

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

UNITED STATES OF AMERICA	:	CASE NO. 22-cr-64 (RBW)
	:	
v.	:	
	:	VIOLATIONS:
LLOYD CASMIRO CRUZ JR.,	:	
	:	18 U.S.C. § 1752(a)(1)
Defendant.	:	(Entering and Remaining in a Restricted
	:	Building or Grounds)
	:	40 U.S.C. § 5104(e)(2)(G)
	:	(Parading, Demonstrating, or Picketing in
	:	a Capitol Building)

JOINT PROPOSED JURY INSTRUCTIONS

Instructions Before and During Trial

The parties have no objection to the below Pattern Criminal Jury Instructions for the District of Columbia, 2021 Release (“Redbook”), as appropriate based on the developments at trial.

The parties disagree as to the proper instructions for the two charges in the Information. The United States will make a separate reflecting its position on the appropriate instructions.

Final Instructions

1. Furnishing the Jury with a Copy of the Instructions, Redbook 2.100
2. Function of the Court, Redbook 2.101
3. Function of the Jury, Redbook 2.102
4. Jury’s Recollection Controls, Redbook 2.103
5. Evidence in the Case, Redbook 2.104
6. Statements of Counsel, Redbook 2.105
7. Indictment/Information Not Evidence, Redbook 2.106

8. Burden of Proof, Redbook 2.107
9. Reasonable Doubt, Redbook 2.108
10. Direct and Circumstantial Evidence, Redbook 2.109
11. Nature of Charges Not To Be Considered, Redbook 2.110
12. Number of Witnesses, Redbook 2.111
13. Inadmissible and Stricken Evidence, Redbook 2.112
14. Credibility of Witnesses, Redbook 2.200
15. Police Officer's Testimony, Redbook 2.207
16. Right of Defendant Not to Testify, Redbook 2.208 or
17. Defendant as Witness, Redbook 2.209, as applicable
18. Statements of the Defendant – Substantive Evidence, Redbook 2.305
19. Transcripts of Tape Recordings, Redbook 2.310
20. Definition of “Willfully” [see proposal below]
21. Proof of State of Mind, Redbook 3.101
22. Multiple Counts – One Defendant, Redbook 2.402
23. Unanimity—General, Redbook 2.405
24. Verdict Form Explanation, Redbook 2.407
25. Redacted Documents and Tapes, Redbook 2.500
26. Exhibits During Deliberations, Redbook 2.501
27. Selection of Foreperson, Redbook 2.502
28. Possible Punishment Not Relevant, Redbook 2.505
29. Cautionary Instruction on Publicity, Communication, and Research, Redbook 2.508
30. Communication Between Court and Jury During Jury's Deliberations, Redbook 2.509

- 31. Attitude and Conduct of Jurors in Deliberations, Redbook 2.510
- 32. Excusing Alternate Jurors, Redbook 2.511
- 33. Court Interaction with Jury During Deliberations – Note, Redbook 2.600
- 34. When Jurors Cannot Agree, Redbook 2.601
- 35. Instructions to Jury Before Polling, Redbook 2.602
- 36. Instructions to Jury After Polling, Redbook 2.603
- 37. Comment on Verdict – Note, Redbook 2.604

Joint Proposed Instruction No. __

DEFINITION OF “WILLFULLY”¹

I instruct you that, for purposes of Count Two, a defendant acts “willfully” if he knew his conduct was unlawful and intended to do something that the law forbids. That is, to find that defendant acted “willfully,” you must find that the evidence proved beyond a reasonable doubt that the defendant acted with a purpose to disobey or disregard the law. “Willfully” does not, however, require proof that the defendant had any evil motive or bad purpose other than the purpose to disobey or disregard the law, nor does it require proof that the defendant be aware of the specific law or rule that his conduct may be violating.

¹ Third Circuit Model Jury Instruction, Criminal, 5.05 (“Willfully”); *United States v. Bryan*, 524 U.S. 184, 190 (1998).