification Documents—Elements.....	481
18 U.S.C. § 1028(a)(4) Possession of an Identification Document, Authentication Feature, or False Identification Document with Intent to Defraud the United States—Elements.....	484
18 U.S.C. § 1028(a)(5) Fraudulent Production, Transfer, or Possession of a Document—Making Implement or Authentication Feature—Elements.....	486
18 U.S.C. § 1028(a)(6) Possession of a Stolen Identification Document or Authentication Feature—Elements.....	489
18 U.S.C. § 1028(a)(7) Fraudulent Transfer, Possession, or Use of a Means of Identification—Elements.....	491
18 U.S.C. § 1028(a)(8) Trafficking in False or Actual Authentication Features—Elements.....	494

TABLE OF CONTENTS

Instruction	Page
18 U.S.C. § 1028(d)(1) Definition of “Authentication Feature”	497
18 U.S.C. § 1028(d)(2) Definition of “Document-Making Implement”	498
18 U.S.C. § 1028(d)(3) Definition of “Identification Document”	499
18 U.S.C. § 1028(d)(4) Definition of “False Identification Document”	500
18 U.S.C. § 1028(d)(5) Definition of “False Authentication Feature”	501
18 U.S.C. § 1028(d)(6) Definition of “Issuing Authority”	502
18 U.S.C. § 1028(d)(7) Definition of “Means of Identification”	503
18 U.S.C. § 1028(d)(8) Definition of “Personal Identification Card”	505
18 U.S.C. § 1028(d)(9) Definition of “Produce”	506
18 U.S.C. § 1028(d)(10) Definition of “Transfer”	507
18 U.S.C. § 1028(d)(11) Definition of “State”	508
18 U.S.C. § 1028(d)(12) Definition of “Traffic”	509
18 U.S.C. § 1028A Definition of “In Relation to”	510
18 U.S.C. § 1028A(a)(1) Aggravated Identity Theft—Elements	511
18 U.S.C. § 1029 Access Device Fraud—Definitions	513
18 U.S.C. § 1029 Definition of “Telecommunications Instrument”	514
18 U.S.C. § 1029 Definition of “Hardware”	515
18 U.S.C. § 1029 Definition of “Software”	516
18 U.S.C. § 1029 Definition of “Interstate or Foreign Commerce”	517
18 U.S.C. § 1029(a)(1) Production, Use or Trafficking in Counterfeit Access Devices—Elements	518
18 U.S.C. § 1029(a)(2) Trafficking or Use of Unauthorized Access Devices—Elements	520
18 U.S.C. § 1029(a)(3) Possession of Multiple Unauthorized or Counterfeit Access Devices—Elements	522
18 U.S.C. § 1029(a)(4) Production, Trafficking and Possession of Device-Making Equipment—Elements	524
18 U.S.C. § 1029(a)(5) Fraudulent Transactions with Another’s Access Device—Elements	526
18 U.S.C. § 1029(a)(6) Solicitation to Sell Access Device or Information Regarding an Access Device—Elements	528
18 U.S.C. § 1029(a)(7) Use, Production, Trafficking or Possession of Modified Telecommunication Instrument—Elements	530
18 U.S.C. § 1029(a)(8) Use, Production, Trafficking or Possession of a Scanning Receiver—Elements	532

Instruction	Page
18 U.S.C. § 1029(a)(9) Use, Production, Trafficking or Possession of Hardware or Software Configured to Obtain Telecommunication Services—Elements	534
18 U.S.C. § 1029(a)(10) Fraudulent Presentation of Evidence of Credit Card Transaction to Claim Unauthorized Payment—Elements.....	536
18 U.S.C. §§ 1029(b)(1) & (b)(2) Attempt and Conspiracy—Elements	538
18 U.S.C. § 1029(e)(1) Definition of “Access Device”.....	539
18 U.S.C. § 1029(e)(2) Definition of “Counterfeit Access Device”	540
18 U.S.C. § 1029(e)(3) Definition of “Unauthorized Access Device”	541
18 U.S.C. § 1029(e)(4) Definition of “Produce”	542
18 U.S.C. § 1029(e)(5) Definition of “Traffic” or “Trafficking” ..	543
18 U.S.C. § 1029(e)(6) Definition of “Device-Making Equipment”	544
18 U.S.C. § 1029(e)(7) Definition of “Credit Card System Member”	545
18 U.S.C. § 1029(e)(8) Definition of “Scanning Receiver”	546
18 U.S.C. § 1029(e)(9) Definition of “Telecommunications Service”	547
18 U.S.C. § 1029(e)(11) Definition of “Telecommunication Identifying Information”	548
18 U.S.C. § 1030 Computer Fraud and Related Activity—Definitions	549
18 U.S.C. § 1030 Definition of “Government Entity”	550
18 U.S.C. § 1030 Definition of “Password”.....	551
18 U.S.C. § 1030(a)(1) Obtaining Information from Computer Injurious to the United States—Elements	552
18 U.S.C. § 1030(a)(2)(A), (B) & (C) Obtaining Financial Information by Unauthorized Access of a Computer—Elements.....	554
18 U.S.C. § 1030(a)(3) Accessing a Non-Public Government Computer—Elements.....	557
18 U.S.C. § 1030(a)(4) Computer Fraud Use by or for Financial Institution or Government—Elements	558
18 U.S.C. § 1030(a)(5)(A) Transmission of Program to Intentionally Cause Damage to a Computer—Elements ..	560
18 U.S.C. § 1030(a)(5)(B) Recklessly Causing Damage by Accessing a Protected Computer—Elements	564
18 U.S.C. § 1030(a)(5)(C) Causing Damage and Loss by Accessing a Protected Computer—Elements	567
18 U.S.C. § 1030(a)(6) Trafficking in Passwords—Elements..	568
18 U.S.C. § 1030(a)(7)(A) Extortion by Threatening to Damage a Protected Computer—Elements.....	570

TABLE OF CONTENTS

Instruction	Page
18 U.S.C. § 1030(a)(7)(B) Extortion by Threatening to Obtain Information from a Protected Computer—Elements.....	571
18 U.S.C. § 1030(a)(7)(C) Extortion by Demanding Money in Relation to a Protected Computer—Elements	573
18 U.S.C. § 1030(a)(7)(C) Definition of “In Relation To”.....	575
18 U.S.C. § 1030(b) Attempt and Conspiracy—Elements	576
18 U.S.C. § 1030(e)(1) Definition of “Computer”	577
18 U.S.C. § 1030(e)(2) Definition of “Protected Computer”	578
18 U.S.C. § 1030(e)(3) Definition of “State”	579
18 U.S.C. § 1030(e)(4) Definition of “Financial Institution”	580
18 U.S.C. § 1030(e)(5) Definition of “Financial Record”	581
18 U.S.C. § 1030(e)(6) Definition of “Exceeds Authorized Access”	582
18 U.S.C. § 1030(e)(7) Definition of “Department of the United States”	583
18 U.S.C. § 1030(e)(8) Definition of “Damage”	584
18 U.S.C. § 1030(e)(10) Definition of “Conviction”	585
18 U.S.C. § 1030(e)(11) Definition of “Loss”	586
18 U.S.C. § 1030(e)(12) Definition of “Person”	587
18 U.S.C. § 1030(e)(13) Definition of “Federal Election”	588
18 U.S.C. § 1030(e)(14) Definition of “Voting System”	589
18 U.S.C. § 1035 False Statements Related to Health Care Matters: Falsification and Concealment—Elements	591
18 U.S.C. § 1035 False Statements Related to Health Care Matters: False Statement—Elements	593
18 U.S.C. § 1035(a)(1) & (2) Definition of “Health Care Benefit Program”	595
18 U.S.C. § 1035(a)(1) & (2) Definition of “Material”	596
18 U.S.C. § 1035(a)(1) & (2) Definition of “Willfully”	597
18 U.S.C. § 1111 First Degree Murder—Elements	598
18 U.S.C. § 1111 Definition of “Malice Aforethought”	601
18 U.S.C. § 1111 Definition of “Premeditation”	602
18 U.S.C. § 1111 Second Degree Murder—Elements	603
18 U.S.C. §§ 1111 & 1112 Jurisdiction	605
18 U.S.C. §§ 1111 & 1112 Conduct Caused Death	606
18 U.S.C. § 1112 Definitions	607
18 U.S.C. § 1112 Definitions of Manslaughter	609
18 U.S.C. § 1112 Voluntary Manslaughter—Elements	610
18 U.S.C. § 1112 Definition of “Heat of Passion”	611
18 U.S.C. § 1112 Involuntary Manslaughter—Elements	612
18 U.S.C. § 1201(a)(1) Kidnapping	614
18 U.S.C. § 1201(a)(1) Kidnapping—Definition of Interstate or Foreign Commerce	616
18 U.S.C. § 1201(a)(1) Kidnapping—Definition of Inveigle or Decoy	617

Instruction	Page
18 U.S.C. §§ 1341 & 1343 Mail/Wire/Carrier Fraud—Elements	618
18 U.S.C. §§ 1341 & 1343 Use of Mails/Interstate Carrier/ Interstate Communication Facility	621
18 U.S.C. §§ 1341 & 1343 Success Not Required	623
18 U.S.C. §§ 1341 & 1343 Definition of “Scheme to Defraud”	624
18 U.S.C. §§ 1341 & 1343 Proof of Scheme.....	627
18 U.S.C. §§ 1341 & 1343 Definition of “Material”	629
18 U.S.C. §§ 1341 & 1343 Definition of “Intent to Defraud” ..	631
18 U.S.C. §§ 1341, 1343 & 1346 Types of Mail/Wire/Carrier Fraud.....	632
18 U.S.C. §§ 1341, 1343 & 1346 Definition of “Honest Services”	633
18 U.S.C. §§ 1341, 1343 & 1346 Receiving a Bribe or Kickback.....	635
18 U.S.C. §§ 1341, 1343 & 1346 Offering a Bribe or Kickback.....	639
18 U.S.C. §§ 1341, 1343 & 1346 Intent to Influence.....	640
18 U.S.C. § 1343 Wire Communication	641
18 U.S.C. § 1344(1) Scheme to Defraud a Financial Institution—Elements.....	642
18 U.S.C. § 1344(1) Definition of “Scheme”	644
18 U.S.C. § 1344(2) Obtaining Bank Property by False or Fraudulent Pretenses—Elements.....	646
18 U.S.C. § 1344(2) Definition of Scheme.....	648
18 U.S.C. § 1347(a) Definition of “Health Care Benefit Program”	651
18 U.S.C. § 1347(a)(1) Health Care Fraud—Elements	652
18 U.S.C. § 1347(a)(1) Definition of “Scheme”	656
18 U.S.C. § 1347(a)(2) Obtaining Property From a Health Care Benefit Program by False or Fraudulent Pretenses—Elements.....	658
18 U.S.C. § 1347(a)(2) Definition of Scheme.....	662
18 U.S.C. § 1461 Mailing Obscene Material—Elements	664
18 U.S.C. § 1462 Bringing Obscene Material into the United States—Elements.....	666
18 U.S.C. § 1462 Taking or Receiving Obscene Material—Elements	667
18 U.S.C. § 1462 Importing or Transporting Obscene Material—Elements	669
18 U.S.C. § 1465 Production with Intent to Transport/ Distribute/Transmit Obscene Material for Sale or Distribution—Elements	671
18 U.S.C. § 1465 Transportation of Obscene Material for Sale or Distribution—Elements.....	673

TABLE OF CONTENTS

Instruction	Page
Definition of Interstate or Foreign Commerce	675
18 U.S.C. § 1466 Engaging in Business of Producing/Selling Obscene Matter—Elements.....	676
18 U.S.C. § 1466 Engaging in Business of Selling/Transferring Obscene Matter—Elements.....	678
18 U.S.C. § 1466 Engaging in Business of Receiving/Possessing Obscene Matter—Elements.....	680
18 U.S.C. § 1466(b) Definition of “Engaged in the Business”	682
18 U.S.C. § 1466A(a)(1) Producing/Distributing/Receiving/ Possessing with Intent to Distribute Obscene Visual Representations of Sexual Abuse of Children—Elements	683
18 U.S.C. § 1466A(a)(2) Producing/Distributing/Receiving/ Possessing with Intent to Distribute Obscene Visual Representations of Sexual Abuse of Children—Elements	685
18 U.S.C. § 1466A(b)(1) Possession of Obscene Visual Representations of Sexual Abuse of Children—Elements	687
18 U.S.C. § 1466A(b)(2) Possession of Obscene Visual Representations of Sexual Abuse of Children—Elements	689
18 U.S.C. § 1466A(f)(1) Definition of “Visual Depiction”	691
18 U.S.C. § 1466A(f)(3) Definition of “Graphic”	692
18 U.S.C. § 1470 Transfer of Obscene Material to a Minor—Elements	693
18 U.S.C. § 1470 Definition of “Obscene”	695
18 U.S.C. § 1503 Obstruction of Justice Generally—Elements	698
18 U.S.C. § 1503 Obstruction of Justice—Clause 2—Injuring Jurors or Their Property—Elements	700
18 U.S.C. § 1503 Obstruction of Justice—Clause 3—Injuring Court Officials—Elements	701
18 U.S.C. § 1503 Definition of “Endeavor”	702
18 U.S.C. § 1503 Influencing Court Officer—Elements	704
18 U.S.C. § 1503 Influencing Juror—Elements	706
18 U.S.C. § 1503 Influencing Witness—Elements	708
Special Verdict Instructions on § 1503 Offenses Alleged to Have Involved Physical Force or the Threat of Physical Force	710
18 U.S.C. § 1512 Definition of “Corruptly”	712
18 U.S.C. §§ 1512 & 1515(a)(1) Definition of Official Proceeding	713
18 U.S.C. §§ 1512 & 1515(a)(3) Definition of “Misleading Conduct”	715
18 U.S.C. § 1512(b)(1) Witness Tampering—Influencing or Preventing Testimony—Elements.....	716
18 U.S.C. § 1512(b)(2)(A) Witness Tampering—Withholding Evidence—Elements.....	717
18 U.S.C. § 1512(b)(2)(B) Witness Tampering—Altering or Destroying Evidence—Elements	718

Instruction	Page
18 U.S.C. § 1512(b)(2)(C) Witness Tampering—Evading Legal Process—Elements	719
18 U.S.C. § 1512(b)(2)(D) Witness Tampering—Absence from Legal Proceeding—Elements	721
18 U.S.C. § 1512(b)(3) Witness Tampering—Hinder, Delay or Prevent Communication Relating to Commission of Offense—Elements	722
18 U.S.C. § 1512(c)(1) Destroy, Alter or Conceal Document or Object—Elements.....	724
18 U.S.C. § 1512(c)(2) Otherwise Obstruct Official Proceeding—Elements	726
18 U.S.C. § 1512(e) Affirmative Defense.....	727
18 U.S.C. §§ 1512 & 1515(a)(4) Definition of “Law Enforcement Officer”	728
18 U.S.C. § 1519 Obstruction of Justice—Destruction, Alteration, or Falsification of Records in Federal Investigations and Bankruptcy—Elements	729
18 U.S.C. § 1543 Forgery of Passport—Elements.....	731
18 U.S.C. § 1543 False Use of Passport—Elements	732
18 U.S.C. § 1544 Misuse of a Passport—Elements	734
18 U.S.C. § 1544 Furnishing a False Passport—Elements ...	736
18 U.S.C. § 1546(a) Fraudulent Immigration Document—Elements	738
18 U.S.C. § 1546(a) Making a False Statement on Immigration Document—Elements	740
18 U.S.C. § 1546(a) Presentation of False Statement on Immigration Document—Elements.....	742
18 U.S.C. § 1546(a) Definition of Material.....	743
18 U.S.C. § 1591 Sex Trafficking of a Minor—Elements	744
18 U.S.C. § 1591 Benefitting from Sex Trafficking of a Minor—Elements	746
18 U.S.C. § 1591(a)(1) Sex Trafficking of a Minor or by Force, Fraud, or Coercion—Elements	748
18 U.S.C. § 1591(e)(1) Definition of “Abuse or Threatened Abuse of Law or Legal Process”.....	752
18 U.S.C. § 1591(e)(2) Definition of “Coercion”.....	753
18 U.S.C. § 1591(e)(3) Definition of “Commercial Sex Act” ...	754
18 U.S.C. § 1591(e)(4) Definition of “Serious Harm”.....	755
18 U.S.C. § 1591(e)(5) Definition of “Venture”.....	756
18 U.S.C. § 1623 False Declarations Before Grand Jury or Court—Elements.....	757
18 U.S.C. § 1623 Definition of “Materiality”.....	759
18 U.S.C. § 1623 Records or Documents	760
18 U.S.C. § 1623 Sequence of Questions.....	761
18 U.S.C. § 1623 Inconsistent Statements.....	762
18 U.S.C. § 1623 Recantation	763

TABLE OF CONTENTS

Instruction	Page
18 U.S.C. § 1701 Obstruction of Mails	765
18 U.S.C. § 1708 Theft of Mail from Authorized Depository—Elements.....	766
18 U.S.C. § 1708 Mail Theft on or Next to a Depository—Elements.....	769
18 U.S.C. § 1708 Buying, Receiving, Concealing, or Unlawfully Possessing Stolen Mail—Elements	771
18 U.S.C. § 1708 Removing Contents of/Secreting/ Embezzling/ Destroying Mail.....	773
18 U.S.C. § 1709 Theft of Mail by Officer or Employee—Elements	774
18 U.S.C. § 1831 Economic Espionage (Including Federal Nexus and Knowledge).....	777
18 U.S.C. § 1832 Theft of Trade Secrets (Including Federal Nexus and Knowledge).....	779
18 U.S.C. § 1951 Extortion—Non-Robbery—Elements	782
18 U.S.C. § 1951 Attempted Extortion—Elements	784
18 U.S.C. § 1951 Extortion—Robbery—Elements.....	785
18 U.S.C. § 1951 Definition of “Robbery”	787
18 U.S.C. § 1951 Definition of “Color of Official Right”	788
18 U.S.C. § 1951 Definition of “Extortion”.....	790
18 U.S.C. § 1951 Definition of “Property”.....	791
18 U.S.C. § 1951 Definition of “Interstate Commerce”	792
18 U.S.C. § 1952 Interstate and Foreign Travel or Transportation in Aid of Racketeering Enterprises—Elements.....	794
18 U.S.C. § 1952 Definition of “Interstate Commerce”	797
18 U.S.C. § 1952 Definition of “Unlawful Activity”—Business Enterprise	798
18 U.S.C. § 1952 Definition of Unlawful Business Activity— Controlled Substances.....	799
18 U.S.C. § 1956 Definition of “Proceeds”.....	800
18 U.S.C. § 1956 Definition of Knowledge Requirement	802
18 U.S.C. § 1956 Definition of “Transaction”	803
18 U.S.C. § 1956 Definitions	804
18 U.S.C. § 1956 Definition of “Conceal or Disguise”.....	806
18 U.S.C. § 1956(a)(1)(A)(i) Money Laundering—Promoting Unlawful Activity—Elements.....	807
18 U.S.C. § 1956(a)(1)(A)(ii) Money Laundering—Tax Violations—Elements.....	809
18 U.S.C. § 1956(a)(1)(B)(i) Money Laundering—Concealing or Disguising—Elements.....	811
18 U.S.C. § 1956(a)(1)(B)(ii) Money Laundering—Avoiding Reporting—Elements.....	813
18 U.S.C. § 1956(a)(2)(A) Money Laundering—International Promotion—Elements	815

Instruction	Page
18 U.S.C. § 1956(a)(2)(B)(i) Money Laundering—International Concealing or Disguising—Elements	817
18 U.S.C. § 1957 Unlawful Monetary Transactions in Criminally Derived Property—Elements.....	819
18 U.S.C. § 1957 Definitions	821
18 U.S.C. § 1959(a) Violent Crimes in Aid of Racketeering Activity.....	823
18 U.S.C. § 1961(4) Enterprise—Legal Entity	826
18 U.S.C. § 1961(4) Enterprise—Association in Fact.....	827
18 U.S.C. § 1962 Definition of “Interstate Commerce”	828
18 U.S.C. § 1962(c) Substantive Racketeering—Elements....	829
18 U.S.C. § 1962(c) Pattern Requirement—Substantive Racketeering	830
18 U.S.C. § 1962(c) Subparts of Racketeering Acts	831
18 U.S.C. § 1962(d) Racketeering Conspiracy—Elements	832
18 U.S.C. § 1962(d) Pattern Requirement—Racketeering Conspiracy.....	834
18 U.S.C. § 1962(c) & (d) Definition of “Conduct or participate in the conduct of”	836
18 U.S.C. § 1962(c) & (d) Definition of “Associate”	837
18 U.S.C. § 1963(a)(1) Forfeiture—Elements.....	838
18 U.S.C. § 1963(a)(1) Definition of “Interest”	840
18 U.S.C. § 1963(a)(2) Forfeiture—Elements.....	841
18 U.S.C. § 1963(a)(3) Forfeiture—Elements.....	843
18 U.S.C. § 1963(a)(3) Definition of “Proceeds”	845
18 U.S.C. § 1963(b) Definition of “Property”.....	846
Forfeiture Verdict Form.....	847
18 U.S.C. § 2113(a) Bank Robbery—Elements	848
18 U.S.C. § 2113(a) Definition of “Intimidation”	850
18 U.S.C. § 2113(a) Entering to Commit Bank Robbery or Another Felony—Elements	851
18 U.S.C. § 2113(b) Bank Theft—Elements	853
18 U.S.C. § 2113(b) Definition of “Steal”	855
18 U.S.C. § 2113(c) Possession of Stolen Bank Money or Property—Elements	856
18 U.S.C. § 2113(d) Armed Bank Robbery—Elements	859
18 U.S.C. § 2113(d) Definition of “Assault”	861
18 U.S.C. § 2113(d) Definition of “Put in Jeopardy the Life of” a Person.....	862
18 U.S.C. § 2113(d) Definition of “Dangerous Weapon or Device”	863
18 U.S.C. § 2113(e) Kidnapping or Murder During a Bank Robbery—Elements.....	864
18 U.S.C. § 2114(a) Assault with Intent to Rob Mail Matter, Money, or Other Property of the United States—Elements.....	866

TABLE OF CONTENTS

Instruction	Page
18 U.S.C. § 2114(a) Robbery or Attempted Robbery of Mail Matter, Money, or Other Property of the United States—Elements	868
18 U.S.C. § 2114(a) Wounding or Putting a Life in Jeopardy During a Robbery or Attempted Robbery of Mail Matter, Money, or Other Property of the United States—Elements	870
18 U.S.C. § 2114(b) Receipt, Possession, Concealment, or Disposal of Stolen Mail Matter, Money, or Other Property of the United States—Elements	872
18 U.S.C. § 2241(a) Aggravated Sexual Abuse—Elements....	873
18 U.S.C. § 2241(b)(1) Aggravated Sexual Abuse—Rendering Victim Unconscious—Elements	875
18 U.S.C. § 2241(b)(2) Aggravated Sexual Abuse—Administration of Drug, Intoxicant or Other Substance—Elements	876
18 U.S.C. § 2241(c) Aggravated Sexual Abuse of Child—Elements.....	878
18 U.S.C. § 2241(c) Aggravated Sexual Abuse of a Minor Twelve to Sixteen—Elements.....	880
18 U.S.C. § 2241(c) Aggravated Sexual Abuse—Rendering Victim Unconscious, Minor Twelve to Sixteen—Elements	882
18 U.S.C. § 2241(c) Aggravated Sexual Abuse—Administration of Drug, Intoxicant or Other Substance, Minor Twelve to Sixteen—Elements	884
18 U.S.C. § 2243(a) Sexual Abuse of Minor—Elements	886
18 U.S.C. §§ 2243(a), 2423(b) & 2241(c) Crossing State Line with Intent to Engage in Sexual Act with Minor—Elements	887
18 U.S.C. § 2243(b) Sexual Abuse of Person in Official Detention—Elements.....	889
18 U.S.C. § 2243(b) Definition of “Official Detention”	890
18 U.S.C. § 2243(c)(1) Defense of Reasonable Belief of Minor’s Age	891
18 U.S.C. §§ 2242 & 2244(a) Abusive Sexual Contact—Elements	892
18 U.S.C. §§ 2244(a)(2) Abusive Sexual Contact—Incapacitated Victim—Elements.....	893
18 U.S.C. § 2244(b) Abusive Sexual Contact Without Permission—Elements	894
18 U.S.C. § 2246(2) Definition of “Sexual Act”	895
18 U.S.C. § 2246(3) Definition of “Sexual Contact”	896
18 U.S.C. § 2250(a) Failure to Register/Update as Sex Offender—Elements	897
18 U.S.C. § 2251(a) Sexual Exploitation of Child—Elements.....	899

Instruction	Page
18 U.S.C. § 2251(b) Sexual Exploitation of Child—Permitting or Assisting by Parent or Guardian—Elements	902
18 U.S.C. § 2251(c) Sexual Exploitation of Child—Conduct Outside of the United States—Elements.....	904
18 U.S.C. § 2251(d) Publishing of Child Pornography—Elements	906
18 U.S.C. § 2251A(a) Selling of Children—Elements.....	908
18 U.S.C. § 2251A(b) Purchasing or Obtaining Children	911
18 U.S.C. § 2252A(a)(1) Mailing, Transporting or Shipping Material Containing Child Pornography—Elements	914
18 U.S.C. § 2252A(a)(2)(A) Receipt or Distribution of Child Pornography—Elements	916
18 U.S.C. § 2252A(a)(2)(B) Receipt or Distribution of Material Containing Child Pornography—Elements	918
18 U.S.C. § 2252A(a)(3)(A) Reproduction of Child Pornography for Distribution—Elements	920
18 U.S.C. § 2252A(a)(4)(A) Sale or Possession with Intent to Sell of Child Pornography in U.S. Territory—Elements....	922
18 U.S.C. § 2252A(a)(4)(B) Sale or Possession with Intent to Sell of Child Pornography in Interstate or Foreign Commerce—Elements	924
18 U.S.C. § 2252A(a)(5)(A) Possession of or Access with Intent to View Child Pornography in U.S. Territory—Elements ..	926
18 U.S.C. § 2252A(a)(5)(B) Possession of or Access with Intent to View Child Pornography in Interstate Commerce—Elements	928
18 U.S.C. §§ 2252A(a)(6)(A), (B) & (C) Providing Child Pornography to a Minor—Elements	930
18 U.S.C. § 2252A(a)(7) Production with Intent to Distribute and Distribution of Adapted Child Pornography—Elements	932
18 U.S.C. § 2252A(c) Affirmative Defense to Charges under 18 U.S.C. §§ 2252A(a)(1), (a)(2), (a)(3)(A), (a)(4) or (a)(5)	934
18 U.S.C. § 2252A(d) Affirmative Defense to Charge under 18 U.S.C. § 2252A(a)(5).....	936
18 U.S.C. § 2256(1) Definition of “Minor”.....	937
18 U.S.C. § 2256(2)(A) Definition of “Sexually Explicit Conduct”	938
18 U.S.C. § 2256(3) Definition of “Producing”	939
18 U.S.C. § 2256(6) Definition of “Computer”	940
18 U.S.C. § 2256(7) Definition of “Custody or Control”	941
18 U.S.C. § 2256(8) Definition of “Child Pornography”.....	942
18 U.S.C. § 2256(9) Definition of “Identifiable Minor”.....	943
18 U.S.C. § 2256(11) Definition of “Indistinguishable”	944
18 U.S.C. § 2260(a) Production of Sexually Explicit Depictions of a Minor—Importation—Elements.....	945

TABLE OF CONTENTS

Instruction	Page
18 U.S.C. § 2260(b) Use of a Visual Depiction—Importation—Elements.....	947
18 U.S.C. § 2312 Transportation of Stolen Vehicle—Elements.....	949
18 U.S.C. § 2312 Definition of “Stolen”	951
18 U.S.C. § 2313 Sale or Receipt of Stolen Vehicles—Elements.....	953
18 U.S.C. § 2314 Transportation of Stolen or Converted Goods or Goods Taken by Fraud—Elements	955
18 U.S.C. § 2314 Interstate Travel to Execute or Conceal Fraud—Elements	957
18 U.S.C. § 2314 Interstate Transportation of Falsely Made, Forged, Altered or Counterfeited Securities or Tax Stamps—Elements	959
18 U.S.C. § 2314 Interstate Transportation of a Traveler’s Check Bearing a Forged Countersignature—Elements....	961
18 U.S.C. § 2314 Interstate Transportation of Tools Used in Making, Forging, Altering, or Counterfeiting Any Security or Tax Stamps—Elements	963
18 U.S.C. § 2315 Receipt of Stolen Property—Elements.....	965
18 U.S.C. § 2315 Receipt of Counterfeit Securities or Tax Stamps—Elements	967
18 U.S.C. § 2315 Definition of Interstate or Foreign Commerce	969
18 U.S.C. § 2325 Definition of “Telemarketing” Applicable to Enhanced Penalties under 18 U.S.C. § 2326	970
18 U.S.C. § 2339A Definition of “Material Support or Resources”	971
18 U.S.C. § 2339A Providing Material Support to Terrorists—Elements	972
18 U.S.C. § 2339B Providing Material Support or Resources to Designated Foreign Terrorist Organizations—Elements ...	975
18 U.S.C. § 2421 Transportation for Prostitution/Sexual Activity—Elements	981
18 U.S.C. § 2422(a) Enticement—Elements	983
18 U.S.C. § 2422(b) Enticement of a Minor—Elements	985
18 U.S.C. § 2423(a) Transportation of Minors with Intent to Engage in Criminal Sexual Activity—Elements.....	987
18 U.S.C. § 2423(b) Interstate Travel with Intent to Engage in a Sexual Act with a Minor—Elements	989
18 U.S.C. § 2423(c) Foreign Travel with Intent to Engage in a Sexual Act with a Minor—Elements.....	990
18 U.S.C. § 2423(f) Definition of “Illicit Sexual Conduct”	991
18 U.S.C. § 2423(g) Defense.....	992
18 U.S.C. § 2425 Use of Interstate Facilities to Transmit Information About a Minor—Elements.....	993

Instruction	Page
21 U.S.C. § 841(a)(1) Distribution of a Controlled Substance—Elements	995
21 U.S.C. § 841(a)(1) Definition of “Distribution”	997
21 U.S.C. § 841(a)(1) Possession with Intent to Distribute—Elements	998
21 U.S.C. § 841(a)(1) Definition of “Controlled Substance” ..	1000
21 U.S.C. §§ 841(b)(1)(A), (B) or (C) Definition of “Serious Bodily Injury”	1001
21 U.S.C. §§ 841(b)(1)(A), (B) or (C) Where Death or Serious Bodily Injury Results—Special Verdict Form	1002
21 U.S.C. § 841(c)(1) Possession of Listed Chemical with Intent to Manufacture—Elements	1005
21 U.S.C. § 841(c)(2) Possession/Distribution of Listed Chemical for Use in Manufacture—Elements	1007
21 U.S.C. § 841(a)(1) & (c) Definition of “Possession”	1009
Introductory Forfeiture Instruction	1010
Forfeiture Allegations Instruction	1012
Forfeiture Burden of Proof Instruction	1013
Forfeiture—Third Party Interests	1014
Separate Consideration—Forfeiture Allegations	1015
Separate Consideration—Multiple Defendants	1016
21 U.S.C. § 843(b) Use of Communication Facility in Aid of Narcotics Offense—Elements	1017
21 U.S.C. § 843(b) Definition of “Facilitate”	1019
21 U.S.C. § 844 Simple Possession—Elements	1020
21 U.S.C. § 846 Attempted Distribution of Controlled Substance—Elements	1021
21 U.S.C. § 846 Attempted Possession with Intent to Distribute—Elements	1023
Drug Quantity/Special Verdict Instructions	1025
21 U.S.C. § 848 Continuing Criminal Enterprise—Elements	1028
21 U.S.C. § 848 Continuing Criminal Enterprise—Continuing Series of Offenses	1030
21 U.S.C. § 848 Continuing Criminal Enterprise—Five or More Persons	1031
21 U.S.C. § 848 Continuing Criminal Enterprise—Organizing, Managing, Supervising	1032
21 U.S.C. § 848 Continuing Criminal Enterprise—Substantial Income or Resources	1033
21 U.S.C. § 853 Drug Forfeiture—Elements	1034
21 U.S.C. § 853(b) Definition of “Property”	1036
21 U.S.C. § 853(d) Rebuttable Presumption	1037
21 U.S.C. § 856(a)(1) Maintaining Drug-Involved Premises—Elements	1038

TABLE OF CONTENTS

Instruction	Page
21 U.S.C. § 856(a)(1) Maintaining Drug-Involved Premises— Limiting Instruction	1040
21 U.S.C. § 856(a)(2) Maintaining Drug-Involved Premises—Elements	1041
21 U.S.C. § 859 Distribution of Controlled Substance to Person under 21—Elements	1043
21 U.S.C. § 951(a)(2) Definition of Customs Territory of the United States	1045
21 U.S.C. § 952(a) Definition of “Controlled Substance”	1046
21 U.S.C. §§ 952(a) & (b); 960(a) Importation of Controlled Substances—Elements	1047
22 U.S.C. § 2778 Importing/Exporting Weapons Without a License	1049
22 U.S.C. § 2778(c) Willfully—Definition	1051
26 U.S.C. § 5845 Definitions of Firearm-Related Terms	1052
26 U.S.C. § 5861(a) Failure to Pay Tax or Register—Elements	1053
26 U.S.C. § 5861(d) Receiving or Possessing an Unregistered Firearm—Elements	1054
26 U.S.C. § 5861(h) Receipt or Possession of a Firearm with an Obliterated, Removed, Changed, or Altered Serial Number—Elements	1056
26 U.S.C. § 5861(j) Transporting, Delivering or Receiving an Unregistered Firearm—Elements	1058
26 U.S.C. § 7201 Attempt to Evade or Defeat Tax—Elements	1060
26 U.S.C. § 7201 Unanimity as to Acts of Evasion	1062
26 U.S.C. § 7201 No Need for Tax Assessment	1063
26 U.S.C. §§ 7201, 7203 & 7206 Knowledge of Contents of Return	1064
26 U.S.C. §§ 7201, 7203 & 7206 Funds or Property from Unlawful Sources	1065
26 U.S.C. § 7203 Failure to File Tax Return—Elements	1066
26 U.S.C. § 7203 When Person Is Obligated to File Return	1068
26 U.S.C. § 7203 Tax Return Must Contain Sufficient Information	1070
26 U.S.C. § 7206 Definition of “Material”	1071
26 U.S.C. § 7206(1) Fraud and False Statements—Elements	1072
26 U.S.C. § 7206(2) Aiding and Abetting in Submitting False and Fraudulent Return—Elements	1074
26 U.S.C. § 7206(2) Knowledge of Taxpayer Irrelevant	1076
26 U.S.C. § 7212 Corruptly Endeavoring to Obstruct or Impede Due Administration of Internal Revenue Laws—Elements	1077
26 U.S.C. § 7212 Good Faith	1079

Instruction	Page
31 U.S.C. § 5324(a)(3) Structuring Financial Transactions—Elements	1080
31 U.S.C. § 5324(a)(3) Definition of Structuring Financial Transactions	1082
42 U.S.C. § 408(a)(3) Making or Causing to Be Made a False Statement or Representation of Material Fact for Use in Determining a Federal Benefit—Elements	1083
42 U.S.C. § 408(a)(7)(A) Use of a Falsely Obtained Social Security Number—Elements	1085
42 U.S.C. § 408(a)(7)(A) & (B) Definition of “Intent to Deceive”	1087
42 U.S.C. § 408(a)(7)(B) Use of a False Social Security Number—Elements	1088
42 U.S.C. § 408(a)(7)(C) Social Security Card Violations—Elements	1090
42 U.S.C. § 408(a)(7)(C) Definition of “Counterfeit”	1092
42 U.S.C. § 1320a-7b(b) Criminal Penalties for Acts Involving Federal Health Care Programs—Illegal Remunerations..	1093