

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTIAN HANSEN,

Defendant.

No. CR17-0099-LTS

**COURT’S INSTRUCTIONS  
TO THE JURY**

---

**TABLE OF CONTENTS**

No. 1 — INTRODUCTION .....	1
No. 2 — PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF .....	3
No. 3 — REASONABLE DOUBT .....	4
No. 4 — OTHER IMPORTANT TERMS .....	5
No. 5 — GLOSSARY OF CHILD PORNOGRAPHY TERMINOLOGY .....	7
No. 6 — COUNT 1: ALLEGEDLY “SEXUALLY EXPLOITING A CHILD” .....	11
No. 7 — COUNT 2: ALLEGEDLY “COMMITTING THE OFFENSE OF SEXUALLY EXPLOITING A CHILD WHILE BEING REQUIRED TO REGISTER AS A SEX OFFENDER” .....	14
No. 8 — COUNT 3: ALLEGEDLY “DISTRIBUTING CHILD PORNOGRAPHY” .....	15
No. 9 — COUNT 3 (Second Alternative): ALLEGEDLY “ATTEMPTING TO DISTRIBUTE CHILD PORNOGRAPHY” .....	17
No. 10 — COUNT 4: ALLEGEDLY “RECEIVING CHILD PORNOGRAPHY” .....	18
No. 11 — COUNT 4 (Second Alternative): ALLEGEDLY “ATTEMPTING TO RECEIVE CHILD PORNOGRAPHY” .....	20

No. 12 — COUNTS 5 THROUGH 9: ALLEGEDLY  
“POSSESSING CHILD PORNOGRAPHY.” ..... 22

No. 13 — PRIOR BAD ACTS ..... 26

No. 14 — DEFINITION OF EVIDENCE ..... 27

No. 15 —TESTIMONY OF WITNESSES..... 29

No. 16 — OBJECTIONS..... 32

No. 17 — BENCH CONFERENCES..... 33

No. 18 — NOTE-TAKING ..... 34

No. 19 — CONDUCT OF JURORS DURING TRIAL ..... 35

No. 20 — DUTY TO DELIBERATE..... 39

No. 21 — DUTY DURING DELIBERATIONS..... 41

## No. 1 — INTRODUCTION

Congratulations on your selection as a juror! These Instructions will help you better understand the trial and your role in it.

In an Indictment, a Grand Jury has charged Christian Hansen with nine offenses involving “sexual exploitation of a child,” “committing the offense of sexual exploitation of a child while being required to register as a sex offender,” “distributing child pornography,” “receiving child pornography,” and “possessing child pornography.” An Indictment is simply an accusation—it is not evidence of anything. The defendant has pled not guilty to the offenses charged against him, and he is presumed absolutely not guilty of the offenses, unless and until the prosecution proves his guilt beyond a reasonable doubt.

You must decide during your deliberations whether or not the prosecution has proved the defendant’s guilt on the offenses charged against him beyond a reasonable doubt. In making your decision, you are the sole judges of the facts. You must not decide this case based on personal likes or dislikes, generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, these instructions, and any additional oral or written instructions that I may give you. Do not take anything that I have said or done or that I may say or do as indicating what I think of the evidence or what I think your verdict should be.

Remember, only defendant Christian Hansen, and not anyone else, is on trial. Also, he is on trial *only* for the offenses charged in the Indictment, and not for anything else.

The defendant is entitled to have each charge against him considered separately, based solely on the evidence that applies to that offense. *Therefore,*

*you must give separate consideration to each charge against the defendant and return a separate, unanimous verdict on each charge.*

Please remember that this case is important to the parties and to the fair administration of justice. Therefore, please be patient, consider all of the evidence, and do not be in a hurry to reach a verdict just to be finished with the case.

## **No. 2 — PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF**

The presumption of innocence means that the defendant is presumed to be absolutely not guilty.

- This presumption means that you must put aside all suspicion that might arise from the defendant's arrest, the charge, or the fact that he is here in court.
- This presumption remains with the defendant throughout the trial.
- This presumption is enough, alone, for you to find the defendant not guilty of the offenses charged against him.

The burden is always on the prosecution to prove guilt beyond a reasonable doubt.

- This burden never, ever shifts to the defendant to prove his innocence.
- This burden means that the defendant does not have to call any witnesses, produce any evidence, cross-examine the prosecution's witnesses, or testify.
- This burden means that, if the defendant does not testify, you must not consider that fact in any way, or even discuss it, in arriving at your verdict.
- This burden means that you must find the defendant not guilty of a charged offense unless the prosecution proves beyond a reasonable doubt that he has committed each and every element of that offense.

### **No. 3 — REASONABLE DOUBT**

A reasonable doubt is a doubt based upon reason and common sense.

- A reasonable doubt may arise from evidence produced by the prosecution or the defendant, keeping in mind that the defendant never, ever has the burden or duty to call any witnesses or to produce any evidence.
- A reasonable doubt may also arise from the prosecution's lack of evidence.

The prosecution must prove the defendant's guilt beyond a reasonable doubt.

- Proof beyond a reasonable doubt requires careful and impartial consideration of all of the evidence in the case before making a decision.
- Proof beyond a reasonable doubt is proof so convincing that you would be willing to rely and act on it without hesitation in the most important of your own affairs.
- Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt.

The prosecution's burden is heavy, but it does not require proof beyond all doubt.

## No. 4 — OTHER IMPORTANT TERMS

Before I turn to specific instructions on the offenses charged in this case, I will explain some important terms.

### *Elements*

Each offense charged consists of “elements,” which are the parts of the offense. The prosecution must prove beyond a reasonable doubt all of the elements of an offense charged against the defendant for you to find him guilty of that offense.

### *Timing*

The Indictment alleges an approximate time period for each offense.

- The prosecution does not have to prove that the offense occurred on an exact date.
- The prosecution only has to prove that the offense occurred at a time that was reasonably close to or within the period alleged in the Indictment.

### *Possession*

A person possessed something if both of the following are true:

- The person knew about it; and
- The person had:
  - Physical control over it; or
  - The power, or ability, and the intention to control it; or
  - Control over a place in which it was concealed.

More than one person may have possessed something at the same time.

***Intent***

Intent or knowledge may be proved like anything else. You may consider any statements made and acts done by the defendant, and all the facts and circumstances in evidence which may aid in a determination of the defendant's knowledge or intent.

You may, but are not required to, infer that a person intends the natural and probable consequences of acts knowingly done or knowingly omitted.

***Location***

The prosecution must prove that the offenses took place in the Northern District of Iowa. Cedar County is in the Northern District of Iowa.



## No. 5 — GLOSSARY OF CHILD PORNOGRAPHY TERMINOLOGY

In these Instructions, the following terms have these meanings:

“*Child pornography*” means:

- Any visual depiction of:
- A person under the age of 18 years;
- Engaging in sexually explicit conduct;
- Where the child was engaged in the sexually explicit conduct during production of the depiction.

“*Visual depiction*” includes:

- Any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means;
- Undeveloped film and videotape, and data stored on computer disk or by electronic means that is capable of conversion into a visual image.

“*Sexually explicit conduct*” means

- Actual or simulated sexual intercourse, including genital-genital, oral-genital, anal-genital, and oral-anal, whether between persons of the same or opposite sex;
- Bestiality;
- Masturbation;
- Sadistic or masochistic abuse; or
- Lascivious exhibition of the genitals or pubic area of any person.

“*Lascivious*” means open and offensive sexual display.

- Whether a visual depiction of the genitals or pubic area constitutes a lascivious exhibition requires a consideration of the overall content of the material, including the following factors:
  - Whether the focal point of the picture is on a minor’s genitals or pubic area;
  - Whether the setting of the picture is sexually suggestive, that is, in a place or pose generally associated with sexual activity;
  - Whether the minor is depicted in an unnatural pose or inappropriate attire, considering the age of the minor;
  - Whether the minor is fully or partially clothed, or nude;
  - Whether the picture suggests sexual coyness or a willingness to engage in sexual activity;
  - Whether the picture is intended or designed to elicit a sexual response in the viewer;
  - Whether the picture portrays the minor as a sexual object; and
  - The caption(s) on the picture(s).
- You must decide the weight or lack of weight to be given to any of these factors.
- A picture need not involve all of these factors to constitute a lascivious exhibition of the genitals or pubic area.
- Even images of children acting innocently can be considered lascivious if they are intended to be sexual.

A visual depiction was “*produced*” if it was produced, directed, manufactured, issued, published, advertised, created, made, or in any other way brought into

being by the involvement of an individual participating in the recording of the visual depiction.

“*Commerce*” includes, among other things:

- Travel, trade, transportation, and communication.
  - “*Interstate commerce*” means commerce between any combination of states, territories, and possessions of the United States, including the District of Columbia.
  - “*Foreign commerce*” means commerce between any state, territory or possession of the United States and a foreign country.
- Items have moved in “commerce” if they have crossed state or international borders by any means:
  - Images transmitted or received over the Internet or an instant messaging service have moved in interstate or foreign commerce.
  - The Internet, an online storage service, an instant messaging service and a cell phone are each a “means or facility of interstate or foreign commerce.”
- You may, but are not required to, find that an item moved in interstate or foreign commerce if you find both of the following:
  - The item was manufactured in a state other than Iowa or in another country; and
  - The person using the item possessed that item in Iowa.
- The prosecution does not have to prove that the defendant knew that the material in question had moved in interstate or foreign commerce.

\* \* \*

I will now give you the “elements” instruction on the charged offenses. The “elements” themselves are set out in **bold**.

**No. 6 — COUNT 1: ALLEGEDLY “SEXUALLY  
EXPLOITING A CHILD”**

**Count 1** of the Indictment charges the defendant with a sexual exploitation of a child offense. The defendant denies that he committed this offense.

The prosecution must prove beyond a reasonable doubt *all* of the following elements against the defendant:

***One, in or about July 2017, I.H. was under the age of eighteen years.***

For this element to be proved,

- The prosecution does not have to prove that the defendant knew that I.H. was under the age of eighteen years; and
- The defendant’s lack of knowledge of I.H.’s age is not a defense to this charge.

***Two, in or about July 2017, the defendant knowingly used I.H. to engage in sexually explicit conduct.***

The defendant “used” I.H. if I.H. was photographed or videotaped.

***Three, the defendant acted for the purpose of producing one or more images of child pornography.***

For this element to be proved:

- You must unanimously agree that the defendant acted for the purpose of producing one or more images of “sexually explicit conduct,” as defined in Instruction No. 5.
  - An image of sexually explicit conduct was “produced” if it was directed, manufactured, issued, published, advertised, created, made, or in any other way brought into being by the involvement of an individual participating in the recording of sexually explicit conduct.

- You must also unanimously agree on which one or more images, if any, that the defendant produced were images of child pornography.

***Four, one or more of the following occurred:***

- a) The defendant caused one or more of the visual depictions of sexually explicit conduct to be produced using a material that had been moved in interstate or foreign commerce.**

The prosecution alleges that the material used to produce the visual depictions was an LG cell phone. The prosecution and the defendant agree that the LG cell phone was manufactured outside of Iowa and had moved in interstate or foreign commerce.

- b) The defendant knew or had reason to know that one or more of the visual depictions of sexually explicit conduct would be moved in interstate or foreign commerce or moved using a means or facility of interstate or foreign commerce.**

The defendant knew a fact if he was aware of it. The defendant had reason to know a fact if he knew other facts or circumstances from which he could reasonably have concluded that the fact in question was true. It is seldom, if ever, possible to determine directly what was in the defendant's mind. Thus, the defendant's knowledge must be proved like anything else, from reasonable conclusions drawn from the evidence. The prosecution does not have to prove that the defendant knew that transporting the visual depictions in question in interstate or foreign commerce was unlawful.

**c) One or more of the visual depictions of sexually explicit conduct were actually moved in interstate or foreign commerce or moved using a means or facility of interstate or foreign commerce.**

If the prosecution does not prove all of these elements beyond a reasonable doubt as to the defendant, then you must find him not guilty of Count 1.

**No. 7 — COUNT 2: ALLEGEDLY “COMMITTING  
THE OFFENSE OF SEXUALLY EXPLOITING A  
CHILD WHILE BEING REQUIRED TO  
REGISTER AS A SEX OFFENDER”**

**Count 2** of the Indictment charges the defendant with “committing the offense of sexually exploiting a child while being required to register as a sex offender.” The defendant denies that he committed this offense.

For you to find the defendant guilty of committing the offense of “sexually exploiting a child while being required to register as a sex offender,” the prosecution must prove beyond a reasonable doubt *both* of the following elements against him:

***One*, in or about July 2017, the defendant committed the offense of sexually exploiting a child, as charged in Count 1 of the Indictment; and**

***Two*, at the time that defendant committed the offense of sexually exploiting a child, the defendant was required to register as a sex offender under federal or Iowa law.**

The government and the defendant have stipulated, that is, agreed, that the defendant has been convicted of a crime that requires him to register as a sex offender. Therefore, you must consider the second element as proven.

If the government does not prove all of these elements beyond a reasonable doubt, then you must find the defendant not guilty of Count 2.

You may not infer the defendant’s guilt on Counts 1 and 3 through 9 due to his status as a registered sex offender.



**No. 8 — COUNT 3: ALLEGEDLY “DISTRIBUTING  
CHILD PORNOGRAPHY”**

**Count 3** of the Indictment charges the defendant with “distributing child pornography.” The defendant denies that he committed this offense.

The defendant can be found guilty of Count 3 under either of the following alternatives: (1) *distributing* child pornography or (2) *attempting to distribute* child pornography. This instruction describes the elements of the *distributing* child pornography alternative of Count 3.

For you to find the defendant guilty of “distributing child pornography,” the prosecution must prove beyond a reasonable doubt *all* of the following elements:

***One, between in or about July 2017 and October 2017, the defendant knowingly distributed visual depictions of child pornography.***

For this element to be proved:

- The prosecution is not required to prove that the defendant distributed all the depictions of child pornography alleged by the prosecution; *but,*
- The prosecution must prove that he distributed at least one depiction of child pornography in or about the time period alleged.
- You must unanimously agree which depiction or depictions, if any, that the defendant knowingly distributed were “child pornography.”

***Two, the defendant knew that the visual depiction or depictions in question were child pornography.***

For this element to be proved:

- The defendant need not have known the legal definition of “child pornography” or “sexually explicit conduct;” *but*
- The prosecution must prove:

- That the defendant knew that the depiction or depictions in question were of “sexually explicit conduct,” as defined in Instruction No. 5; and
- That the person depicted was under the age of eighteen years.

***Three, the defendant distributed the depiction or depictions of child pornography in question using a means or facility of interstate or foreign commerce.***

If the prosecution does not prove all of these elements beyond a reasonable doubt as to the defendant, then you must find him not guilty of the “*distributing child pornography*” alternative of Count 3.

**No. 9 — COUNT 3 (Second Alternative):  
ALLEGEDLY “ATTEMPTING TO DISTRIBUTE  
CHILD PORNOGRAPHY”**

This instruction describes the second alternative for Count 3, which involves the alleged *attempting to distribute* child pornography. The defendant denies that he committed this offense.

For you to find the defendant guilty of “attempting to distribute child pornography,” the prosecution must prove beyond a reasonable doubt *all* of the following elements against him:

***One*, between in or about July 2017 and October 2017, the defendant intended to distribute child pornography.**

***Two*, the defendant voluntarily and intentionally carried out some act that was a substantial step toward distributing child pornography.**

A “substantial step” must be something more than mere preparation, yet may be less than the last act necessary before the actual commission of the crime of distributing child pornography. In order for behavior to be punishable as an attempt, it need not be incompatible with innocence, yet it must be necessary to distribute the child pornography and be of such a nature that a reasonable observer viewing it in context would conclude beyond a reasonable doubt that it was undertaken in accordance with a design to commit the crime of distributing child pornography.

If the prosecution does not prove both of these elements beyond a reasonable doubt, then you must find the defendant not guilty of the “attempting to distribute child pornography” alternative of Count 3.

**No. 10 — COUNT 4: ALLEGEDLY “RECEIVING  
CHILD PORNOGRAPHY”**

**Count 4** of the Indictment charges the defendant with “receiving child pornography.” The defendant denies that he committed this offense.

The defendant can be found guilty of Count 4 under either of the following alternatives: (1) *receiving* child pornography or (2) *attempting to receive* child pornography. This instruction describes the elements of the *receiving* child pornography alternative of Count 4.

For you to find the defendant guilty of “receiving child pornography,” the prosecution must prove beyond a reasonable *all* of the following elements:

***One, between in or about January 2016 and December 2017, the defendant knowingly received one or more visual depictions of child pornography.***

For this element to be proved:

- The prosecution is not required to prove that the defendant received all of the depictions of child pornography alleged by the prosecution; *but,*
- The prosecution must prove that he received at least one depiction of child pornography in or about the time period alleged.
- You must unanimously agree which depiction or depictions, if any, that the defendant knowingly received were “child pornography.”

To “receive” something means to come into possession of it or to acquire it. The charge of “receiving” child pornography is distinct from the charge of “possessing” child pornography: a person may come to knowingly possess something without having knowingly received it.

The prosecution is not required to prove that the defendant bought or paid for the child pornography or exchanged anything of value for it.

**Two, the defendant knew that the visual depiction or depictions in question were child pornography.**

For this element to be proved:

- The defendant need not have known the legal definition of “child pornography” or “sexually explicit conduct;” *but*
- The prosecution must prove:
  - That the defendant knew that the depiction or depictions in question were of “sexually explicit conduct,” as defined in Instruction No. 5; and
  - That the person depicted was under the age of eighteen years.

**Three, one or more of the following occurred:**

- a) **The depiction or depictions of child pornography in question had moved in interstate or foreign commerce; or**
- b) **The depiction or depictions of child pornography in question had been transported using a means or facility of interstate or foreign commerce.**

If the prosecution does not prove all of these elements beyond a reasonable doubt as to the defendant, then you must find him not guilty of the “*receiving* child pornography” alternative of Count 4.

**No. 11 — COUNT 4 (Second Alternative):  
ALLEGEDLY “ATTEMPTING TO RECEIVE  
CHILD PORNOGRAPHY”**

This instruction describes the second alternative for Count 4, which involves the alleged *attempting to receive* child pornography. The defendant denies that he committed this offense.

For you to find the defendant guilty of “attempting to receive child pornography,” the prosecution must prove beyond a reasonable doubt *all* of the following elements against him:

***One, between in or about January 2016 and December 2017, the defendant intended to receive child pornography.***

To “receive” something means to come into possession of it or to acquire it. The prosecution is not required to prove that the defendant intended to buy or pay for the child pornography or to exchange anything of value for it. To prove that the defendant intended to receive “child pornography,” the prosecution must prove that he intended that the visual depiction that the defendant intended to receive was of “sexually explicit conduct” as defined in Instruction No. 5, and that the person depicted engaging in such conduct was under the age of 18.

***Two, the defendant voluntarily and intentionally carried out some act that was a substantial step toward receiving child pornography.***

A “substantial step” must be something more than mere preparation, yet may be less than the last act necessary before the actual commission of the crime of receiving child pornography. In order for behavior to be punishable as an attempt, it need not be incompatible with innocence, yet it must be necessary to receive the child pornography and be of such a nature that a

reasonable observer viewing it in context would conclude beyond a reasonable doubt that it was undertaken in accordance with a design to commit the crime of receiving child pornography.

If the prosecution does not prove both of these elements beyond a reasonable doubt, then you must find the defendant not guilty of the “attempting to receive child pornography” alternative of Count 4.

**No. 12 — COUNTS 5 THROUGH 9: ALLEGEDLY  
“POSSESSING CHILD PORNOGRAPHY.”**

Counts 5 through 9 of the Indictment charge the defendant with separate offenses of “possessing child pornography,” and that this child pornography included a depiction that involved a prepubescent minor or a minor who had not attained 12 years of age. The counts are summarized in the following chart:

<b>Count</b>	<b>Time Period</b>	<b>Alleging that the depiction or depictions in question</b>
<b>5</b>	In or about July 2017	(a) were produced using a SanDisk 16 GB micro SD card that had previously moved in interstate or foreign commerce; and/or
		(b) were moved in interstate or foreign commerce; and/or
		(c) were transported using a means or facility of interstate or foreign commerce.
<b>6</b>	Between in or about January 2016 and July 2017	(a) were produced using a Hitachi hard drive (from a Dell desktop computer) that had previously moved in interstate or foreign commerce; and/or
		(b) were moved in interstate or foreign commerce; and/or
		(c) were transported using a means or facility of interstate or foreign commerce.
<b>7</b>	Between in or about August 2017 and December 2017	(a) were produced using an LG cell phone that had previously moved in interstate or foreign commerce; and/or
		(b) were moved in interstate or foreign commerce; and/or
		(c) were transported using a means or facility of interstate or foreign commerce.
<b>8</b>	Between in or about August 2017 and December 2017	(a) were produced using a SanDisk 32 GB micro SD card that had previously moved in interstate or foreign commerce; and/or
		(b) were moved in interstate or foreign commerce; and/or
		(c) were transported using a means or facility of interstate or foreign commerce.
<b>9</b>	Between in or about December 2016 and December 2017	(not applicable)
		(b) were moved in interstate or foreign commerce; and/or
		(c) were transported using a means or facility of interstate or foreign commerce (the Internet or Google Drive).

The defendant denies that he committed these offenses.



For you to find the defendant guilty of a particular offense of “possessing child pornography” that involved a prepubescent minor or a minor who had not attained 12 years of age, the prosecution must prove beyond a reasonable doubt *all* of the following elements against the defendant:

***One, during the time period alleged in the count in question, the defendant knowingly possessed one or more visual depictions of child pornography.***

For this element to be proved:

- The prosecution is not required to prove that the defendant possessed all of the depictions of child pornography alleged in the count in question; but
- The prosecution must prove that he possessed at least one depiction of child pornography alleged in the count in question in or about the time periods alleged.
- You must unanimously agree which depiction or depictions alleged in the count in question, if any, that the defendant knowingly possessed were “child pornography” as defined in Instruction No. 5.

***Two, that the defendant knew that the visual depiction or depictions in question were child pornography.***

For this element to be proved:

- The defendant need not have known the legal definition of “child pornography” or “sexually explicit conduct;” but
- The prosecution must prove:

- That the defendant knew that the depiction or depictions in question were of “sexually explicit conduct” as defined in Instruction No. 5; and
- That the person depicted was under the age of eighteen years.

**Three, one or more of the following (a), (b), or (c) occurred.**

**(a)**

- (1) For Count 5, the depiction or depictions of child pornography were produced using a SanDisk 16 GB micro SD card that had previously moved in interstate or foreign commerce.**
- (2) For Count 6, the depiction or depictions of child pornography were produced using a Hitachi hard drive (from a Dell desktop computer) that had previously moved in interstate or foreign commerce.**
- (3) For Count 7, the depiction or depictions of child pornography were produced using an LG cell phone that had previously moved in interstate or foreign commerce.**
- (4) For Count 8, the depiction or depictions of child pornography were produced using a SanDisk 32 GB micro SD card that had previously moved in interstate or foreign commerce.**

The prosecution and the defendant agree that the SanDisk 16 GB micro SD card, the Hitachi hard drive, the LG cell phone, and the SanDisk 32 GB micro SD card were manufactured outside of Iowa and have moved in interstate or foreign commerce.

**(b) For Counts 5 through 9, the depiction or depictions of child pornography in question had moved in interstate or foreign commerce.**

**(c) For Counts 5 through 9, the depiction or depictions of child pornography in question had been transported using a means or facility of interstate or foreign commerce.**

**Four, one or more of the visual depictions in question involved a minor who defendant knew to be prepubescent or yet to attain 12 years of age.**

If the prosecution does not prove all of these elements beyond a reasonable doubt as to a particular count, then you must find the defendant not guilty of that count of “possessing child pornography that involved a prepubescent minor or a child who had not attained 12 years of age.”

If you find the defendant not guilty of a count of “possessing child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age,” but if you find unanimously that the prosecution has proven Elements One, Two, and Three beyond a reasonable doubt as that count, then you must find the defendant guilty of the offense of “possessing child pornography” as to that count.

### **No. 13 — PRIOR BAD ACTS**

You may hear evidence that the defendant may have previously committed other offenses of possession of child pornography. The defendant is not charged with those offenses. You may consider this evidence only if you unanimously find it is more likely than not that it is true. You decide that by considering all of the evidence and deciding what evidence is more believable. This is a lower standard than proof beyond a reasonable doubt.

If you find that these offenses have not been proved, you must disregard them. If you find that these offenses have been proved, you may consider them to help you decide any matter to which they are relevant. You should give them the weight and value you believe they are entitled to receive. You may consider the evidence of such other acts of possession of child pornography for its tendency, if any, to show the defendant's propensity to engage in similar offenses, as well as its tendency, if any, to determine whether the defendant committed the acts charged in the Indictment, to determine the defendant's intent, and/or to determine the defendant's knowledge.

Remember, the defendant is on trial only for the crimes charged. You may not convict a person simply because you believe he may have committed similar acts in the past.

## No. 14 — DEFINITION OF EVIDENCE

Evidence is the following:

- Testimony.
- Exhibits admitted into evidence; but exhibits are not necessarily more important than any other evidence, just because they are shown to you.
- Stipulations, which are agreements between the parties that certain facts are true; you must treat stipulated facts as having been proved.

The following are not evidence:

- Testimony that I tell you to disregard.
- Exhibits that are not admitted into evidence.
- Statements, arguments, questions, and comments by the lawyers.
- Objections and rulings on objections.
- Anything that you see or hear about this case outside the courtroom.

You may have heard of “direct” or “circumstantial” evidence.

- “Direct” evidence is direct proof of a fact.
  - An example is testimony by a witness about what that witness personally saw or heard or did.
- “Circumstantial” evidence is proof of one or more facts from which you could find another fact.
  - An example is testimony that a witness personally saw a broken window and a brick on the floor, from which you could find that the brick broke the window.
- You should consider both kinds of evidence because the law makes no distinction between their weights.

- The weight to be given any evidence, whether it is “direct” or “circumstantial,” is for you to decide.

Some evidence may be admitted only for a limited purpose.

- I will tell you if that happens.
- I will instruct you on the purposes for which the evidence can and cannot be used.

## **No. 15 —TESTIMONY OF WITNESSES**

In deciding what the facts are, you may have to decide what testimony you believe and what testimony you do not believe. You may believe all of what a witness says, only part of it or none of it.

In deciding whether or not to believe a witness, keep in mind that people sometimes hear or see things differently and sometimes forget things. You may need to decide whether a contradiction is an innocent misrecollection or lapse of memory or, instead, an intentional falsehood. This may depend on whether the contradiction involves an important fact or only a small detail.

In deciding what testimony of any witness to believe, consider the witness' intelligence, the opportunity the witness had to see or hear the things he or she testifies about, the quality of the witness' memory, any motives the witness may have for testifying a certain way, the witness' demeanor, whether the witness said something different at an earlier time, the witness' drug or alcohol use or addiction, if any, the general reasonableness of the testimony, the extent to which the testimony is consistent with other evidence that you believe and any other factors that you find bear on believability or credibility.

You should not give any more or less weight to a witness' testimony just because the witness is a public official, a law enforcement officer or an expert.

You may give any witness' opinion whatever weight you think it deserves, but you should consider the reasons and perceptions on which the opinion is based, any reason that the witness may be biased and all of the other evidence in the case.

You may hear that a witness was once convicted of a crime. You may use that evidence only to help you decide whether to believe the witness and how much weight to give to the witness' testimony.

You must consider with greater caution and care the testimony, if any, of a witness who is testifying:

- That he or she participated in a charged offense;
- That he or she was an informant who was paid or received some other benefit for providing information to law enforcement or the prosecution;
- After a promise from the prosecution not to use that witness' testimony, to a grand jury or at this trial, against that witness in a criminal case; or
- Pursuant to a plea agreement.
  - The plea agreement may be a “cooperation” plea agreement that provides that the prosecution may recommend a less severe sentence if the prosecutor believes that the witness has provided “substantial assistance.”
  - A judge cannot reduce a sentence for “substantial assistance” unless the prosecution asks the judge to do so, but if the prosecution does ask, the judge decides if and how much to reduce the witness' sentence.

It is for you to decide:

- What weight you think the testimony of such a witness deserves; and
- Whether or not such a witness' testimony has been influenced by:
  - The desire to please the prosecution;
  - Any promises by the prosecution;
  - Any payment or other benefit provided by the prosecution; or
  - A plea agreement.



If the defendant testifies, you should judge his testimony in the same way that you judge the testimony of any other witness.

Remember, it is your exclusive right to give any witness' testimony whatever weight you think it deserves.

## **No. 16 — OBJECTIONS**

The lawyers may make objections and motions during the trial that I must rule upon.

- If I sustain an objection to a question before it is answered, do not draw any inferences or conclusions from the question itself.
- Do not hold it against a lawyer or a party that a lawyer has made an objection, because lawyers have a duty to object to testimony or other evidence that they believe is not properly admissible.

## **No. 17 — BENCH CONFERENCES**

During the trial it may be necessary for me to talk with the lawyers out of your hearing.

- I may hold a bench conference while you are in the courtroom or call a recess
- These conferences are to decide how certain evidence is to be treated, to avoid confusion and error, and to save your valuable time, so please be patient
- We will do our best to keep such conferences short and infrequent

## No. 18 — NOTE-TAKING

You are allowed to take notes during the trial if you want to.

- Be sure that your note-taking does not interfere with listening to and considering all the evidence.
- Your notes are not necessarily more reliable than your memory or another juror's notes or memory.
- Do not discuss your notes with anyone before you begin your deliberations.
- Leave your notes and these instructions on your chair during recesses and at the end of the day.
- At the end of trial, you may take your notes with you or leave them to be destroyed.
- No one else will ever be allowed to read your notes, unless you let them.
- If you choose not to take notes, remember that it is your own individual responsibility to listen carefully to the evidence.
- An official court reporter is making a record of the trial, but her transcripts will not be available for your use during your deliberations.

## No. 19 — CONDUCT OF JURORS DURING TRIAL

You must decide this case *solely* on the evidence and the law in these Instructions and any additional written or oral instructions that I may give. You must also keep to yourself any information that you learn in court until it is time to discuss this case with your fellow jurors during deliberations.

To ensure fairness, you must obey the following rules:

- Do not talk among yourselves about this case, or about anyone involved with it, until you go to the jury room to decide on your verdict.
- Do not talk with anyone else about this case, or about anyone involved with it, until the trial is over.
- When you are outside the courtroom, do not let anyone ask you about or tell you anything about this case, anyone involved with it, any news story, rumor, or gossip about it, until the trial is over. If someone should try to talk to you about this case during the trial, please report it to me.
- During the trial, you should not talk to any of the parties, lawyers, or witnesses—even to pass the time of day—so that there is no reason to be suspicious about your fairness. The lawyers, parties, and witnesses are not supposed to talk to you, either.
- You may need to tell your family, friends, teachers, co-workers, or employer about your participation in this trial, so that you can tell them when you must be in court and warn them not to ask you or talk to you about the case. However, do not provide any information to anyone by any means about this case until after I have accepted your

verdict. That means do not talk face-to-face or use any electronic device or media, such as the telephone, a cell or smart phone, a Blackberry, a PDA, a computer, the Internet, any Internet service, any text or instant messaging service, any Internet chat room, any blog, or any website such as Facebook, YouTube or Twitter, to communicate to anyone any information about this case until I accept your verdict.

- Do not do any research—on the Internet, in libraries, in the newspapers, in dictionaries or other reference books, through social media—or in any other way conduct any investigation about this case, the law, or the people involved on your own.
- Do not visit or view any place discussed in this case and do not use Internet maps or Google Earth or any other program or device to search for or to view any place discussed in the testimony.
- Do not read any news stories or articles, in print, on the Internet, in any “blog,” or through social media about this case, or about anyone involved with it, or listen to any radio or television reports about it or about anyone involved with it, or let anyone tell you anything about any such news reports. I assure you that when you have heard all the evidence, you will know more about this case than anyone will learn through the news media—and it will be more accurate.
- Do not make up your mind during the trial about what the verdict should be. Keep an open mind until you have had a chance to discuss the evidence with other jurors during deliberations.

- Do not decide the case based on “implicit biases.” Everyone, including me, has feelings, assumptions, perceptions, fears, and stereotypes—that is, “implicit biases”—that we may not be aware of. These hidden thoughts can impact what we see and hear, how we remember what we see and hear, and how we make important decisions. Because you are making very important decisions in this case, I strongly encourage you to evaluate the evidence carefully and to resist jumping to conclusions based on personal likes or dislikes, generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence and the instructions that I give you. Our system of justice is counting on you to render a fair decision based on the evidence, not on biases.
- A Verdict Form is attached to these Instructions. A Verdict Form is simply a written notice of your decision. After your deliberations, if you have reached a unanimous verdict, your foreperson will complete one copy of the Verdict Form by marking the appropriate blank or blanks for each question. You will all sign that copy to indicate that you agree with the verdict and that it is unanimous. Your foreperson will then bring the signed Verdict Form to the courtroom when it is time to announce your verdict.
- If, at any time during the trial, you have a problem that you would like to bring to my attention, or if you feel ill or need to go to the restroom, please let me know. I want you to be comfortable, so please do not hesitate to tell us about any problem.

I will read the remaining Instructions at the end of the evidence.



## **No. 20 — DUTY TO DELIBERATE**

A verdict must represent the careful and impartial judgment of each of you. However, before you make that judgment, you must consult with one another and try to reach agreement, if you can do so consistent with your individual judgment.

- If you are convinced that the prosecution has not proved beyond a reasonable doubt that the defendant is guilty of a charged offense, say so.
- If you are convinced that the prosecution has proved beyond a reasonable doubt that the defendant is guilty of a charged offense, say so.
- Don't give up your honest beliefs just because others think differently or because you simply want to be finished with the case.
- On the other hand, do not hesitate to re-examine your own views and to change your opinions, if you are convinced that they are wrong.
- You can only reach a unanimous verdict if you discuss your views openly and frankly, with proper regard for the opinions of others, and with a willingness to re-examine your own views.
- Remember that you are not advocates, but judges of the facts, so your sole interest is to seek the truth from the evidence.
- The question is never who wins or loses the case, because society always wins, whatever your verdict, when you return a just verdict based solely on the evidence and the instructions that I give you.
- You must consider all of the evidence bearing on each question before you.

- Take all the time that you feel is necessary.
- Remember that this case is important to the parties and to the fair administration of justice, so do not be in a hurry to reach a verdict just to be finished with the case.

## **No. 21 — DUTY DURING DELIBERATIONS**

You must follow certain rules while conducting your deliberations and returning your verdict:

- Select a foreperson to preside over your discussions and to speak for you here in court.
- Do not consider punishment in any way in deciding whether the defendant is not guilty or guilty. If the defendant is guilty, I will decide what his sentence should be.
- Communicate with me by sending me a note through a Court Security Officer (CSO). The note must be signed by one or more of you. Remember that you should not tell anyone, including me, how your votes stand. I will respond as soon as possible, either in writing or orally in open court.
- Again, nothing I have said or done was intended to suggest what your verdict should be—that is entirely for you to decide.
- Reach your verdict without discrimination. In reaching your verdict, you must not consider the defendant's race, color, religious beliefs, national origin, or sex. You are not to return a verdict for or against the defendant unless you would return the same verdict without regard to his race, color, religious beliefs, national origin, or sex. To emphasize the importance of this requirement, the verdict form contains a certification statement. Each of you should carefully read that statement, then sign your name in the appropriate place in the signature block, if the statement accurately reflects how you reached your verdict.

- Complete the Verdict Form. The foreperson must bring the signed Verdict Form to the courtroom when it is time to announce your verdict.
- When you have reached a verdict, the foreperson will advise the CSO that you are ready to return to the courtroom.

Good luck with your deliberations.

**IT IS SO ORDERED.**

**DATED** this 20th day of March, 2018.



---

Leonard T. Strand, Chief Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTIAN HANSEN,

Defendant.

No. CR17-0099-LTS

**VERDICT FORM**

---

As to defendant Christian Hansen, we, the Jury, find as follows:

<b>COUNT 1: SEXUAL EXPLOITATION OF A CHILD</b>		<b>VERDICT</b>
<b>Step 1: Verdict</b>	On the charge of sexual exploitation of a child set out in <b>Count 1</b> of the Indictment and explained in <b>Instruction 6</b> , please mark your verdict. ( <i>If you find the defendant “not guilty” of this offense, do not answer the questions in Step 2 and 3.</i> )	___ Not Guilty ___ Guilty
<b>Step 2: Depictions of Sexually Explicit Conduct</b>	<i>If you found the defendant “guilty” of sexual exploitation of a child as charged in Count 1 of the Indictment in Step 1</i> , please indicate which one or more of the depictions listed below you unanimously find were child pornography produced by the defendant.  (one line for each depiction submitted).	
<b>Step 3: Alternatives</b>	<i>If you found the defendant “guilty” in Step 1</i> , please mark the alternative or alternatives for element four of the offense that you unanimously find beyond a reasonable doubt:  ___ The defendant caused one or more visual depictions of sexually explicit conduct to be produced using material that had been moved in interstate or foreign commerce.  ___ The defendant knew or had reason to know that one or more of the visual depictions of sexually explicit conduct would be moved in interstate or foreign commerce or moved using a means or facility of interstate or foreign commerce.  ___ One or more of the visual depictions of sexually explicit conduct were actually moved in interstate or foreign commerce using a means or facility of interstate or foreign commerce.	

<b>COUNT 2: COMMITTING SEXUAL EXPLOITATION OF A CHILD WHILE BEING REQUIRED TO REGISTER AS A SEX OFFENDER</b>		<b>VERDICT</b>
<b>Step 1: Verdict</b>	On the charge of committing sexual exploitation of a child while being required to register as a sex offender as set out in <b>Count 2</b> of the Indictment and explained in <b>Instruction 7</b> , please mark your verdict.	<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty

<b>COUNT 3: DISTRIBUTING CHILD PORNOGRAPHY</b>		<b>VERDICT</b>
<b>Step 1: Verdict</b>	On the charge of distributing child pornography set out in <b>Count 3</b> of the Indictment and explained in <b>Instruction 8</b> and <b>9</b> , please mark your verdict. <i>(If you find the defendant “not guilty” of this offense, do not answer the questions in Step 2 and 3.)</i>	___ Not Guilty ___ Guilty
<b>Step 2: Alternatives</b>	<i>If you found the defendant “guilty” of distributing child pornography as charged in Count 3 of the Indictment in Step 1, please indicate the alternative or alternatives on which you unanimously find him guilty.</i>  ___ distributing child pornography.  ___ attempting to distribute child pornography.	
<b>Step 3: Depictions of Child Pornography</b>	<i>If you found the defendant “guilty” of the alternative “distributing child pornography” in Step 2, please indicate which one or more of the depictions listed below you unanimously find were child pornography distributed by the defendant:</i>  ___ (one line for each depiction submitted).	



<b>COUNT 4: RECEIVING CHILD PORNOGRAPHY</b>		<b>VERDICT</b>
<b>Step 1: Verdict</b>	On the charge of receiving child pornography set out in <b>Count 4</b> of the Indictment and explained in <b>Instructions 10 and 11</b> , please mark your verdict. <i>(If you find the defendant “not guilty” of this offense, do not answer the questions in Steps 2 through 4.)</i>	___ Not Guilty ___ Guilty
<b>Step 2: Alternatives</b>	<i>If you found the defendant “guilty” in Step 1</i> , please indicate the alternative or alternatives on which you unanimously find him guilty.  ___ Receiving child pornography.  ___ Attempting to receive child pornography.	
<b>Step 3: Depictions of Child Pornography</b>	<i>If you found the defendant “guilty” of the “receiving child pornography” alternative in Step 2</i> , please indicate which one or more of the depictions listed below you unanimously find were child pornography received by the defendant:  ___  (one line for each depiction submitted).	
<b>Step 4: Alternatives</b>	<i>If you found the defendant “guilty” in Step 1</i> , please mark the alternatives for element three of the offense that you unanimously find beyond a reasonable doubt.  ___ The depiction or depictions of child pornography in question had moved in interstate or foreign commerce.  ___ The depiction or depictions of child pornography in question had been transported using a means or facility of interstate or foreign commerce.	

<b>COUNT 5: POSSESSING CHILD PORNOGRAPHY</b>		<b>VERDICT</b>
<p><b>Step 1:</b> Verdict on Possessing Child Pornography involving Prepubescent Minor or Minor under 12</p>	<p>On the charge of possessing child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age, as set out in <b>Count 5</b> of the Indictment and explained in <b>Instruction 12</b>, please mark your verdict. <i>(If you find the defendant “not guilty” of this offense, go on to Step 2. If you find the defendant “guilty” do not answer Step 2. Instead, go on to the questions in Steps 3 and 4.)</i></p>	<p>___ Not Guilty ___ Guilty</p>
<p><b>Step 2:</b> Verdict on Possessing Child Pornography</p>	<p>On the charge of possessing child pornography, as set out in <b>Count 5</b> and explained in <b>Instruction 12</b>, please mark your verdict. <i>(If you find the defendant “not guilty” at both Steps 1 and 2, do not consider Steps 3 or 4).</i></p>	<p>___ Not Guilty ___ Guilty</p>
<p><b>Step 3:</b> Depictions of Child Pornography</p>	<p><i>If you found the defendant “guilty” of “Possessing child pornography” in Steps 1 or 2, please indicate which one or more of the depictions listed below you unanimously find were child pornography possessed by the defendant:</i></p> <p>(one line for each depiction submitted).</p>	
<p><b>Step 4:</b> Alternatives</p>	<p><i>If you found the defendant “guilty” in Step 1 or 2, please mark the alternatives for element three of the offense that you unanimously find beyond a reasonable doubt.</i></p> <p>___ The depiction or depictions of child pornography in question were produced using a SanDisk 16 GB micro SD card that had previously moved in interstate or foreign commerce.</p> <p>___ The depiction or depictions of child pornography in question had moved in interstate or foreign commerce.</p> <p>___ The depiction or depictions of child pornography in question had been transported using a means or facility of interstate or foreign commerce.</p>	

<b>COUNT 6: POSSESSING CHILD PORNOGRAPHY</b>		<b>VERDICT</b>
<p><b>Step 1:</b> Verdict on Possessing Child Pornography involving Prepubescent Minor or Minor under 12</p>	<p>On the charge of possessing child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age, as set out in <b>Count 6</b> of the Indictment and explained in <b>Instruction 12</b>, please mark your verdict. <i>(If you find the defendant “not guilty” of this offense, go on to Step 2. If you find the defendant “guilty” do not answer Step 2. Instead, go on to the questions in Steps 3 and 4.)</i></p>	<p>___ Not Guilty ___ Guilty</p>
<p><b>Step 2:</b> Verdict on Possessing Child Pornography</p>	<p>On the charge of possessing child pornography, as set out in <b>Count 6</b> and explained in <b>Instruction 12</b>, please mark your verdict. <i>(If you find the defendant “not guilty” at both Steps 1 and 2, do not consider Steps 3 or 4).</i></p>	<p>___ Not Guilty ___ Guilty</p>
<p><b>Step 3:</b> Depictions of Child Pornography</p>	<p><i>If you found the defendant “guilty” of “possessing child pornography” in Steps 1 or 2, please indicate which one or more of the depictions listed below you unanimously find were child pornography possessed by the defendant:</i></p> <p>(one line for each depiction submitted).</p>	
<p><b>Step 4:</b> Alternatives</p>	<p><i>If you found the defendant “guilty” in Step 1 or 2, please mark the alternatives for element three of the offense that you unanimously find beyond a reasonable doubt.</i></p> <p>___ The depiction or depictions of child pornography in question were produced using a Hitachi hard drive (from a Dell desktop computer) that had previously moved in interstate or foreign commerce.</p> <p>___ The depiction or depictions of child pornography in question had moved in interstate or foreign commerce.</p> <p>___ The depiction or depictions of child pornography in question had been transported using a means or facility of interstate or foreign commerce.</p>	

<b>COUNT 7: POSSESSING CHILD PORNOGRAPHY</b>		<b>VERDICT</b>
<p><b>Step 1:</b> Verdict on Possessing Child Pornography involving Prepubescent Minor or Minor under 12</p>	<p>On the charge of possessing child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age, as set out in <b>Count 7</b> of the Indictment and explained in <b>Instruction 12</b>, please mark your verdict. <i>(If you find the defendant “not guilty” of this offense, go on to Step 2. If you find the defendant “guilty” do not answer Step 2. Instead, go on to the questions in Steps 3 and 4.)</i></p>	<p>___ Not Guilty ___ Guilty</p>
<p><b>Step 2:</b> Verdict on Possessing Child Pornography</p>	<p>On the charge of possessing child pornography, as set out in <b>Count 7</b> and explained in <b>Instruction 12</b>, please mark your verdict. <i>(If you find the defendant “not guilty” at both Steps 1 and 2, do not consider Steps 3 or 4).</i></p>	<p>___ Not Guilty ___ Guilty</p>
<p><b>Step 3:</b> Depictions of Child Pornography</p>	<p><i>If you found the defendant “guilty” of “possessing child pornography” in Steps 1 or 2, please indicate which one or more of the depictions listed below you unanimously find were child pornography possessed by the defendant:</i></p> <p>(one line for each depiction submitted).</p>	
<p><b>Step 4:</b> Alternatives</p>	<p><i>If you found the defendant “guilty” in Step 1 or 2, please mark the alternatives for element three of the offense that you unanimously find beyond a reasonable doubt.</i></p> <p>___ The depiction or depictions of child pornography in question were produced using an LG cell phone that had previously moved in interstate or foreign commerce.</p> <p>___ The depiction or depictions of child pornography in question had moved in interstate or foreign commerce.</p> <p>___ The depiction or depictions of child pornography in question had been transported using a means or facility of interstate or foreign commerce.</p>	

<b>COUNT 8: POSSESSING CHILD PORNOGRAPHY</b>		<b>VERDICT</b>
<p><b>Step 1:</b> Verdict on Possessing Child Pornography involving Prepubescent Minor or Minor under 12</p>	<p>On the charge of possessing child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age, as set out in <b>Count 8</b> of the Indictment and explained in <b>Instruction 12</b>, please mark your verdict. <i>(If you find the defendant “not guilty” of this offense, go on to Step 2. If you find the defendant “guilty” do not answer Step 2. Instead, go on to the questions in Steps 3 and 4.)</i></p>	<p>___ Not Guilty ___ Guilty</p>
<p><b>Step 2:</b> Verdict on Possessing Child Pornography</p>	<p>On the charge of possessing child pornography, as set out in <b>Count 8</b> and explained in <b>Instruction 12</b>, please mark your verdict. <i>(If you find the defendant “not guilty” at both Steps 1 and 2, do not consider Steps 3 or 4).</i></p>	<p>___ Not Guilty ___ Guilty</p>
<p><b>Step 3:</b> Depictions of Child Pornography</p>	<p><i>If you found the defendant “guilty” of the “possessing child pornography” in Steps 1 or 2, please indicate which one or more of the depictions listed below you unanimously find were child pornography possessed by the defendant:</i></p> <p>(one line for each depiction submitted).</p>	
<p><b>Step 4:</b> Alternatives</p>	<p><i>If you found the defendant “guilty” in Step 1 or 2, please mark the alternatives for element three of the offense that you unanimously find beyond a reasonable doubt.</i></p> <p>___ The depiction or depictions of child pornography in question were produced using a SanDisk 32 GB micro SD card that had previously moved in interstate or foreign commerce.</p> <p>___ The depiction or depictions of child pornography in question had moved in interstate or foreign commerce.</p> <p>___ The depiction or depictions of child pornography in question had been transported using a means or facility of interstate or foreign commerce.</p>	

<b>COUNT 9: POSSESSING CHILD PORNOGRAPHY</b>		<b>VERDICT</b>
<p><b>Step 1:</b> Verdict on Possessing Child Pornography involving Prepubescent Minor or Minor under 12</p>	<p>On the charge of possessing child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age, as set out in <b>Count 9</b> of the Indictment and explained in <b>Instruction 12</b>, please mark your verdict. <i>(If you find the defendant “not guilty” of this offense, go on to Step 2. If you find the defendant “guilty” do not answer Step 2. Instead, go on to the questions in Steps 3 and 4.)</i></p>	<p>___ Not Guilty ___ Guilty</p>
<p><b>Step 2:</b> Verdict on Possessing Child Pornography</p>	<p>On the charge of possessing child pornography, as set out in <b>Count 9</b> and explained in <b>Instruction 12</b>, please mark your verdict. <i>(If you find the defendant “not guilty” at both Steps 1 and 2, do not consider Steps 3 or 4).</i></p>	<p>___ Not Guilty ___ Guilty</p>
<p><b>Step 3:</b> Depictions of Child Pornography</p>	<p><i>If you found the defendant “guilty” of the “possessing child pornography” alternative in Steps 1 or 2, please indicate which one or more of the depictions listed below you unanimously find were child pornography possessed by the defendant:</i></p> <p>(one line for each depiction submitted).</p>	
<p><b>Step 4:</b> Alternatives</p>	<p><i>If you found the defendant “guilty” in Step 1 or 2, please mark the alternatives for element three of the offense that you unanimously find beyond a reasonable doubt.</i></p> <p>___ The depiction or depictions of child pornography in question had moved in interstate or foreign commerce.</p> <p>___ The depiction or depictions of child pornography in question had been transported using a means or facility of interstate or foreign commerce.</p>	

***When you have answered the questions for each of the 9 Counts, please read the Certification below, sign this Verdict Form, and then notify the CSO that you have reached a verdict.***

**CERTIFICATION**

By signing below, each juror certifies the following:

(1) that consideration of the defendant's race, color, religious beliefs, national origin, or sex was not involved in reaching the juror's individual decision, *and*

(2) that the individual juror would have returned the same verdict for or against the defendant on the charged offense regardless of the defendant's race, color, religious beliefs, national origin, or sex.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Foreperson

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror

\_\_\_\_\_  
Juror