

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>Crim. No. 21-cr-00026 (CRC)</b>
	:	
v.	:	
	:	
<b>CHRISTOPHER MICHAEL ALBERTS,</b>	:	
	:	
<b>Defendant.</b>	:	

**RESPONSE TO DEFENDANT’S PROPOSED  
JURY INSTRUCTIONS**

Pursuant to the Court’s Pretrial Order, the parties’ proposed jury instructions were due by January 31, 2023. On that same date, the government contacted counsel for defendant to seek input on the government’s proposed instructions. Alberts did not respond. The government filed its proposed instructions. *See* ECF No. 103. The government then contacted counsel for defendant to seek input on the government’s revised proposed instructions on March 13, 2023 and again on March 16, 2023. Counsel for defendant did not substantively respond. The government then submitted its revised proposed instructions on March 20, 2023. *See* ECF No. 112.

At the pretrial conference on April 5, 2023, the Court directed Alberts to submit proposed jury instructions as soon as possible. He did so midday on April 9, 2023, just two days before the trial of this action is to commence. Those instructions appear to nearly identical to a redline that counsel for defendant prepared of Judge Friedrich’s proposed jury instructions in the case of *United States v. Thomas*, No. 1:21-cr-552 (DLF), ECF No. 84.

At a March 20, 2023 hearing in *Thomas*, Judge Friedrich observed that Thomas had suggested “an ungodly amount of changes,” many of which were “flat out inconsistent with the statute or not required by the statute.” Believing counsel to have proposed the same instructions in this case, Judge Friedrich reserved ruling on the proposed jury instructions, but stated, “a lot of

these are not compelling.”<sup>1</sup>

The government asserts that its revised proposed jury instructions, *see* ECF No. 112, and the Court’s instructions provided in *United States v. Barnett*, No. 1:21-cr-38 (CRC), ECF No. 158, and *United States v. Robertson*, No. 1:21-cr-34 (CRC), ECF No. 86, fully and correctly set forth the law that applies to this case. The government therefore opposes Alberts’s proposed instructions to the extent that they vary from those proposed here and provided in *Barnett* and *Robertson*.

Respectfully submitted,

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<sup>1</sup>The government did not obtain a transcript of the hearing. These quotes are based on the contemporaneous notes that government counsel took while observing the hearing.

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