

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :

v. :

Case No. 21-CR-599 (RBW)

DONNIE DUANE WREN,
THOMAS HARLEN SMITH

Defendants. :

DEFENDANT DONNIE DUANE WREN'S SPECIAL REQUESTED INSTRUCTION

SPECIFIC UNANIMITY

(MULTIPLE THEORIES OF CULPABILITY IN ONE COUNT)

The offense of Assaulting, Resisting, or Impeding Certain Officers may be committed in two different ways. 1) whether the defendant made physical contact with, and assaulted a person who was assisting officers of the United States who were then engaged in the performance of their official duties or 2) whether the defendant acted with the intent to commit another felony.

You may find the defendant guilty of this offense only if you all unanimously agree that the Government has proved beyond a reasonable doubt that the defendant committed the offense in one of those two ways. You may not find the defendant guilty unless you all agree that the Government has proved beyond a reasonable doubt that the defendant made physical contact with, and assaulted a person who was assisting officers of the United States who were then engaged in the performance of their official duties or you all agree that the Government has proved beyond a reasonable doubt that the defendant acted with the intent to commit another felony.

- *Richardson v. United States*, 526 U.S. 813 (1999);
- *United States v. Lapier*, 796 F.3d 1090 (9th Cir. 2015) (plain error);
- *United State v. Ramirez*, 537 F.3d 1075 (9th Cir. 2008) (jury must unanimously reject self-defense theory in order to find defendant guilty).

CERTIFICATE OF SERVICE

I certify that on this 29th day of April 2023, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send notification of such filing.

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