

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

UNITED STATES OF AMERICA,

v.

**DEBORAH SANDOVAL and
SALVADOR SANDOVAL,**

Defendants.

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Case No. 21-cr-195-TFH

JURY INSTRUCTIONS¹

Ladies and gentlemen, the time has now come when all of the evidence is in. It is now up to me to instruct you on the law. Before we talk about the specific charges alleged here and some of the specific issues in this case, I want to take a few moments to talk about some general rules of law. Some of these will repeat what I told you in my preliminary instructions.

¹ Source: none. There are no objections to this instruction.

Furnishing the Jury with a Copy of the Instructions²

I will provide you with a copy of my instructions. During your deliberations, you may, if you want, refer to these instructions. While you may refer to any particular portion of the instructions, you are to consider the instructions as a whole and you may not follow some and ignore others. If you have any questions about the instructions, you should feel free to send me a note. Please return your instructions to me when your verdict is rendered.

² Source: 1 Criminal Jury Instructions for DC Instruction 2.100 (2022). There are no objections to this instruction.

Function of the Court³

My function is to conduct this trial in an orderly, fair, and efficient manner; to rule on questions of law; and to instruct you on the law that applies in this case.

It is your duty to accept the law as I instruct you. You should consider all the instructions as a whole. You may not ignore or refuse to follow any of them.

³ Source: 1 Criminal Jury Instructions for DC Instruction 2.101 (2022). There are no objections to this instruction.

Function of the Jury⁴

Your function, as the jury, is to determine what the facts are in this case. You are the sole judges of the facts. While it is my responsibility to decide what is admitted as evidence during the trial, you alone decide what weight, if any, to give to that evidence. You alone decide the credibility or believability of the witnesses.

As I explained earlier, as human beings, we all have personal likes and dislikes, opinions, prejudices, and biases. Generally, we are aware of these things, but you also should consider the possibility that you have implicit biases, that is, biases of which you may not be consciously aware. Personal prejudices, preferences, or biases have no place in a courtroom, where the goal is to arrive at a just and impartial verdict. All people deserve fair treatment in the legal system regardless of any personal characteristic, such as race, national or ethnic origin, religion, age, disability, sex, gender identity or expression, sexual orientation, education, or income level, or any other personal characteristic. You should determine the facts solely from a fair consideration of the evidence.

You may not take anything I may have said or done as indicating how I think you should decide this case. If you believe that I have expressed or indicated any such opinion, you should ignore it. The verdict in this case is your sole and exclusive responsibility.

⁴ Source: 1 Criminal Jury Instructions for DC Instruction 2.102 (2022). There are no objections to this instruction.

Jury's Recollection Controls⁵

If any reference by the court or the attorneys to the evidence does not coincide with your own recollection of the evidence, it is your recollection that should control during your deliberations.

⁵ Source: 1 Criminal Jury Instructions for DC Instruction 2.103 (2022). There are no objections to this instruction.

Notetaking by Jurors⁶

During the trial, I have permitted those jurors who wanted to do so to take notes. You may take your notebooks with you to the jury room and use them during your deliberations if you wish. As I told you at the beginning of the trial, your notes are only to be an aid to your memory. They are not evidence in the case, and they should not replace your own memory of the evidence. Those jurors who have not taken notes should rely on their own memory of the evidence. The notes are intended to be for the notetaker's own personal use.

⁶ Source: 1 Criminal Jury Instructions for DC Instruction 1.105 (2022). There are no objections to this instruction.

Evidence in the Case⁷

During your deliberations, you may consider only the evidence properly admitted in this trial. The evidence in this case consists of the sworn testimony of the witnesses, the exhibits that were admitted into evidence, and the facts and testimony stipulated to by the parties.

During the trial, you were told that the parties had stipulated—that is, agreed—to certain facts. You should consider any stipulation of fact to be undisputed evidence.

When you consider the evidence, you are permitted to draw, from the facts that you find have been proven, such reasonable inferences as you feel are justified in the light of your experience. You should give any evidence such weight as in your judgment it is fairly entitled to receive.

⁷ Source: 1 Criminal Jury Instructions for DC Instruction 2.104 (2022). There are no objections to this instruction.

Statements of Counsel⁸

The statements and arguments of the lawyers are not evidence. They are only intended to assist you in understanding the evidence. Similarly, the questions of the lawyers are not evidence.

⁸ Source: 1 Criminal Jury Instructions for DC Instruction 2.105 (2022). There are no objections to this instruction.

Indictment not Evidence⁹

The indictment is merely the formal way of accusing a person of a crime. You must not consider the indictment as evidence of any kind—you may not consider it as any evidence of Deborah Sandoval or Salvador Sandoval Jr.’s guilt or draw any inference of guilt from it.

⁹ Source: 1 Criminal Jury Instructions for DC Instruction 2.106 (2022). There are no objections to this instruction.

Burden of Proof – Presumption of Innocence¹⁰

Every defendant in a criminal case is presumed to be innocent. This presumption of innocence remains with the defendants throughout the trial unless and until the government has proven he and/or she is guilty beyond a reasonable doubt. This burden never shifts throughout the trial. The law does not require Deborah Sandoval or Salvador Sandoval Jr. to prove his or her innocence or to produce any evidence at all. If you find that the government has proven beyond a reasonable doubt every element of a particular offense with which Deborah Sandoval or Salvador Sandoval Jr. is charged, it is your duty to find him or her guilty of that offense. On the other hand, if you find the government has failed to prove any element of a particular offense beyond a reasonable doubt, it is your duty to find Deborah Sandoval or Salvador Sandoval Jr. not guilty of that offense.

¹⁰ Source: 1 Criminal Jury Instructions for DC Instruction 2.107 (2022). There are no objections to this instruction.

Reasonable Doubt¹¹

The government has the burden of proving Deborah Sandoval and Salvador Sandoval Jr. guilty beyond a reasonable doubt. In civil cases, it is only necessary to prove that a fact is more likely true than not, or, in some cases, that its truth is highly probable. In criminal cases such as this one, the government's proof must be more powerful than that. It must be beyond a reasonable doubt. Reasonable doubt, as the name implies, is a doubt based on reason—a doubt for which you have a reason based upon the evidence or lack of evidence in the case. If, after careful, honest, and impartial consideration of all the evidence, you cannot say that you are firmly convinced of the defendant's guilt, then you have a reasonable doubt.

Reasonable doubt is the kind of doubt that would cause a reasonable person, after careful and thoughtful reflection, to hesitate to act in the graver or more important matters in life. However, it is not an imaginary doubt, nor a doubt based on speculation or guesswork; it is a doubt based on reason. The government is not required to prove guilt beyond all doubt, or to a mathematical or scientific certainty. Its burden is to prove guilt beyond a reasonable doubt.

¹¹ Source: 1 Criminal Jury Instructions for DC Instruction 2.108 (2022). There are no objections to this instruction.

Direct and Circumstantial Evidence¹²

There are two types of evidence from which you may determine what the facts are in this case—direct evidence and circumstantial evidence. When a witness, such as an eyewitness, asserts actual knowledge of a fact, that witness's testimony is direct evidence. On the other hand, evidence of facts and circumstances from which reasonable inferences may be drawn is circumstantial evidence.

Let me give you an example. Assume a person looked out a window and saw that snow was falling. If he later testified in court about what he had seen, his testimony would be direct evidence that snow was falling at the time he saw it happen. Assume, however, that he looked out a window and saw no snow on the ground, and then went to sleep and saw snow on the ground after he woke up. His testimony about what he had seen would be circumstantial evidence that it had snowed while he was asleep.

The law says that both direct and circumstantial evidence are acceptable as a means of proving a fact. The law does not favor one form of evidence over another. It is for you to decide how much weight to give to any particular evidence, whether it is direct or circumstantial. You are permitted to give equal weight to both. Circumstantial evidence does not require a greater degree of certainty than direct evidence. In reaching a verdict in this case, you should consider all of the evidence presented, both direct and circumstantial.

¹² Source: 1 Criminal Jury Instructions for DC Instruction 2.109 (2022). There are no objections to this instruction.

Nature of Charges not to be Considered¹³

One of the questions you were asked when we were selecting this jury was whether the nature of the charges itself would affect your ability to reach a fair and impartial verdict. We asked you that question because you must not allow the nature of a charge to affect your verdict. You must consider only the evidence that has been presented in this case in reaching a fair and impartial verdict.

¹³ Source: 1 Criminal Jury Instructions for DC Instruction 2.110 (2022). There are no objections to this instruction.

Number of Witnesses¹⁴

The weight of the evidence is not necessarily determined by the number of witnesses testifying for each side. Rather, you should consider all the facts and circumstances in evidence to determine which of the witnesses you believe. You might find that the testimony of a smaller number of witnesses on one side is more believable than the testimony of a greater number of witnesses on the other side or you might find the opposite.

¹⁴ Source: 1 Criminal Jury Instructions for DC Instruction 2.111 (2022). There are no objections to this instruction.

Inadmissible and Stricken Evidence¹⁵

The lawyers in this case sometimes objected when the other side asked a question, made an argument, or offered evidence that the objecting lawyer believed was not proper. You must not hold such objections against the lawyer who made them or the party s/he represents. It is the lawyers' responsibility to object to evidence that they believe is not admissible.

If, during the course of the trial, I sustained an objection to a lawyer's question, you should ignore the question, and you must not speculate as to what the answer would have been. If, after a witness answered a question, I ruled that the answer should be stricken, you should ignore both the question and the answer and they should play no part in your deliberations. Likewise, exhibits as to which I have sustained an objection or that I ordered stricken are not evidence, and you must not consider them in your deliberations.

¹⁵ Source: 1 Criminal Jury Instructions for DC Instruction 2.112 (2022). There are no objections to this instruction.

Credibility of Witnesses¹⁶

In determining whether the government has proved the charges against the defendant beyond a reasonable doubt, you must consider the testimony of all the witnesses who have testified.

You are the sole judges of the credibility of the witnesses. You alone determine whether to believe any witness and the extent to which a witness should be believed. Judging a witness's credibility means evaluating whether the witness has testified truthfully and also whether the witness accurately observed, recalled, and described the matters about which the witness testified.

As I instructed you at the beginning of trial and again just now, you should evaluate the credibility of witnesses free from prejudices and biases.

You may consider anything else that in your judgment affects the credibility of any witness. For example, you may consider the demeanor and the behavior of the witness on the witness stand; the witness's manner of testifying; whether the witness impresses you as having an accurate memory; whether the witness has any reason for not telling the truth; whether the witness had a meaningful opportunity to observe the matters about which he or she has testified; whether the witness has any interest in the outcome of this case, stands to gain anything by testifying, or has friendship or hostility toward other people concerned with this case.

In evaluating the accuracy of a witness's memory, you may consider the circumstances surrounding the event, including the time that elapsed between the event and any later recollections of the event, and the circumstances under which the witness was asked to recall details of the event.

¹⁶ Source: 1 Criminal Jury Instructions for DC Instruction 2.200 (2022). There are no objections to this instruction.

You may consider whether there are any consistencies or inconsistencies in a witness's testimony or between the witness's testimony and any previous statements made by the witness. You may also consider any consistencies or inconsistencies between the witness's testimony and any other evidence that you credit. You may consider whether any inconsistencies are the result of lapses in memory, mistake, misunderstanding, intentional falsehood, or differences in perception.

You may consider the reasonableness or unreasonableness, the probability or improbability, of the testimony of a witness in determining whether to accept it as true and accurate. You may consider whether the witness has been contradicted or supported by other evidence that you credit.

If you believe that any witness has shown him or herself to be biased or prejudiced, for or against either side in this trial, or motivated by self-interest, you may consider and determine whether such bias or prejudice has colored the testimony of the witness so as to affect the desire and capability of that witness to tell the truth.

You should give the testimony of each witness such weight as in your judgment it is fairly entitled to receive.

Police Officer's Testimony¹⁷

A police officer's testimony should be evaluated by you just as any other evidence in the case. In evaluating the officer's credibility, you should use the same guidelines that you apply to the testimony of any witness. In no event should you give either greater or lesser weight to the testimony of any witness merely because s/he is a police officer.

¹⁷ Source: 1 Criminal Jury Instructions for DC Instruction 2.207 (2022). There are no objections to this instruction.

Right of Defendant Not to Testify¹⁸

Every defendant in a criminal case has an absolute right not to testify. Deborah Sandoval and Salvador Sandoval Jr. has chosen to exercise this right. You must not hold this decision against him/her, and it would be improper for you to speculate as to the reason or reasons for his/her decision. You must not assume the defendant is guilty because he/she chose not to testify.

¹⁸ Source: 1 Criminal Jury Instructions for DC Instruction 2.208 (2022). There are no objections to this instruction.

Defendant as Witness¹⁹

A defendant has a right to become a witness in his/her own behalf. His/Her testimony should not be disbelieved merely because s/he is the defendant. In evaluating his/her testimony, however, you may consider the fact that the defendant has a vital interest in the outcome of this trial. As with the testimony of any other witness, you should give the defendant's testimony as much weight as in your judgment it deserves.

¹⁹ Source: 1 Criminal Jury Instructions for DC Instruction 2.209 (2022). There are no objections to this instruction.

Possible Punishment not Relevant²⁰

The question of possible punishment of the defendants in the event a conviction is not a concern of yours and should not enter into or influence your deliberations in any way. The duty of imposing sentence in the event of a conviction rests exclusively with me. Your verdict should be based solely on the evidence in this case, and you should not consider the matter of punishment at all.

²⁰ Source: 1 Criminal Jury Instructions for DC Instruction 2.505 (2022). There are no objections to this instruction.

Multiple Defendants – Multiple Counts²¹

Each count of the indictment charges a separate offense. Moreover, each defendant is entitled to have the issue of his/her guilt as to each of the crimes for which s/he is on trial determined from his/her own conduct and from the evidence that applies to him/her as if s/he were being tried alone. You should, therefore, consider separately each offense, and the evidence which applies to it, and you should return separate verdicts as to each count of the indictment, as well as to each defendant unless I specifically instruct you to do otherwise.

The fact that you may find any one defendant guilty or not guilty on any one count of the indictment should not influence your verdict with respect to any other count of the indictment for that defendant. Nor should it influence your verdict with respect to any other defendant as to that count or any other count in the indictment. Thus, you may find any one or more of the defendants guilty or not guilty on any one or more counts of the indictment, and you may return different verdicts as to different defendants and as to different counts. At any time during your deliberations you may return your verdict of guilty or not guilty with respect to any defendant on any count.

²¹ Source: 1 Criminal Jury Instructions for DC Instruction 2.404 (2022). There are no objections to this instruction.

Unanimity -- General²²

A verdict must represent the considered judgment of each juror, and in order to return a verdict, each juror must agree on the verdict. In other words, your verdict [on each count] must be unanimous.

²² Source: 1 Criminal Jury Instructions for DC Instruction 2.405 (2022). There are no objections to this instruction.

Count One – Civil Disorder (Violation of 18 U.S.C. § 231(a)(3))²³

Count One of the indictment charge Salvador Sandoval Jr. with committing or attempting to commit an act to obstruct, impede, or interfere with law enforcement officers lawfully carrying out their official duties incident to a civil disorder, which is a violation of federal law.

Elements

In order to find the defendant guilty of this offense, you must find the following three elements beyond a reasonable doubt:

- First: Salvador Sandoval Jr. knowingly committed an act or attempted to commit an act with the intended purpose of obstructing, impeding, or interfering with one or more law enforcement officers.
- Second: at the time of the Salvador Sandoval Jr.'s actual or attempted act, the law enforcement officer or officers were engaged in the lawful performance of their official duties incident to and during a civil disorder.
- Third: the civil disorder in any way or degree obstructed, delayed, or adversely affected either commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function.

Definitions

A person acts “knowingly” if he realizes what he is doing and is aware of the nature of his conduct, and does not act through ignorance, mistake, or accident. In deciding whether

²³ Source: (18 U.S.C. § 231(a)(3); *United States v. Thomas Webster*, 21-cr-32-APM, ECF No. 101, at 15-18 (D.D.C. August 2, 2022); *United States v. Guy Wesley Reffitt*, 21-cr-208-DLF, ECF No. 65, at 2, 8-11 (D.D.C. November 24, 2021); *United States v. Pugh*, 20-cr-73 (S.D. Ala. May 19, 2021); *United States v. Rupert*, No. 20-cr-104 (D. Minn. Mar. 12, 2021) (ECF No. 81)). There are no objections to this instruction.

Salvador Sandoval Jr. acted knowingly, you may consider all of the evidence, including what he did or said.

The term “civil disorder” means any public disturbance involving acts of violence by groups of three or more persons, which (a) causes an immediate danger of injury to another individual, (b) causes an immediate danger of damage to another individual’s property, (c) results in injury to another individual, or (d) results in damage to another individual’s property.

The term “commerce” means commerce or travel between one state, including the District of Columbia, and any other state, including the District of Columbia. It also means commerce wholly within the District of Columbia.

The term “federally protected function” means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof.

The term “department” includes executive departments. The Department of Homeland Security, which includes the United States Secret Service, is an executive department.

The term “agency” includes any department, independent establishment, commission, administration, authority, board, or bureau of the United States.

For the U.S. Capitol Police and Metropolitan Police Departments, the term “official duties,” means policing the U.S. Capitol Building and Grounds, and enforcing federal law and D.C. law in those areas.

Count Two – Assault, Resisting, or Impeding Certain Officers
(Violation of 18 U.S.C. § 111(a)(1))²⁴

In Count Two, Salvador Sandoval Jr. is charged with forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any person assisting officers of the United States who are engaged in the performance of their official duties at 3:18 p.m., an officer from the Metropolitan Police Department, while the officer is engaged in the performance of his or her official duties, which is a violation of federal law.

Elements

To find Salvador Sandoval Jr. guilty of these crimes, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

- First: Salvador Sandoval Jr. assaulted, resisted, opposed, impeded, intimidated, or interfered with an officer from the Metropolitan Police Department at 3:18 p.m.
- Second: Salvador Sandoval Jr. did such act forcibly.
- Third: Salvador Sandoval Jr. did such act intentionally.
- Fourth: the person assaulted, resisted, opposed, impeded, intimidated, or interfered with was any person assisting an officer or an employee of the United States who was then engaged in the performance of his official duties.
- Fifth: Salvador Sandoval Jr. made physical contact with the federal officer or acted with the intent to commit a Civil Disorder, as defined in Count One, or Obstruction of an Official Proceeding and Aiding and Abetting, as defined in Count Six.

²⁴ Source: (18 U.S.C. § 111(a)(1); 2 O'Malley, Grenig, and Lee, Federal Jury Practice and Instructions § 24:03 (6th ed.); *United States v. Feola*, 420 U.S. 671, 684 (1975); *United States v. Arrington*, 309 F.3d 40, 44-45 (D.C. Cir. 2002)). There are no objections to this instruction.

Definitions

Before you can find Salvador Sandoval Jr. guilty you must find, beyond a reasonable doubt, that he acted forcibly. Salvador Sandoval Jr. acted forcibly if he used force, attempted to use force, or threatened to use force against the federal officer. A threat to use force at some unspecified time in the future is not sufficient to establish that the defendant acted forcibly.

The term “assault” means any intentional attempt or threat to inflict injury upon someone else, when coupled with an apparent present ability to do so. A finding that one used force (or attempted or threatened to use it) isn’t the same as a finding that he attempted or threatened to inflict injury. In order to find that the defendant committed an “assault,” you must find beyond a reasonable doubt that the defendant acted forcibly and that the defendant intended to inflict or intended to threaten injury.

The terms “resist,” “oppose,” “impede,” “intimidate,” and “interfere with” carry their everyday, ordinary meanings.

You are instructed that the officer assaulted at 3:18 is an officer of the Metropolitan Police Department, and that it was a part of the official duty of such officer to assist federal officers in protecting the U.S. Capitol complex on January 6, 2021, and to detain individuals who lacked authorization to enter the restricted area around the complex.

It is not necessary to show that Salvador Sandoval Jr. knew the person being forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with was, at that time, a federal officer carrying out an official duty so long as it is established beyond a reasonable doubt that the victim was, in fact, a federal officer acting in the course of his duty and that the defendant intentionally forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with that officer.

Count Three – Assault, Resisting, or Impeding Certain Officers
(Violation of 18 U.S.C. § 111(a)(1))²⁵

In Count Three, Salvador Sandoval Jr. is charged with forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any person assisting officers of the United States who are engaged in the performance of their official duties at 3:25 p.m., an officer from the Metropolitan Police Department, while the officer is engaged in the performance of his or her official duties, which is a violation of federal law.

Elements

To find Salvador Sandoval Jr. guilty of these crimes, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

- First: Salvador Sandoval Jr. assaulted, resisted, opposed, impeded, intimidated, or interfered with an officer from the Metropolitan Police Department at 3:25 p.m.
- Second: Salvador Sandoval Jr. did such act forcibly.
- Third: Salvador Sandoval Jr. did such act intentionally.
- Fourth: the person assaulted, resisted, opposed, impeded, intimidated, or interfered with was any person assisting an officer or an employee of the United States who was then engaged in the performance of his official duties.
- Fifth: Salvador Sandoval Jr. made physical contact with the federal officer or acted with the intent to commit a Civil Disorder, as defined in Count One, or Obstruction of an Official Proceeding and Aiding and Abetting, as defined in Count Six.

²⁵ Source: (18 U.S.C. § 111(a)(1); 2 O'Malley, Grenig, and Lee, Federal Jury Practice and Instructions § 24:03 (6th ed.); *United States v. Feola*, 420 U.S. 671, 684 (1975); *United States v. Arrington*, 309 F.3d 40, 44-45 (D.C. Cir. 2002)). There are no objections to this instruction.

Definitions

Before you can find Salvador Sandoval Jr. guilty you must find, beyond a reasonable doubt, that he acted forcibly. The term “forcibly” has the same meaning described in the instructions for Count Two.

The term “assault” has the same meaning described in the instructions for Count Two.

The terms “resist,” “oppose,” “impede,” “intimidate,” and “interfere with” carry their everyday, ordinary meanings.

You are instructed that the officer assaulted at 3:25 is an officer of the Metropolitan Police Department, and that it was a part of the official duty of such officer to assist federal officers in protecting the U.S. Capitol complex on January 6, 2021, and to detain individuals who lacked authorization to enter the restricted area around the complex.

It is not necessary to show that Salvador Sandoval Jr. knew the person being forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with was, at that time, a federal officer carrying out an official duty so long as it is established beyond a reasonable doubt that the victim was, in fact, a federal officer acting in the course of his duty and that the defendant intentionally forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with that officer.

Count Four – Assault, Resisting, or Impeding Certain Officers
(Violation of 18 U.S.C. § 111(a)(1))²⁶

In Count Four, Salvador Sandoval Jr. is charged with forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any person assisting officers of the United States who are engaged in the performance of their official duties at 3:25 p.m., an officer from the Metropolitan Police Department, while the officer is engaged in the performance of his or her official duties, which is a violation of federal law.

Elements

To find Salvador Sandoval Jr. guilty of these crimes, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

- First: Salvador Sandoval Jr. assaulted, resisted, opposed, impeded, intimidated, or interfered with an officer from the Metropolitan Police Department at 3:25 p.m.
- Second: Salvador Sandoval Jr. did such act forcibly.
- Third: Salvador Sandoval Jr. did such act intentionally.
- Fourth: the person assaulted, resisted, opposed, impeded, intimidated, or interfered with was any person assisting an officer or an employee of the United States who was then engaged in the performance of his official duties.
- Fifth: Salvador Sandoval Jr. made physical contact with the federal officer or acted with the intent to commit a Civil Disorder, as defined in Count One, or Obstruction of an Official Proceeding and Aiding and Abetting, as defined in Count Six.

²⁶ Source: (18 U.S.C. § 111(a)(1); 2 O'Malley, Grenig, and Lee, Federal Jury Practice and Instructions § 24:03 (6th ed.); *United States v. Feola*, 420 U.S. 671, 684 (1975); *United States v. Arrington*, 309 F.3d 40, 44-45 (D.C. Cir. 2002)). There are no objections to this instruction.

Definitions

Before you can find Salvador Sandoval Jr. guilty you must find, beyond a reasonable doubt, that he acted forcibly. The term “forcibly” has the same meaning described in the instructions for Count Two.

The term “assault” has the same meaning described in the instructions for Count Two.

The terms “resist,” “oppose,” “impede,” “intimidate,” and “interfere with” carry their everyday, ordinary meanings.

You are instructed that the officer assaulted at 3:25 is an officer of the Metropolitan Police Department, and that it was a part of the official duty of such officer to assist federal officers in protecting the U.S. Capitol complex on January 6, 2021, and to detain individuals who lacked authorization to enter the restricted area around the complex.

It is not necessary to show that Salvador Sandoval Jr. knew the person being forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with was, at that time, a federal officer carrying out an official duty so long as it is established beyond a reasonable doubt that the victim was, in fact, a federal officer acting in the course of his duty and that the defendant intentionally forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with that officer.

Count Five – Assault, Resisting, or Impeding Certain Officers
(Violation of 18 U.S.C. § 111(a)(1))²⁷

In Count Two, Salvador Sandoval Jr. is charged with forcibly assaulting, resisting, opposing, impeding, intimidating, or interfering with any person assisting officers of the United States who are engaged in the performance of their official duties at 3:27 p.m., an officer from the Metropolitan Police Department, while the officer is engaged in the performance of his or her official duties, which is a violation of federal law.

Elements

To find Salvador Sandoval Jr. guilty of these crimes, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

- First: Salvador Sandoval Jr. assaulted, resisted, opposed, impeded, intimidated, or interfered with an officer from the Metropolitan Police Department at 3:27 p.m.
- Second: Salvador Sandoval Jr. did such act forcibly.
- Third: Salvador Sandoval Jr. did such act intentionally.
- Fourth: the person assaulted, resisted, opposed, impeded, intimidated, or interfered with was any person assisting an officer or an employee of the United States who was then engaged in the performance of his official duties.
- Fifth: Salvador Sandoval Jr. made physical contact with the federal officer or acted with the intent to commit a Civil Disorder, as defined in Count One, or Obstruction of an Official Proceeding and Aiding and Abetting, as defined in Count Six.

²⁷ Source: (18 U.S.C. § 111(a)(1); 2 O'Malley, Grenig, and Lee, Federal Jury Practice and Instructions § 24:03 (6th ed.); *United States v. Feola*, 420 U.S. 671, 684 (1975); *United States v. Arrington*, 309 F.3d 40, 44-45 (D.C. Cir. 2002)). There are no objections to this instruction.

Definitions

Before you can find Salvador Sandoval Jr. guilty you must find, beyond a reasonable doubt, that he acted forcibly. The term “forcibly” has the same meaning described in the instructions for Count Two.

The term “assault” has the same meaning described in the instructions for Count Two.

The terms “resist,” “oppose,” “impede,” “intimidate,” and “interfere with” carry their everyday, ordinary meanings.

You are instructed that the officer assaulted at 3:27 is an officer of the Metropolitan Police Department, and that it was a part of the official duty of such officer to assist federal officers in protecting the U.S. Capitol complex on January 6, 2021, and to detain individuals who lacked authorization to enter the restricted area around the complex.

It is not necessary to show that Salvador Sandoval Jr. knew the person being forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with was, at that time, a federal officer carrying out an official duty so long as it is established beyond a reasonable doubt that the victim was, in fact, a federal officer acting in the course of his duty and that the defendant intentionally forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with that officer.

Count Six – Obstruction of an Official Proceeding and Aiding and Abetting
(Violation of 18 U.S.C. §§ 1512(c)(2), 2)²⁸

Count Six of the indictment charges Salvador Sandoval Jr. with corruptly obstructing an official proceeding, which is a violation of the law. Count Six also charges Salvador Sandoval Jr. with attempt to obstruct or impede an official proceeding and aiding and abetting others to commit that offense.

Elements

In order to find Salvador Sandoval Jr. guilty of corruptly obstructing an official proceeding, you must find that the government proved each of the following four elements beyond a reasonable doubt:

- First: Salvador Sandoval Jr. attempted to or did obstruct or impede an official proceeding.
- Second: Salvador Sandoval Jr. intended to obstruct or impede the official proceeding.
- Third: Salvador Sandoval Jr. acted knowingly.
- Fourth: Salvador Sandoval Jr. acted corruptly.

Definitions

The term “official proceeding” includes a proceeding before the Congress. The official

²⁸ Source: (18 U.S.C. §§ 1512(c)(2), 2; *United States v. Reffitt*, No. 1:21-cr-32, 2022 WL 712844 (D.D.C.), Final Jury Instructions at 25, ECF No. 119; *United States v. Robertson*, No. 1:21-cr-34, 2022 WL 1101660 (D.D.C.), Final Jury Instructions at 12, ECF No. 86; *United States v. Hale-Cusanelli*, No. 1:21cr37, 2022 WL 1731979 (D.D.C.), Final Jury Instructions at 24, ECF No. 84 (language slightly different from the standard, but same four elements); *United States v. Bledsoe*, No. 1:21-cr-204, Final Jury Instructions at 6-7, ECF No. 215; and *United States v. Williams*, No. 1:21-cr-377, Final Jury Instructions at 6-7, ECF No. 112 (language slightly different from the standard, but same four elements). There are no objections to this instruction.

proceeding need not be pending or about to be instituted at the time of the offense. If the official proceeding was not pending or about to be instituted, the government must prove beyond a reasonable doubt that the official proceeding was reasonably foreseeable to Salvador Sandoval Jr.. As used in Count Six, the term “official proceeding” means Congress’s Joint Session to certify the Electoral College vote.

The term “knowingly” has the same meaning described in the instructions for Count One.

To act “corruptly,” Salvador Sandoval Jr. must use unlawful means or have a wrongful or an unlawful purpose, or both. The defendant must also act with “consciousness of wrongdoing.” “Consciousness of wrongdoing” means with an understanding or awareness that what the person is doing is wrong or unlawful.

Not all attempts to obstruct or impede an official proceeding involve acting corruptly. For example, a political activist might call a representative in Congress and threaten to oppose her reelection and peacefully protest the representative in public spaces unless the representative votes in a congressional proceeding against taking action that the activist believes to be a waste of taxpayer money. The activist is acting with the intent to obstruct or impede the proceeding but is not necessarily doing so corruptly. By contrast, a political activist who obstructs or impedes a congressional proceeding by engaging in conduct such as offering illegal bribes, engaging in violence, committing fraud, or through other independently unlawful conduct, is acting corruptly.

Attempt

In Count Six, Salvador Sandoval Jr. is also charged with attempt to commit the crime of obstruction of an official proceeding. An attempt to commit obstruction of an official

proceeding is a crime even if the defendant did not actually complete the crime of obstruction of an official proceeding.

In order to find Salvador Sandoval Jr. guilty of attempt to commit obstruction of an official proceeding, you must find that the government proved beyond a reasonable doubt each of the following two elements:

Elements

First: that Salvador Sandoval Jr. intended to commit the crime of obstruction of an official proceeding, as I have defined that offense above.

Second: that Salvador Sandoval Jr. took a substantial step toward committing obstruction of an official proceeding which strongly corroborates or confirms that he intended to commit that crime.

With respect to the first element of attempt, you may not find Salvador Sandoval Jr. guilty of attempt to commit obstruction of an official proceeding merely because he thought about it. You must find that the evidence proved beyond a reasonable doubt that the defendant's mental state passed beyond the stage of thinking about the crime to actually intending to commit it.

With respect to the substantial step element, you may not find Salvador Sandoval Jr. guilty of attempt to commit obstruction of an official proceeding merely because he made some plans to or some preparation for committing that crime. Instead, you must find that the defendant took some firm, clear, undeniable action to accomplish his intent to commit obstruction of an official proceeding. However, the substantial step element does not require

the government to prove that the defendant did everything except the last act necessary to complete the crime.

Aiding and Abetting

In this case, the government further alleges that Salvador Sandoval Jr. aided and abetted others in committing obstruction of an official proceeding as charged in Count Six. A person may be guilty of an offense if he aided and abetted another person in committing the offense. A person who has aided and abetted another person in committing an offense is often called an accomplice. The person whom the accomplice aids and abets is known as the principal. It is not necessary that all the people who committed the crime be caught or identified. It is sufficient if you find beyond a reasonable doubt that the crime was committed by someone and that the defendant knowingly and intentionally aided and abetted that person in committing the crime.

In order to find Salvador Sandoval Jr. guilty of obstruction of an official proceeding because he aided and abetted others in committing this offense, you must find that the government proved beyond a reasonable doubt the following five requirements:

Elements

- First: that others committed obstruction of an official proceeding by committing each of the elements of the offense charged, as I have explained above.
- Second: that Salvador Sandoval Jr. knew that obstruction of an official proceeding was going to be committed or was being committed by others.
- Third: that Salvador Sandoval Jr. performed an act or acts in furtherance of the offense.
- Fourth: that Salvador Sandoval Jr. knowingly performed that act or acts for the purpose of aiding, assisting, soliciting, facilitating, or encouraging others

in committing the offense of obstruction of an official proceeding.

Fifth: that Salvador Sandoval Jr. did that act or acts with the intent that others commit the offense of obstruction of an official proceeding.

To show that Salvador Sandoval Jr. performed an act or acts in furtherance of the offense charged, the government needs to show some affirmative participation by Salvador Sandoval Jr. which at least encouraged others to commit the offense. That is, you must find that Salvador Sandoval Jr. act or acts did, in some way, aid, assist, facilitate, or encourage others to commit the offense. Salvador Sandoval Jr.'s act or acts need not further aid, assist, facilitate, or encourage every part or phase of the offense charged; it is enough if the defendant's act or acts further aid, assist, facilitate, or encourage only one or some parts or phases of the offense. Also, Salvador Sandoval Jr.'s acts need not themselves be against the law.

In deciding whether Salvador Sandoval Jr. had the required knowledge and intent to satisfy the fourth requirement for aiding and abetting, you may consider both direct and circumstantial evidence, including Salvador Sandoval Jr.'s words and actions and other facts and circumstances. However, evidence that Salvador Sandoval Jr. merely associated with persons involved in a criminal venture or was merely present or was merely a knowing spectator during the commission of the offense is not enough for you to find Salvador Sandoval Jr. guilty as an aider and abettor. If the evidence shows that the defendant knew that the offense was being committed or was about to be committed, but does not also prove beyond a reasonable doubt that it was the defendant's intent and purpose to aid, assist, encourage, facilitate, or otherwise associate himself with the offense, you may not find Salvador Sandoval Jr. guilty of the obstruction of an official proceeding as an aider and abettor. The government must prove

beyond a reasonable doubt that the defendant in some way participated in the offense committed by others as something the defendant wished to bring about and to make succeed

Count Seven – Entering and Remaining in a Restricted Building or Grounds
(Violation of 18 U.S.C. § 1752(a)(1))²⁹

Count Seven of the Indictment charges Deborah Sandoval and Salvador Sandoval Jr. with entering or remaining in a restricted building or grounds, which is a violation of federal law.

Elements

In order to find the defendants guilty of this offense, you must find that the government proved each of the following elements beyond a reasonable doubt:

First: that the defendant entered or remained in a restricted building or grounds without lawful authority to do so.

Second: that the defendant did so knowingly.

Defense objects to the government’s phrasing for the second element and instead requests the following wording:

Second: that the defendant knew that the building or grounds was restricted, and the defendant knew that **he/she** lacked the lawful authority to enter or remain there.

Definitions

The term “restricted building or grounds” means any posted, cordoned off, or otherwise restricted area of a building or grounds where a person protected by the Secret Service is or will be temporarily visiting.

The term “person protected by the Secret Service” includes the Vice President and the

²⁹ Government source: 18 U.S.C. § 1752(a)(1). Defense Source for objection: 18 U.S.C. § 1752(a)(1); *United States v. Guy Wesley Reffitt*, No. 1:21-cr-32 (DLF), Final Jury Instructions at 31, ECF No. 119. The government objects to the defense’s instruction and would ask the Court to give the government’s proposed instruction which is consistent with what other courts have provided in Capitol Riot cases.

immediate family of the Vice President.

The term “knowingly” has the same meaning described in the instructions for Count One.

Count Eight – Disorderly or Disruptive Conduct in a Restricted Building or Ground (Violation of 18 U.S.C. § 1752(a)(2))³⁰

Count Eight of the indictment charges Deborah Sandoval and Salvador Sandoval Jr. with disorderly or disruptive conduct in a restricted building or grounds, which is a violation of federal law.

Elements

In order to find the defendants guilty of this offense, you must find that the government proved each of the following elements beyond a reasonable doubt:

- First: that the defendant engaged in disorderly or disruptive conduct in, or in proximity to, any restricted building or grounds.
- Second: that the defendant did so knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions.
- Third: that the defendant’s conduct occurred when, or so that, his conduct in fact impeded or disrupted the orderly conduct of Government business or official functions.

Defense objects to the government’s phrasing for the third element and instead requests the following wording:

- Third: that the defendant’s conduct in fact impeded or disrupted the orderly conduct of Government business or official functions.

Definitions

“Disorderly conduct” occurs when a person is unreasonably loud and disruptive under

³⁰ Government source: 18 U.S.C. § 1752(a)(2). Defense source for objection: 18 U.S.C. § 1752(a)(2); *United States v. Dustin Byron Thompson*, No. 1:21-cr-161 (RBW), Final Jury Instructions at 33, ECF No. 83; *United States v. Thomas Robertson*, No. 1:21-cr-34 (CRC), Final Jury Instructions at 22, ECF No. 86. The government objects to the defense’s instruction and would ask the Court to give the government’s proposed instruction which is consistent with the statute and what other courts have provided in Capitol Riot cases.

the circumstances, or interferes with another person by jostling against or unnecessarily crowding that person. “Disruptive conduct” is a disturbance that interrupts an event, activity, or the normal course of a process.

The term “knowingly” has the same meaning described in the instructions for Count One.

The term “restricted building or grounds” has the same meanings as described in the instructions for Count Seven.

Count Nine – Engaging in Physical Violence in a Restricted Building or Grounds
(Violation of 18 U.S.C. § 1752(a)(4))³¹

Count Nine of the indictment charges Salvador Sandoval Jr. with engaging in an act of physical violence in a restricted building or grounds, which is a violation of federal law.

Elements

In order to find Salvador Sandoval Jr. guilty of this offense, you must find that the government proved each of the following elements beyond a reasonable doubt:

First: that the defendant engaged in any act of physical violence against any person in any restricted building or grounds.

Second: that the defendant did so knowingly.

Definitions

The term “knowingly” has the same meaning described in the instructions for Count One.

The term “restricted building or grounds” has the same meanings as described in the instructions for Count Seven.

The term “act of physical violence” means any act involving an assault or other infliction or threat of infliction of death or bodily harm on an individual; or damage to, or destruction of, real or personal property.

³¹ Source: 18 U.S.C. § 1752(a)(4). There are no objections to this instruction.

Count Ten – Disorderly Conduct in a Capitol Building
(Violation of 40 U.S.C. § 5104(e)(2)(D))³²

Count Ten of the Information charges Deborah Sandoval and Salvador Sandoval Jr. with violent entry and disorderly and disruptive conduct in a Capitol Building, which is a violation of federal law.

In order to find the defendants guilty of this offense, you must find that the government proved each of the following elements beyond a reasonable doubt:

Elements

- First: that the defendant engaged in disorderly or disruptive conduct in any of the United States Capitol Buildings.
- Second: that the defendant did so with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress.
- Third: that the defendant acted willfully and knowingly.

Defense objects to the government's phrasing for all three elements and instead requests the following wording:

- First: that the defendant was inside the United States Capitol Building.
- Second: that the defendant uttered loud, threatening or abusive language, or engaged in disorderly or disruptive conduct.
- Third: that the defendant acted with the intent to impede, disrupt, or disturb the orderly conduct of a session of the United States Congress or either House of the United States Congress. The two houses of the United States

³² Government source: 40 U.S.C. § 5104(e)(2)(D). Defense source for objection: 40 U.S.C. § 5104(e)(2)(D); *United States v. Dustin Byron Thompson*, No. 1:21-cr-161 (RBW), Final Jury Instructions at 36, ECF No. 83. The government objects to the defense's instruction and would ask the Court to give the government's proposed instruction which is consistent with the statute and what other courts have provided in Capitol Riot cases.

Congress are the United States Senate and the United States House of Representatives; and

Fourth: that the defendant acted willfully and knowingly.

Definitions

The term “United States Capitol Buildings” includes the United States Capitol located at First Street, Southeast, in Washington, D.C.

The term “disorderly or disruptive conduct” has the same meaning described in the instructions for Count Eight defining “disorderly conduct” and “disruptive conduct.”

A person acts “willfully” if he acts with the intent to do something that the law forbids, that is, to disobey or disregard the law. “Willfully” does not, however, require proof that the defendant be aware of the specific law or rule that his conduct may be violating.

The term “knowingly” has the same meaning described in the instructions for Count One.

Count Eleven – Parading, Demonstrating, or Picketing in a Capitol Building
(Violation of 40 U.S.C. § 5104(e)(2)(G))³³

Count Eleven of the Information charges Deborah Sandoval and Salvador Sandoval Jr. with parading, demonstrating, or picketing in a Capitol Building, which is a violation of federal law.

In order to find the defendants guilty of this offense, you must find that the government proved each of the following elements beyond a reasonable doubt:

Elements

First: that the defendant paraded, demonstrated, or picketed in any of the United States Capitol Buildings.

Second: that the defendant acted willfully and knowingly.

Definitions

To “parade” means to take part in a march or procession, organized on a grand scale, in support of some political object.

To “demonstrate” means to take part in a public manifestation, by a number of persons, of interest in some public question, or sympathy with some political or other cause; usually taking the form of a procession and mass-meeting.

To “picket” means to be posted for a demonstration or protest. The terms “United States Capitol Buildings,” “knowingly,” and “willfully” have the same meanings described in the instructions for Counts One and Ten.

³³ Source: 40 U.S.C. § 5104(e)(2)(G); *United States v. Russell Dean Alford*, No. 1:21-cr-263 (TSC), Final Jury Instructions at 17, ECF No. 91 (Instructions are not dockets, but counsel can provide them). There are no objections to this instruction.

Count Twelve – Act of Physical Violence in the Capitol Grounds or Buildings
(Violation of 40 U.S.C. § 5104(e)(2)(F))³⁴

Count Twelve of the Indictment charges Salvador Sandoval Jr. with engaging in an act of physical violence in the Capitol Building or Grounds, which is a violation of federal law.

Elements

In order to find the defendant guilty of this offense, you must find that the government proved each of the following elements beyond a reasonable doubt:

First: that the defendant engaged in any act of physical violence in any of the
 United States Capitol Buildings or Grounds.

Second: that the defendant acted willfully and knowingly.

Definitions

The terms “United States Capitol Buildings,” “knowingly,” “act of physical violence,” and “willfully” have the same meanings described in the instructions for Counts Six, Nine, and Ten.

³⁴ Source: 40 U.S.C. § 5104(e)(2)(F). There are no objections to this instruction.

Verdict Form Explanation³⁵

You will be provided with a Verdict Form for use when you have concluded your deliberations. The form is not evidence in this case, and nothing in it should be taken to suggest or convey any opinion by me as to what the verdict should be. Nothing in the form replaces the instructions of law I have already given you, and nothing in it replaces or modifies the instructions about the elements which the government must prove beyond a reasonable doubt. The form is meant only to assist you in recording your verdict.

³⁵ Source: 1 Criminal Jury Instructions for DC Instruction 2.407 (2022). There are no objections to this instruction.

Exhibits During Deliberations³⁶

I will be sending into the jury room with you the exhibits that have been admitted into evidence. You may examine any or all of them as you consider your verdict(s). Please keep in mind that exhibits that were only marked for identification but were not admitted into evidence will not be given to you to examine or consider in reaching your verdict.

³⁶ Source: 1 Criminal Jury Instructions for DC Instruction 2.501 (2022). There are no objections to this instruction.

Selection of Foreperson³⁷

When you return to the jury room, you should first select a foreperson to preside over your deliberations and to be your spokesperson here in court. There are no specific rules regarding how you should select a foreperson. That is up to you. However, as you go about the task, be mindful of your mission—to reach a fair and just verdict based on the evidence. Consider selecting a foreperson who will be able to facilitate your discussions, who can help you organize the evidence, who will encourage civility and mutual respect among all of you, who will invite each juror to speak up regarding his or her views about the evidence, and who will promote a full and fair consideration of that evidence.

³⁷ Source: 1 Criminal Jury Instructions for DC Instruction 2.502 (2022). There are no objections to this instruction.

Cautionary Instruction on Publicity, Communication, and Research³⁸

I would like to remind you that, in some cases, although not necessarily this one, there may be reports in the newspaper or on the radio, internet, or television concerning this case. If there should be such media coverage in this case, you may be tempted to read, listen to, or watch it. You must not read, listen to, or watch such reports because you must decide this case solely on the evidence presented in this courtroom. If any publicity about this trial inadvertently comes to your attention, do not discuss it with other jurors or anyone else. Just let me or my clerk know as soon after it happens as you can, and I will then briefly discuss it with you.

As you retire to the jury room to deliberate, I also wish to remind you of an instruction I gave you at the beginning of the trial. During deliberations, you may not communicate with anyone not on the jury about this case. This includes any electronic communication such as email or text or any blogging about the case. In addition, you may not conduct any independent investigation during deliberations. This means you may not conduct any research in person or electronically via the internet or in another way.

³⁸ Source: 1 Criminal Jury Instructions for DC Instruction 2.508 (2022). There are no objections to this instruction.

Communications between Court and Jury during Jury's Deliberations³⁹

If it becomes necessary during your deliberations to communicate with me, you may send a note by the clerk or marshal, signed by your foreperson or by one or more members of the jury. No member of the jury should try to communicate with me except by such a signed note, and I will never communicate with any member of the jury on any matter concerning the merits of this case, except in writing or orally here in open court.

Bear in mind also that you are never, under any circumstances, to reveal to any person—not the clerk, the marshal or me—how jurors are voting until after you have reached a unanimous verdict. This means that you should never tell me, in writing or in open court, how the jury is divided on any matter—for example, 6-6 or 7-5 or 11-1, or in any other fashion—whether the vote is for conviction or acquittal or on any other issue in the case.

³⁹ Source: 1 Criminal Jury Instructions for DC Instruction 2.509 (2022). There are no objections to this instruction.

Attitude and Conduct of Jurors in Deliberations⁴⁰

The attitude and conduct of jurors at the beginning of their deliberations are matters of considerable importance. It may not be useful for a juror, upon entering the jury room, to voice a strong expression of an opinion on the case or to announce a determination to stand for a certain verdict. When one does that at the outset, a sense of pride may cause that juror to hesitate to back away from an announced position after a discussion of the case. Furthermore, many juries find it useful to avoid an initial vote upon retiring to the jury room. Calmly reviewing and discussing the case at the beginning of deliberations is often a more useful way to proceed. Remember that you are not partisans or advocates in this matter, but you are judges of the facts.

⁴⁰ Source: 1 Criminal Jury Instructions for DC Instruction 2.510 (2022). There are no objections to this instruction.

Excusing Alternate Jurors⁴¹

The last thing I must do before you begin your deliberations is to excuse the alternate jurors. As I told you before, the selection of alternates was an entirely random process; it's nothing personal. We selected two seats to be the alternate seats before any of you entered the courtroom. Since the rest of you have remained healthy and attentive, I can now excuse those jurors in seats [insert seat numbers].

Before you two leave, I am going to ask you to tear out a page from your notebook, and to write down your name and daytime phone number and hand this to the clerk. I do this because it is possible, though unlikely, that we will need to summon you back to rejoin the jury in case something happens to a regular juror. Since that possibility exists, I am also going to instruct you not to discuss the case with anyone until we call you. My earlier instruction on use of the Internet still applies; do not research this case or communicate about it on the Internet. In all likelihood, we will be calling you to tell you there has been a verdict and you are now free to discuss the case; there is, however, the small chance that we will need to bring you back on to the jury. Thank you very much for your service, and please report back to the jury office to turn in your badge on your way out.

⁴¹ Source: 1 Criminal Jury Instructions for DC Instruction 2.511 (2022). There are no objections to this instruction.

Delivering the Verdict⁴²

When you have reached your verdict, just send me a note telling me you have reached your verdict, and have your foreperson sign the note. Do not tell me what your verdict is. The foreperson should fill out and sign the verdict form that will be provided. We will then call you into the courtroom and ask you your verdict in open court.

You may now retire to begin your deliberations.

⁴² Source: none. There are no objections to this instruction.