

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY

Defendant.

No. 20-CR-101-CJW

JURY INSTRUCTIONS

Ladies and Gentlemen of the Jury:

In the next few moments, I am going to give you instructions about this case and about your duties as jurors. I will also give you additional instructions at a later time. Unless I specifically tell you otherwise, all instructions—both those I give you now and those I give you later—are equally binding on you and must be followed.

The instructions I am about to give you now are in writing and will be available to you in the jury room. In considering these instructions, attach no importance or significance whatsoever to the order in which they are given.

INSTRUCTION NO. 1

This is a criminal case, brought against the defendant by the United States government. The charges are set forth in what is called an indictment.

Count 1 of the Indictment charges that, between in or about February 2018 and March 2020, in the Northern District of Iowa and elsewhere, the defendant persuaded, induced, and enticed, and attempted to persuade, induce, and entice, minors under the age of 18 to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and for the purpose of transmitting live visual depictions of such conduct, causing and attempting to cause said visual depictions to be produced using materials that had previously been shipped and transported in and affecting interstate and foreign commerce, knowing and having reason to know that said visual depictions would be transported and transmitted in and affecting interstate and foreign commerce and using a means and facility of interstate and foreign commerce, and said visual depictions were transported and transmitted in and affecting interstate and foreign commerce and using a means and facility of interstate and foreign commerce.

Count 2 of the Indictment charges that, between in or about May 2017 and March 2018, in the Northern District of Iowa and elsewhere, the defendant knowingly distributed visual depictions of minors engaged in sexually explicit conduct, using a means and facility of interstate and foreign commerce, and said visual depictions having been transported in and affecting interstate and foreign commerce.

Count 3 of the Indictment charges that, between in or about April 2017 and March 2020, in the Northern District of Iowa and elsewhere, the defendant knowingly received visual depictions of minors engaged in sexually explicit conduct, using a means and facility of interstate and foreign commerce, and said visual depictions having been transported in and affecting interstate and foreign commerce.

(CONTINUED)

INSTRUCTION NO. 1 (Cont'd)

Count 4 of the Indictment charges that between in or about March 2019 and March 2020, in the Northern District of Iowa and elsewhere, the defendant knowingly possessed visual depictions of minors engaged in sexually explicit conduct, including a depiction involving a prepubescent minor or a minor who had not attained 12 years of age, said visual depictions having been produced using materials that had previously been shipped and transported in and affecting interstate and foreign commerce, namely, a SanDisk micro SD card that had been manufactured outside the state of Iowa and said visual depictions having been transported in and affecting interstate and foreign commerce and using a means and facility of interstate and foreign commerce.

Count 5 of the Indictment charges that, between in or about March 2019 and February 2020, in the Northern District of Iowa and elsewhere, the defendant knowingly accessed with intent to view visual depictions of minors engaged in sexually explicit conduct, including a depiction involving a prepubescent minor or a minor who had not attained 12 years of age, said visual depictions having been produced using materials that had previously been shipped and transported in and affecting interstate and foreign commerce, namely, a Samsung Galaxy J7 cell phone that had been manufactured outside the state of Iowa, and said visual depictions having been transported in and affecting interstate and foreign commerce and using a means and facility of interstate and foreign commerce.

(CONTINUED)

INSTRUCTION NO. 1 (Cont'd)

Count 6 of the Indictment charges that, between in or about February 2020 and March 2020, in the Northern District of Iowa and elsewhere, the defendant knowingly possessed visual depictions of a minor engaged in sexually explicit conduct, said visual depictions having been produced using materials that had previously been shipped and transported in and affecting interstate and foreign commerce, namely, a Samsung Galaxy A20 cell phone that had been manufactured outside the state of Iowa, and said visual depictions having been transported in and affecting interstate and foreign commerce and using a means and facility of interstate and foreign commerce.

Count 7 of the Indictment charges that, between in or about May 2017 and October 2019, in the Northern District of Iowa and elsewhere, the defendant knowingly possessed visual depictions of minors engaged in sexually explicit conduct, including a depiction involving a prepubescent minor or a minor who had not attained 12 years of age, said visual depictions having been transported in and affecting interstate and foreign commerce and using a means and facility of interstate and foreign commerce, namely, the Internet and Gmail.

The defendant has pleaded not guilty to these charges. Keep in mind that each count charges a separate crime. You must consider each count separately and return a separate verdict for each count.

This instruction describes the charges in the Indictment. The government may charge a defendant using conjunctive (“and”) language. Where the following instructions use disjunctive (“or”) language, the government may prove its case in the disjunctive. For example, the Indictment uses the words “interstate and foreign commerce,” while the following instructions use the words “interstate or foreign commerce.” The elements of the offenses you are to consider are set forth in the following instructions.

INSTRUCTION NO. 2

You are instructed that an indictment is simply an accusation. It is not evidence of anything. The defendant has pleaded not guilty, and is presumed to be innocent unless and until proven guilty beyond a reasonable doubt. Thus, the defendant begins the trial with a clean slate, with no evidence against him. The presumption of innocence alone is sufficient to find the defendant not guilty and can be overcome as to each charge only if the government proves during the trial, beyond a reasonable doubt, each element of the crimes charged.

There is no burden upon the defendant to prove that he is innocent. Instead, the burden of proof remains on the government throughout the trial. Accordingly, if the defendant does not testify, that fact must not be considered by you in any way, or even discussed, in arriving at your verdicts.

INSTRUCTION NO. 3

It will be your duty as jurors to decide from the evidence whether the defendant is guilty or not guilty of the crimes charged. From the evidence, you will decide what the facts are. You are entitled to consider that evidence in the light of your own observations and experiences in the affairs of life. You may use reason and common sense to draw deductions or conclusions from facts which have been established by the evidence. You will then apply those facts to the law which I give you in my instructions. You are the sole judges of the facts, but you must follow the law as stated in my instructions, whether you agree with it or not.

Do not allow sympathy or prejudice to influence you. The law demands of you just verdicts, unaffected by anything except the evidence, your common sense, and the law as I give it to you.

You should not take anything I may say or do during the trial as indicating what I think of the evidence or what I think your verdicts should be.

Finally, please remember that only this defendant, not anyone else, is on trial here, and that the defendant is on trial only for the crimes charged, not for anything else.

INSTRUCTION NO. 4

I have mentioned the word “evidence.” The “evidence” in this case consists of the following: the testimony of the witnesses, the documents and other things received as exhibits, and the facts that have been stipulated—that is, formally agreed to by the parties.

Certain things are not evidence. I shall list those things for you now:

1. Statements, arguments, questions, and comments by the lawyers are not evidence.
2. Anything that might have been said by jurors, the attorneys, or the judge during the jury selection process is not evidence.
3. Objections are not evidence. The parties have a right to object when they believe something is improper. You should not be influenced by the objection. If I sustain an objection to a question, you must ignore the question and must not try to guess what the answer might have been.
4. Testimony that I strike from the record, or tell you to disregard, is not evidence and must not be considered.
5. Anything you see or hear about this case outside the courtroom is not evidence.

During the trial, documents and objects may be referred to but not admitted into evidence. In such a case, these items will not be available to you in the jury room during deliberations.

Furthermore, a particular item of evidence is sometimes received for a limited purpose only. That is, it can be used by you only for one particular purpose, and not for any other purpose. I will tell you if this occurs and instruct you on the purposes for which the item can and cannot be used.

INSTRUCTION NO. 5

There are two types of evidence from which you may properly find the truth as to the facts of this case: direct evidence and circumstantial evidence. Direct evidence is the evidence of the witnesses to a fact or facts of which they have knowledge by means of their senses. The other is circumstantial evidence—the proof of a chain of circumstances pointing to the existence or nonexistence of certain facts. The law makes no distinction between direct and circumstantial evidence. You should give all evidence the weight and value you believe it is entitled to receive.

INSTRUCTION NO. 6

The jurors are the sole judges of the weight and credibility of the testimony, and the value to be given to the testimony, of each witness who testifies in this case. 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, or only part of it, or none of it.

In deciding what testimony of any witness to believe, consider the witness's intelligence, the opportunity the witness had to have seen or heard the things testified about, the witness's memory, any motives that witness may have for testifying a certain way, the manner of the witness while testifying, whether that witness said something different at an earlier time, the general reasonableness of the testimony, and the extent to which the testimony is consistent with other evidence that you believe.

In deciding whether to believe a witness, keep in mind that people sometimes hear or see things differently and sometimes forget things. You need to consider, therefore, whether a contradiction is an innocent misrecollection or lapse of memory or an intentional falsehood, and that may depend on whether it has to do with an important fact or only a small detail.

If the defendant chooses to testify, you should judge that testimony in the same manner as you judge the testimony of any other witness.

INSTRUCTION NO. 7

In the previous instruction, I instructed you generally on the credibility of witnesses. I now give you this further instruction on how the credibility of a witness can be “impeached.”

A witness may be discredited or impeached by contradictory evidence; by showing that the witness testified falsely concerning a material matter; by showing that the witness has a motive to be untruthful; or by evidence that at some other time the witness has said or done something, or has failed to say or do something, that is inconsistent with the witness’s present testimony.

INSTRUCTION NO. 8

The government is not required to prove that the defendant knew that his acts or omissions were unlawful.

An act is done knowingly if the defendant is aware of the act and does not act through ignorance, mistake, or accident. Knowledge may be proved like anything else. You may consider any acts done or statements made by the defendant in connection with the offense, and all the facts and circumstances in evidence which may aid in a determination of the defendant's knowledge.

INSTRUCTION NO. 9

You will note that the Indictment charges that the offenses were committed “between in or about” certain dates. The government need not prove with certainty the exact dates or the exact time period of the offenses charged. It is sufficient if the evidence establishes that the offenses occurred within a reasonable time of the date or period of time alleged in the Indictment.

INSTRUCTION NO. 10

Exhibits will be admitted into evidence and are to be considered along with all of the other evidence to assist you in reaching your verdicts. During your deliberations, you are not to tamper with the exhibits or their contents, and you should leave the exhibits in the jury room in the same condition as they were received by you.

INSTRUCTION NO. 11

Reasonable doubt is doubt based upon reason and common sense, and not doubt based on speculation. A reasonable doubt may arise from careful and impartial consideration of all the evidence, or from a lack of evidence. Proof beyond a reasonable doubt is proof of such a convincing character that a reasonable person, after careful consideration, would not hesitate to rely and act upon that proof in life's most important decisions. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. Proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

INSTRUCTION NO. 12

The law recognizes several kinds of possession. A person may have actual possession or constructive possession. A person may have sole possession or joint possession. A person who knowingly has direct physical control over a thing, at a given time, is then in actual possession of it. A person who, although not in actual possession, has both the power and the intention at a given time to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it. If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint. Whenever the word “possession” or possess have been used in these instructions it includes actual as well as constructive possession and also sole as well as joint possession.

INSTRUCTION NO. 13

The defendant may be found guilty of sexual exploitation of minors as charged in Count 1 under either of two alternatives: (1) sexually exploiting a minor, or (2) attempting to sexually exploit a minor. This instruction describes the first alternative for Count 1.

The offense of sexual exploitation of minors as charged in Count 1 of the Indictment, has four elements, which are:

One, between in or about February 2018 and March 2020, R.A. and/or A.S. was under the age of eighteen (18) years;

Two, the defendant knowingly persuaded, induced, or enticed R.A. and/or A.S. to engage in sexually explicit conduct;

Three, the defendant voluntarily and intentionally did this for the purpose of producing a one or more visual depictions of R.A. and/or A.S. engaging in such conduct or for the purpose of transmitting one or more live visual depictions of such conduct; and

Four, one or more of the following occurred:

- (a) one or more visual depictions of sexually explicit conduct were produced using material that had been moved in interstate or foreign commerce; or
- (b) the defendant knew or had reason to know that one or more 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; or
- (c) one or more 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.

(CONTINUED)

INSTRUCTION NO. 13 (Cont'd)

The government does not have to prove the defendant knew that R.A. and/or A.S. was under the age of 18 years. The defendant's lack of knowledge of R.A.'s and/or A.S.'s age also is not a defense to this charge.

The defendant "persuaded" R.A. and/or A.S. if he urged or entreated them to engage in sexually explicit conduct. The defendant "induced" R.A. and/or A.S. if he influenced or stimulated them to engage in sexually explicit conduct. The defendant "enticed" R.A. and/or A.S. if he attracted them by offering pleasure or advantage, that is, he tempted them, to engage in sexually explicit conduct.

You may only find the defendant guilty on the sexually exploiting a minor alternative of the offense charged in Count 1 if you unanimously agree that at least one of the two minors—R.A. and/or A.S.—was persuaded, induced, or enticed in the commission of the offense. You must be unanimous in your finding about which, if any, of the minors the defendant persuaded, induced, or enticed to engage in sexually explicit conduct for the purpose of creating a visual depiction of such conduct.

For you to find the defendant guilty of the sexually exploiting a minor alternative of this crime, the government must prove all of these elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of the sexual exploitation of a minor alternative to the offense of sexual exploitation of minors as charged in Count 1 of the Indictment.

INSTRUCTION NO. 14

This instruction describes the second alternative for Count 1. The offense of attempting to sexually exploit a minor, as charged in Count 1 of the Indictment, has four elements, which are:

One, between in or about February 2018 and March 2020, the defendant believed R.A. and/or A.S. was under the age of eighteen (18) years;

Two, the defendant attempted to persuade, induce, or entice R.A. and/or A.S. to engage in sexually explicit conduct;

Three, the defendant voluntarily and intentionally did this for the purpose of producing one or more visual depictions of R.A. and/or A.S. engaging in such conduct or for the purpose of transmitting one or more live visual depictions of such conduct; and

Four, one or more of the following occurred:

- (a) the material used to attempt to produce one or more visual depictions of sexually explicit conduct had been moved in interstate or foreign commerce; or,
- (b) the defendant knew or had reason to know that, if his attempt succeeded, one or more 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.

Regarding the second element, for this element to be proved, the government must prove both of the following:

- (a) The defendant intended to persuade, induce, or entice R.A. and/or A.S. to engage in sexually explicit conduct; and
- (b) The defendant voluntarily and intentionally carried out some act that was a substantial step toward the sexual exploitation of R.A. and/or A.S.

(CONTINUED)

INSTRUCTION NO. 14 (Cont'd)

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 sexual exploitation of a minor. In order for behavior to be punishable as an attempt, it need not be incompatible with innocence, yet it must be necessary to the sexual exploitation of a minor and be of such a nature that a reasonable observer viewing it in context could conclude beyond a reasonable doubt that it was undertaken in accordance with a design to commit the crime of sexual exploitation of a minor.

You may only find the defendant guilty on the “attempting to sexually exploit a minor” alternative of the crime charged in Count 1 if you unanimously agree that the defendant attempted to persuade, induce, or entice at least one of the two minors—R.A. and/or A.S.—in the commission of the offense. You must be unanimous in your finding about which, if any, of the minors the defendant attempted to persuade, induce, or entice to engage in sexually explicit conduct for the purpose of creating a visual depiction of such conduct.

For you to find the defendant guilty of the attempting to sexually exploit a minor alternative of this crime, the government must prove all of these elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of the attempted sexual exploitation of a minor alternative to the offense of sexual exploitation of minors as charged in Count 1 of the Indictment.

INSTRUCTION NO. 15

The offense of distribution of child pornography, as charged in Count 2 of the Indictment, has three elements, which are:

One, between in or about May 2017 and March 2018, the defendant knowingly distributed one or more visual depictions of child pornography;

Two, the defendant knew that the visual depiction or depictions were of a minor engaging in sexually explicit conduct; and

Three, one or more of the following occurred:

- (a) the defendant distributed the visual depiction or depictions using a means or facility of interstate or foreign commerce; or
- (b) the visual depiction or depictions had moved in interstate or foreign commerce.

You may hear evidence of more than one visual depiction involved in the offense. You must agree unanimously as to which visual depiction or depictions the defendant distributed.

For you to find the defendant guilty of this crime, the government must prove all of these elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of the offense of distribution of child pornography as charged in Count 2 of the Indictment.

INSTRUCTION NO. 16

The offense of receipt of child pornography, as charged in Count 3 of the Indictment, has three elements, which are:

One, between in or about April 2017 and March 2020, the defendant knowingly received one or more visual depictions of child pornography;

Two, the defendant knew that the visual depiction or depictions were of a minor engaging in sexually explicit conduct; and

Three, one or more of the following occurred:

- (a) the defendant received the visual depiction or depictions using a means or facility of interstate or foreign commerce; or
- (b) the visual depiction or depictions had moved in interstate or foreign commerce.

You may hear evidence of more than one visual depiction involved in the offense. You must agree unanimously as to which visual depiction or depictions the defendant received.

For you to find the defendant guilty of this crime, the government must prove all of these elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of the offense of receipt of child pornography as charged in Count 3 of the Indictment.

INSTRUCTION NO. 17

The crime of possession of child pornography, including a depiction that involved a prepubescent minor or a minor who had not attained 12 years of age, as charged in Count 4 of the Indictment, has four elements, which are:

One, between in or about March 2019 and March 2020, the defendant knowingly possessed one or more visual depictions of child pornography;

Two, the defendant knew that the visual depiction or depictions were of a minor engaging in sexually explicit conduct; and

Three, one or more of the following occurred:

- (a) the visual depiction or depictions had been produced using a SanDisk micro SD card that had been moved in interstate or foreign commerce; or
- (b) the visual depiction or depictions had moved in interstate or foreign commerce; or
- (c) the visual depiction or depictions had been moved using a means or facility of interstate or foreign commerce.

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

You may hear evidence of more than one visual depiction involved in the offense. You must agree unanimously as to which visual depiction or depictions the defendant possessed.

(CONTINUED)

INSTRUCTION NO. 17 (Cont'd)

For you to find the defendant guilty of the crime of possession of child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age, the government must prove all of these elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of the crime of possession child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age as charged in Count 4 of the Indictment.

If you find the defendant not guilty of the crime 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 government has proven Elements One, Two, and Three beyond a reasonable doubt, then you must find the defendant guilty of the crime of “possessing child pornography.”

INSTRUCTION NO. 18

The crime of accessing child pornography, including a depiction that involved a prepubescent minor or a minor who had not attained 12 years of age, as charged in Count 5 of the Indictment, has four elements, which are:

One, between in or about March 2019 and February 2020, the defendant knowingly accessed with intent to view one or more visual depictions of child pornography;

Two, the defendant knew that the visual depiction or depictions were of a minor engaging in sexually explicit conduct; and

Three, one or more of the following occurred:

- (a) the visual depiction or depictions had been produced using a Samsung Galaxy J7 cell phone that had been moved in interstate or foreign commerce; or
- (b) the visual depiction or depictions had moved in interstate or foreign commerce; or
- (c) the visual depiction or depictions had been moved using a means or facility of interstate or foreign commerce.

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

You may hear evidence of more than one visual depiction involved in the offense. You must agree unanimously as to which visual depiction or depictions the defendant accessed.

(CONTINUED)

INSTRUCTION NO. 18 (Cont'd)

For you to find the defendant guilty of the crime of accessing child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age, the government must prove all of these elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of the crime of accessing child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age as charged in Count 5 of the Indictment.

If you find the defendant not guilty of the crime of “accessing 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 government has proven Elements One, Two, and Three beyond a reasonable doubt, then you must find the defendant guilty of the crime of “accessing child pornography.”

INSTRUCTION NO. 19

The crime of possession of child pornography as charged in Count 6 of the Indictment, has three elements, which are:

One, between in or about February 2020 and March 2020, the defendant knowingly possessed one or more visual depictions of child pornography;

Two, the defendant knew that the visual depiction or depictions were of a minor engaging in sexually explicit conduct; and

Three, one or more of the following occurred:

- (a) the visual depiction or depictions had been produced using a Samsung Galaxy A20 cell phone that had been moved in interstate or foreign commerce; or
- (b) the visual depiction or depictions had moved in interstate or foreign commerce; or
- (c) the visual depiction or depictions had been moved using a means or facility of interstate or foreign commerce.

You may hear evidence of more than one visual depiction involved in the offense. You must agree unanimously as to which visual depiction or depictions the defendant possessed.

For you to find the defendant guilty of the offense of possession of child pornography, the government must prove all of these elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of the crime of possession of child pornography as charged in Count 6 of the Indictment.

INSTRUCTION NO. 20

The crime of possession of child pornography, including a depiction that involved a prepubescent minor or a minor who had not attained 12 years of age, as charged in Count 7 of the Indictment, has four elements, which are:

One, between in or about May 2017 and October 2019, the defendant knowingly possessed one or more visual depictions of child pornography;

Two, the defendant knew that the visual depiction or depictions were of a minor engaging in sexually explicit conduct; and

Three, one or more of the following occurred:

- (a) the visual depiction or depictions had been produced using a SanDisk micro SD card that had been moved in interstate or foreign commerce; or
- (b) the visual depiction or depictions had moved in interstate or foreign commerce; or
- (c) the visual depiction or depictions had been moved using a means or facility of interstate or foreign commerce, namely, the Internet or Gmail.

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

You may hear evidence of more than one visual depiction involved in the offense. You must agree unanimously as to which visual depiction or depictions the defendant possessed.

(CONTINUED)

INSTRUCTION NO. 20 (Cont'd)

For you to find the defendant guilty of the crime of possession of child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age, the government must prove all of these elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of the crime of possession child pornography that involved a prepubescent minor or a minor who had not attained 12 years of age as charged in Count 7 of the Indictment.

If you find the defendant not guilty of the crime 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 government has proven Elements One, Two, and Three beyond a reasonable doubt, then you must find the defendant guilty of the crime of “possessing child pornography.”

INSTRUCTION NO. 21

You are further instructed that the following definitions apply:

“Child pornography” means any visual depiction of a minor engaging in sexually explicit conduct where the minor was engaged in the sexually explicit conduct during the production of the depiction.

“Minor” means any person under the age of 18 years.

“Sexually explicit conduct” means actual or simulated sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; masturbation; sadistic or masochistic abuse; or lascivious exhibition of the genitals, or pubic area, or anus of any person. Lascivious exhibition of the anus only qualifies as sexually explicit conduct if the offense occurred on or after December 7, 2018. For offenses before this date, lascivious exhibition only qualifies as sexually explicit conduct if it is of the genitals or pubic area.

Not every exposure of the genitals, pubic area, or anus constitutes lascivious exhibition. Whether a visual depiction of the genitals, or pubic area, or anus constitutes a lascivious exhibition requires a consideration of the overall content of the material. You may consider such factors as: (1) whether the focal point of the picture is on the minor’s genitals, pubic area, or anus; (2) whether the setting of the picture is sexually suggestive, that is, in a place or pose generally associated with sexual activity; (3) whether the minor is depicted in an unnatural pose or in inappropriate attire, considering the age of the minor; (4) whether the minor is fully or partially clothed, or nude; (5) whether the picture suggests sexual coyness or a willingness to engage in sexual activity; (6) whether the picture is intended or designed to elicit a sexual response in the viewer; (7) whether the picture portrays the minor as a sexual object; and (8) the caption on the picture.

(CONTINUED)

INSTRUCTION NO. 21 (Cont'd)

It is for you to 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, pubic area, or anus.

“Visual depiction” includes any photograph, film, video, picture, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means. It includes undeveloped film and data stored on a computer disk or by electronic means which is capable of conversion into a visual image.

“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.

“Commerce” includes, among other things, travel, trade, transportation and communication.

Images transmitted or received over the Internet have moved in interstate or foreign commerce. It is for you to determine, however, if a visual depiction had been transmitted or received over the Internet.

A “means or facility of interstate commerce” includes: (1) the Internet; (2) e-mail, such as Gmail; (3) messaging applications, such as Snapchat and Kik Messenger; and (4) a cell phone, if it is used to communicate, transmit, or receive information.

(CONTINUED)

INSTRUCTION NO. 21 (Cont'd)

“Moved in interstate or foreign commerce” means that the item or items described, at any time, traveled or moved between one state and another or one country and another. The government does not have to prove that the defendant knew that the material in question had moved in interstate or foreign commerce, and it is not necessary for the government to prove that the defendant personally moved the material in interstate or foreign commerce. It is sufficient that the government prove that at some point before or during the charged conduct, the item traveled in interstate or foreign commerce.

INSTRUCTION NO. 22

At the end of the trial, you must make your decisions based on what you recall of the evidence. You will not have a written transcript to consult. Therefore, you must pay close attention to the testimony as it is given.

If you wish, you may take notes during the presentation of evidence to help you remember what witnesses said. If you do take notes, please keep them to yourself until you and your fellow jurors go to the jury room to decide the case. Do not let note-taking distract you so that you do not hear other answers by the witnesses.

During deliberations, in any conflict between your notes, a fellow juror's notes, and your memory, your memory must prevail. Remember that notes sometimes contain the mental impressions of the note taker and can be used only to help you recollect what the testimony was.

We have given each juror an envelope with a pad and pen in it. The envelopes are numbered according to your seat in the jury box. When you leave for breaks or at night, please put your pad and pen in the envelope and leave the envelope on your chair. Your notes will be secured, and they will not be read by anyone. At the end of trial and your deliberations, your notes should be left in the jury room for destruction.

INSTRUCTION NO. 23

During the trial, it may be necessary for me to talk with the lawyers out of the hearing of the jury, either by having a bench conference while the jury is present in the courtroom or by calling a recess. If a bench conference is held in the courtroom, we will switch on what we refer to as “white noise” so that the jurors cannot hear what is being said by the lawyers and me. While bench conferences are being conducted, you should feel free to stand and stretch and visit among yourselves about anything except the case.

INSTRUCTION NO. 24

During the course of the trial, to ensure fairness, you as jurors must obey the following rules.

First, do not talk among yourselves about this case, or about anyone involved with it, until the end of the case when you go to the jury room to decide on your verdicts.

Second, do not talk with anyone else about this case, or about anyone involved with it, until the trial has ended and you have been discharged as jurors.

Third, do not use any electronic device or media, such as the telephone, a cell or smart phone, Blackberry, PDA, computer, the Internet, any Internet service, any text or instant messaging service, any Internet chat room, blog, or website such as Facebook, YouTube, or Twitter, to communicate to anyone any information about this case, or your opinions concerning it, until the trial has ended and you have been discharged as jurors.

Fourth, when you are outside the courtroom, do not let anyone tell you anything about the case, or about anyone involved with it, until the trial has ended and your verdicts have been accepted by me. If someone should try to talk with you about the case during the trial, please report it to me through the Court Security Officer.

Fifth, during the trial, you should not talk with or speak to any of the parties, lawyers or witnesses involved in this case—you should not even pass the time of day with any of them. It is important not only that you do justice in this case, but that you also give the appearance of doing justice. If a person from one side of the case sees you talking to a person from the other side—even if it is simply to pass the time of day—an unwarranted and unnecessary suspicion about your fairness might be aroused. If any lawyer, party, or witness does not speak to you when you pass in the hall or the like, it is because they are not supposed to talk or visit with you.

(CONTINUED)

INSTRUCTION NO. 24 (Cont'd)

Sixth, do not read any news stories or articles about the case, or about anyone involved with it, or listen to any radio or television reports about the case, or about anyone involved with it. In fact, until the trial is over, I suggest that you avoid reading any newspapers or news journals at all, and avoid listening to any TV or radio newscasts at all. I do not know whether there might be any news reports of this case, but, if there are, you might inadvertently find yourself reading or listening to something before you could do anything about it. If you want, you can have your spouse or a friend clip out any stories and set them aside to give you after the trial is over. I can assure you, however, that by the time you have heard the evidence in this case you will know more about the matter than anyone will learn through the news media.

Seventh, do not do any research or make any investigation about the case on your own. Do not consult any reference materials such as the Internet, books, magazines, dictionaries, or encyclopedias. Do not contact anyone to ask them questions about issues that may arise in this case. Remember, you are not permitted to talk to anyone (except your fellow jurors) about this case or anyone involved with it until the trial has ended and I have discharged you as jurors.

Eighth, do not make up your mind during the trial about what the verdicts should be. Keep an open mind until after you have gone to the jury room to decide the case and you and your fellow jurors have discussed the evidence.

INSTRUCTION NO. 25

The trial will proceed in the following manner:

First, the attorney for the government will make an opening statement. Next, the attorney for the defendant may, but does not have to, make an opening statement. An opening statement is not evidence, but is simply a summary of what the attorneys expect the evidence to be.

The government will then present its evidence, and the attorney for the defendant may cross-examine the government's witnesses. Following the government's case, the defendant may, but does not have to, present evidence, testify, or call other witnesses. If the defendant calls witnesses, the attorney for the government may cross-examine them.

After the presentation of evidence is completed, the attorneys will make their closing arguments to summarize and interpret the evidence for you. As with opening statements, closing arguments are not evidence. After that, the court will instruct you further regarding your deliberations, and you will retire to deliberate on your verdicts.

Date

C.J. Williams
United States District Court Judge
Northern District of Iowa

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

FINAL JURY INSTRUCTIONS

Ladies and Gentlemen of the Jury:

The instructions I gave you at the beginning of the trial and during the trial remain in effect. I will now give you some additional instructions before you begin your deliberations.

You must, of course, continue to follow the instructions I gave you earlier, as well as those I give you now. You must not single out some instructions and ignore others, because all are important. This is true even though the instructions I gave you at the beginning of and during trial are not repeated here.

INSTRUCTION NO. 26

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

You may consider this evidence to help you decide any matter to which it is relevant with regard to each of the crimes charged in the Indictment. You should give the evidence the weight and value you believe it is entitled to receive. If you find that this evidence has not been proved, you must disregard the evidence.

Remember, even if you find that the defendant may have committed one or more of these past acts, you may not convict a person simply because you believe he may have committed these past acts. The defendant is on trial only for the crimes charged.

INSTRUCTION NO. 27

In conducting your deliberations and returning your verdicts, there are certain rules you must follow. I shall list those rules for you now.

First, when you go to the jury room, you must select one of your members as your foreperson. That person will preside over your discussions and speak for you here in court.

Second, it is your duty, as jurors, to discuss this case with one another in the jury room. You should try to reach an agreement if you can do so without violence to individual judgment, because your verdicts—whether guilty or not guilty—must be unanimous.

Each of you must make your own conscientious decisions, but only after you have considered all the evidence, discussed it fully with your fellow jurors and listened to the views of your fellow jurors.

Do not be afraid to change your opinions if your discussion persuades you that you should. But do not come to a decision simply because other jurors think it is right or simply to reach your verdicts.

Third, if you find the defendant guilty, the sentence to be imposed is my responsibility. You may not consider punishment in any way when deciding whether the government has proved its case beyond a reasonable doubt.

Fourth, if you need to communicate with me during your deliberations, you may send a note to me through the Court Security Officer, signed by one or more jurors. I will respond as soon as possible either in writing or orally in open court. You should not tell anyone—including me—how your votes stand numerically.

(CONTINUED)

INSTRUCTION NO. 27 (Cont'd)

Fifth, your verdicts must be based solely on the evidence and on the law that I have given to you in my instructions. Each verdict, whether guilty or not guilty, must be unanimous. Nothing I have said or done is intended to suggest what your verdicts should be—that will be entirely for you to decide.

INSTRUCTION NO. 28

Attached to these instructions you will find the Verdict Forms and Interrogatory Forms. The Verdict Forms and Interrogatory Forms are simply the written notices of the decisions that you reach in this case. The answers to the Verdict Forms and Interrogatory Forms must be the unanimous decisions of the Jury.

You will take the Verdict Forms and Interrogatory Forms to the jury room, and when you have completed your deliberations and each of you has agreed to the answers to the Verdict Forms and Interrogatory Forms, your foreperson will fill out the Verdict Forms and Interrogatory Forms, sign and date them, and advise the Court Security Officer that you are ready to return to the courtroom. Your foreperson should place the signed Verdict Forms and Interrogatory Forms in the blue folder, which the court will provide you, and then your foreperson will bring the blue folder when returning to the courtroom.

Finally, members of the Jury, take this case and give it your most careful consideration, and then without fear or favor, prejudice or bias of any kind, return the Verdict Forms and Interrogatory Forms in accord with the evidence and these instructions.

Date

C.J. Williams
United States District Court Judge
Northern District of Iowa

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

VERDICT FORM

COUNT 1

We, the Jury, unanimously find the defendant, NATHAN NOSLEY,
_____ of the crime charged in Count 1 of the Indictment.

(Not Guilty/Guilty)

NOTE: If you unanimously find the defendant not guilty of the above crime, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. Then go on to answer the Verdict Form relating to Count 2. Do not answer the questions in the Interrogatory Form for Count 1.

If you unanimously and beyond a reasonable doubt find the defendant guilty of the above crime, have your foreperson write “guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 1.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

INTERROGATORY FORM

COUNT 1

If you found the defendant, NATHAN NOSLEY, guilty of the crime charged in Count 1 of the Indictment, please answer the following questions, then have your foreperson sign and date this Interrogatory Form.

If you found the defendant, NATHAN NOSLEY, not guilty of the crime charged in Count 1 of the Indictment, do not answer the following questions.

QUESTION 1: If you unanimously and beyond a reasonable doubt find that the defendant, NATHAN NOSLEY, committed the offense charged in Count 1, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the defendant, NATHAN NOSLEY, guilty on the following alternative or alternatives:

Sexually exploiting a minor

Attempting to sexually exploit a minor

QUESTION 2: If you found the defendant, NATHAN NOSLEY, guilty of the sexually exploiting a minor alternative in Question 1, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the defendant, NATHAN NOSLEY, persuaded, induced, or enticed the following minor or minors to engage in sexually explicit conduct for the purpose of creating a visual depiction of such conduct:

___ R.A.

___ A.S.

QUESTION 3: If you found the defendant, NATHAN NOSLEY, guilty of the sexually exploiting a minor alternative in Question 1, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the following alternative or alternatives apply as to Element 4 of the offense:

___ one or more visual depictions of sexually explicit conduct were produced using material that had been moved in interstate or foreign commerce

___ the defendant knew or had reason to know that one or more 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 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.

QUESTION 4: If you found the defendant guilty on the attempting to sexually exploit a minor alternative in Question 1, answer this question by placing a check mark (✓) on **each** of the following spaces that you find the government has proved beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the defendant, NATHAN NOSLEY, attempted to persuade, induce, or entice the following minor or minors to engage in sexually explicit conduct for the purpose of creating a visual depiction of such conduct:

_____ R.A.

_____ A.S.

QUESTION 5: If you found the defendant guilty on the attempting to sexually exploit a minor alternative in Question 1, answer this question by placing a check mark (✓) on **each** of the following spaces that you find the government has proved beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the following alternative or alternatives apply for Element 4 of the offense:

_____ the material used to attempt to produce one or more visual depictions of sexually explicit conduct had been moved in interstate or foreign commerce

_____ the defendant knew or had reason to know that, if his attempt succeeded, one or more 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

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

VERDICT FORM

COUNT 2

We, the Jury, unanimously find the defendant, NATHAN NOSLEY,
_____ of the crime charged in Count 2 of the Indictment.

(Not Guilty/Guilty)

NOTE: If you unanimously find the defendant not guilty of the above crime, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. Then go on to answer the Verdict Form relating to Count 3. Do not answer the questions in the Interrogatory Form for Count 2.

If you unanimously and beyond a reasonable doubt find the defendant guilty of the above crime, have your foreperson write “guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 2.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

INTERROGATORY FORM

COUNT 2

If you found the defendant, NATHAN NOSLEY, guilty of the crime charged in Count 2 of the Indictment, please answer the following questions, then have your foreperson sign and date this Interrogatory Form.

If you found the defendant, NATHAN NOSLEY, not guilty of the crime charged in Count 2 of the Indictment, do not answer the following questions.

QUESTION 1: If you unanimously and beyond a reasonable doubt find that the defendant, NATHAN NOSLEY, committed the offense charged in Count 2, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the defendant, NATHAN NOSLEY, distributed the following depictions of child pornography:

- ___ Government Exhibit 1
- ___ Government Exhibit 151, image on page 4
- ___ Government Exhibit 153, image on page 10
- ___ Government Exhibit 155, image on page 19

QUESTION 2: If you unanimously and beyond a reasonable doubt find that the defendant, NATHAN NOSLEY, committed the offense charged in Count 2, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the following alternative or alternatives apply for Element 3 of the offense charged in Count 2:

- _____ the defendant, NATHAN NOSLEY, distributed the visual depiction or depictions using a means or facility of interstate or foreign commerce
- _____ the visual depiction or depictions had moved in interstate or foreign commerce

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

VERDICT FORM

COUNT 3

We, the Jury, unanimously find the defendant, NATHAN NOSLEY,
_____ of the crime charged in Count 3 of the Indictment.

(Not Guilty/Guilty)

NOTE: If you unanimously find the defendant not guilty of the above crime, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. Then go on to answer the Verdict Form relating to Count 4. Do not answer the questions in the Interrogatory Form for Count 3.

If you unanimously and beyond a reasonable doubt find the defendant guilty of the above crime, have your foreperson write “guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 3.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

INTERROGATORY FORM

COUNT 3

If you found the defendant, NATHAN NOSLEY, guilty of the crime charged in Count 3 of the Indictment, please answer the following questions, then have your foreperson sign and date this Interrogatory Form.

If you found the defendant, NATHAN NOSLEY, not guilty of the crime charged in Count 3 of the Indictment, do not answer the following questions.

QUESTION 1: If you unanimously and beyond a reasonable doubt find that the defendant, NATHAN NOSLEY, committed the offense charged in Count 3, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the defendant, NATHAN NOSLEY, received the following depiction or depictions of child pornography:

___ Government Exhibit 2

___ Government Exhibit 20, video listed on Government Exhibit 26

___ Government Exhibit 20. video listed on Government Exhibit 30

___ Government Exhibit 20, video listed on Government Exhibit 31

QUESTION 2: If you found the defendant, NATHAN NOSLEY, guilty of the offense charged in Count 3, answer this question by placing a check mark (✓) on **each** of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the following alternative or alternatives apply as to Element 3 of the offense charged in Count 3:

_____ the defendant received the visual depiction or depictions using a means or facility of interstate or foreign commerce.

_____ the visual depiction or depictions had moved in interstate or foreign commerce.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

VERDICT FORM

COUNT 4

Step 1:

We, the Jury, unanimously find the defendant, NATHAN NOSLEY,
_____ of the offense of possessing child pornography that involved a
(Not Guilty/Guilty)
prepubescent minor or a minor who had not attained 12 years of age as charged in Count
4 of the Indictment.

NOTE: If you unanimously find the defendant not guilty of the above crime, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. Then go on to complete Step 2 of this Verdict Form.

If you unanimously and beyond a reasonable doubt find the defendant guilty of the above crime, have your foreperson write “guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 4. Do not complete Step 2 of this Verdict Form.

Step 2:

We, the Jury, unanimously find the defendant, NATHAN NOSLEY,
_____ of the offense of possessing child pornography as charged in Count 4

(Not Guilty/Guilty)

of the Indictment.

NOTE: If you unanimously find the defendant not guilty of the above crime, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. Then go on to answer the Verdict Form relating to Count 5. Do not answer the questions in the Interrogatory Form for Count 4.

If you unanimously and beyond a reasonable doubt find the defendant guilty of the above crime, have your foreperson write “guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 4.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

INTERROGATORY FORM

COUNT 4

If you found the defendant, NATHAN NOSLEY, guilty of the crime charged in Count 4 of the Indictment, please answer the following questions, then have your foreperson sign and date this Interrogatory Form.

If you found the defendant, NATHAN NOSLEY, not guilty of the crime charged in Count 4 of the Indictment, do not answer the following questions.

QUESTION 1: If you unanimously and beyond a reasonable doubt find that the defendant, NATHAN NOSLEY, committed the offense charged in Count 4, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the defendant, NATHAN NOSLEY, possessed the following depiction or depictions of child pornography:

___ Government Exhibit 20, video listed on Government Exhibit 25

___ Government Exhibit 20, video listed on Government Exhibit 27

___ Government Exhibit 20, video listed on Government Exhibit 28

___ Government Exhibit 20, video listed on Government Exhibit 29

QUESTION 2: If you found the defendant, NATHAN NOSLEY, guilty of the offense charged in Count 4, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the following alternative or alternatives apply as to Element 3 of the offense charged in Count 4:

_____ the visual depiction or depictions had been produced using a micro SD card that had been moved in interstate or foreign commerce.

_____ the visual depiction or depictions had moved in interstate or foreign commerce.

_____ the visual depiction or depictions had been moved using a means or facility of interstate or foreign commerce.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

VERDICT FORM

COUNT 5

Step 1:

We, the Jury, unanimously find the defendant, NATHAN NOSLEY,
_____ of the offense of accessing child pornography that involved a
(Not Guilty/Guilty)
prepubescent minor or a minor who had not attained 12 years of age as charged in
Count 5 of the Indictment.

NOTE: If you unanimously find the defendant not guilty of the above crime, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. Then go on to complete Step 2 of this Verdict Form.

If you unanimously and beyond a reasonable doubt find the defendant guilty of the above crime, have your foreperson write “guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to answer the question in the Interrogatory Form for Count 5. Do not complete Step 2 of this Verdict Form.

Step 2:

We, the Jury, unanimously find the defendant, NATHAN NOSLEY,
_____ of the offense of accessing child pornography as charge in Count 5
of
(Not Guilty/Guilty)
the Indictment.

NOTE: If you unanimously find the defendant not guilty of the above crime, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. Then go on to answer the Verdict Form relating to Count 6. Do not answer the questions in the Interrogatory Form for Count 5.

If you unanimously and beyond a reasonable doubt find the defendant guilty of the above crime, have your foreperson write “guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 5.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

INTERROGATORY FORM

COUNT 5

If you found the defendant, NATHAN NOSLEY, guilty of the offenses charged in Count 5 of the Indictment, please answer the following questions, then have your foreperson sign and date this Interrogatory Form.

If you found the defendant, NATHAN NOSLEY, not guilty of the offenses charged in Count 5 of the Indictment, do not answer the following questions.

QUESTION 1: If you unanimously and beyond a reasonable doubt find that the defendant, NATHAN NOSLEY, committed the offense charged in Count 5, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the defendant, NATHAN NOSLEY, accessed the following depiction or depictions of child pornography:

___ Government Exhibit 20, video listed on Government Exhibit 21

___ Government Exhibit 20, video listed on Government Exhibit 22

___ Government Exhibit 20, video listed on Government Exhibit 23

___ Government Exhibit 20, video listed on Government Exhibit 24

QUESTION 2: If you found the defendant, NATHAN NOSLEY, guilty of the offense charged in Count 5, answer this question by placing a check mark (✓) on **each** of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the following alternative or alternatives apply as to Element 3 of the offense charged in Count 5:

_____ the visual depiction or depictions had been produced using a Samsung Galaxy J7 cell phone that had been moved in interstate or foreign commerce.

_____ the visual depiction or depictions had moved in interstate or foreign commerce.

_____ the visual depiction or depictions had been moved using a means or facility of interstate or foreign commerce.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

VERDICT FORM

COUNT 6

We, the Jury, unanimously find the defendant, NATHAN NOSLEY,
_____ of the crime charged in Count 6 of the Indictment.

(Not Guilty/Guilty)

NOTE: If you unanimously find the defendant not guilty of the above crime, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. Then go on to answer the Verdict Form relating to Count 7. Do not answer the questions in the Interrogatory Form for Count 6.

If you unanimously and beyond a reasonable doubt find the defendant guilty of the above crime, have your foreperson write “guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to answer the questions in the Interrogatory Form for Count 6.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

INTERROGATORY FORM

COUNT 6

If you found the defendant, NATHAN NOSLEY, guilty of the offense charged in Count 6 of the Indictment, please answer the following questions, then have your foreperson sign and date this Interrogatory Form.

If you found the defendant, NATHAN NOSLEY, not guilty of the offense charged in Count 6 of the Indictment, do not answer the following questions.

QUESTION 1: If you unanimously and beyond a reasonable doubt find that the defendant, NATHAN NOSLEY, committed the offense charged in Count 6, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the defendant, NATHAN NOSLEY, possessed the following depiction or depictions of child pornography:

___ Government Exhibit 228

___ Government Exhibit 234

___ Government Exhibit 236

___ Government Exhibit 237

QUESTION 2: If you found the defendant, NATHAN NOSLEY, guilty of the offense charged in Count 6, answer this question by placing a check mark (✓) on **each** of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the following alternative or alternatives apply as to Element 3 of the offense charged in Count 6:

_____ the visual depiction or depictions had been produced using a Samsung Galaxy A20 cell phone that had been moved in interstate or foreign commerce.

_____ the visual depiction or depictions had moved in interstate or foreign commerce.

_____ the visual depiction or depictions had been moved using a means or facility of interstate or foreign commerce.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

VERDICT FORM

COUNT 7

Step 1:

We, the Jury, unanimously find the defendant, NATHAN NOSLEY,
_____ of the offense of possessing child pornography that involved a
(Not Guilty/Guilty)
prepubescent minor or a minor who had not attained 12 years of age as charged in Count
7 of the Indictment.

NOTE: If you unanimously find the defendant not guilty of the above crime, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to complete Step 2 of this Verdict Form.

If you unanimously and beyond a reasonable doubt find the defendant guilty of the above crime, have your foreperson write “guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to answer the questions in the Interrogatory Form for Count 7. Do not complete Step 2 of this Verdict Form.

Step 2:

We, the Jury, unanimously find the defendant, NATHAN NOSLEY,
_____ of the offense of possessing child pornography as charged in Count 7

(Not Guilty/Guilty)

of the Indictment.

NOTE: If you unanimously find the defendant not guilty of the above crime, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. Do not answer the questions in the Interrogatory Form for Count 7.

If you unanimously and beyond a reasonable doubt find the defendant guilty of the above crime, have your foreperson write “guilty” in the above blank space, and sign and date this Verdict Form. Then, go on to answer the questions in the Interrogatory Form for Count 7

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN NOSLEY,

Defendant.

No. 20-CR-101-CJW

INTERROGATORY FORM

COUNT 7

If you found the defendant, NATHAN NOSLEY, guilty of the crime charged in Count 7 of the Indictment, please answer the following questions, then have your foreperson sign and date this Interrogatory Form.

If you found the defendant, NATHAN NOSLEY, not guilty of the crime charged in Count 7 of the Indictment, do not answer the following questions.

QUESTION 1: If you unanimously and beyond a reasonable doubt find that the defendant, NATHAN NOSLEY, committed the offense charged in Count 7, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the defendant, NATHAN NOSLEY, possessed the following depiction or depictions of child pornography:

___ Government Exhibit 1

___ Government Exhibit 153, image on page 14

___ Government Exhibit 155, image on page 19

___ Government Exhibit 157, image on page 4

QUESTION 2: If you found the defendant, NATHAN NOSLEY, guilty of the offense charged in Count 7, answer this question by placing a check mark (✓) on each of the following spaces that you find the government has proven beyond a reasonable doubt.

We, the Jury, unanimously and beyond a reasonable doubt find the following alternative or alternatives apply as to Element 3 of the offense charged in Count 7:

_____ the visual depiction or depictions had moved in interstate or foreign commerce.

_____ the visual depiction or depictions had been moved using a means or facility of interstate or foreign commerce, namely, the Internet of Gmail.

FOREPERSON

DATE