

United States District Court
District of Arizona

United States of America,)
Plaintiff)
v.)
John Coach, a single individual;)
Jimmy Jim, a single individual;)
Defendants)

Case No. CR-3279 Destination 1 PHX RKH

[KEY] FINAL JURY INSTRUCTIONS

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Instruction No. 1A. Intentionally

The element of intent requires purposeful action. A person who causes a result prohibited by statute is said to have acted purposely if he or she consciously desired that result, whatever the likelihood of that result ensuing from his or her actions.

Source: *United States v. Gracidas-Ulibarry*, 231 F.3d 1188, 1192 (9th Cir. 2000) (en banc). Accord *United States v. Bailey*, 444 U.S. 394, 404 at n.5, 100 S. Ct. 624 (1980) (In a general sense, "purpose corresponds loosely with the common-law concept of specific intent."); *United States v. United States Gypsum Co.*, 438 U.S. 422, 445, 98 S. Ct. 2864, 2877 (1978); W. LaFave & A. Scott, *Handbook on Criminal Law* § 28, p. 196 (1972). The "preferred practice" is to give an intent instruction that reflects the intent requirements of the offense charged. *United States v. Bell*, 303 F.3d 1187, 1191 (9th Cir. 2002).

Instruction No. 1B. Willfully

The word "willfully" means that the act was committed voluntarily and purposely, with the intent to do something the law forbids; that is, with the bad purpose to disobey or disregard the law. While a person must have acted with the intent to do something the law forbids before you can find that the person acted "willfully," the person need not be aware of the specific law or rule that [his] [her] conduct may be violating.

Source: Eleventh Circuit Pattern Criminal Jury Instructions¹ B9.1A. See Manual of Model Criminal Jury Instructions (Ninth Circuit)² 4.5 (As the meaning of "willfully" necessarily depends on particular facts arising under the applicable statute, the Committee has not provided a generic instruction defining that term.)

Instruction No. 1C. Maliciously

¹<https://www.ca11.uscourts.gov/sites/default/files/courtdocs/clk/FormCriminalPatternJuryInstructionsRevisedAPR2024.pdf>

² https://www.ce9.uscourts.gov/jury-instructions/sites/default/files/WPD/Criminal_Instructions_2023_12_0.pdf

One acts “maliciously” when he or she has the intent to do the prohibited act and has no justification or excuse.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 4.5; *United States v. Kelly*, 676 F.3d 912, 918 (9th Cir. 2012).

Instruction No. 2. Aiding and Abetting

A defendant may be found guilty of transporting stolen property, even if the defendant personally did not commit the act or acts constituting the crime but aided and abetted in its commission. To “aid and abet” means intentionally to help someone else commit a crime. To prove a defendant guilty of transporting stolen property by aiding and abetting, the government must prove each of the following beyond a reasonable doubt:

First, someone else committed transporting stolen property;

Second, the defendant aided, counseled, commanded, induced, or procured that person with respect to at least one element of transporting stolen property;

Third, the defendant acted with the intent to facilitate; and

Fourth, the defendant acted before the crime was completed.

It is not enough that the defendant merely associated with the person committing the crime, or unknowingly or unintentionally did things that were helpful to that person or was present at the scene of the crime. The evidence must show beyond a reasonable doubt that the defendant acted with the knowledge and intention of helping that person commit the crime of transporting stolen property.

A defendant acts with the intent to facilitate the crime when the defendant actively participates in a criminal venture with advance knowledge of the crime.

The government is not required to prove precisely which defendant actually committed the crime and which defendant aided and abetted.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 4.1; 18 U.S.C. § 2(a). *United States v. Garcia*, 400 F.3d 816, 820 (9th Cir. 2005) (“aiding and abetting is embedded in every federal indictment for a substantive crime”).

Instruction No. 2A. A defendant can be convicted as an aider and abettor even if the defendant’s conduct “relates to only one (or some) of a crime’s phases or elements.”

The intent requirement is satisfied when a person actively participates in a criminal venture with advance knowledge of the circumstances constituting the elements of the charged offense.

Source: *Rosemond v. United States*, 134 S. Ct. 1240, 1246-47, 1248-49 (2014).

Instruction No. 3. Knowingly

An act is done knowingly if the defendant is aware of the act and does not act through ignorance, mistake, or accident. The government is not required to prove that the defendant knew that his acts or omissions were unlawful. You may consider evidence of the defendant's words, acts, or omissions, along with all the other evidence, in deciding whether the defendant acted knowingly.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 4.8. See *United States v. Bailey*, 444 U.S. 394, 404 at n.5, 100 S. Ct. 624 (1980)(A defendant "is said to act knowingly if he is aware 'that that result is practically certain to follow from his conduct, whatever his desire may be as to that result.'"

Instruction No. 4. You may find that the defendant acted knowingly if you find beyond a reasonable doubt that:

First, the defendant was aware of a high probability that the helium-3 mine was not authorized by EX Corp., and

Second, the defendant deliberately avoided learning the truth.

You may not find such knowledge, however, if you find that the defendant actually believed that the helium-3 mine was not authorized by EX Corp., or if you find that the defendant was simply negligent, careless, or foolish.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 4.9; *United States v. Heredia*, 483 F.3d 913 (9th Cir. 2007) (*en banc*); *United States v. Ramos-Atondo*, 732 F.3d 1113, 1120, (9th Cir. 2013) (the deliberate ignorance instruction may be given in a conspiracy case).

Instruction No. 5. Proof beyond a reasonable doubt is proof that leaves you firmly convinced the defendant is guilty. It is not required that the government prove guilt beyond all possible doubt.

A reasonable doubt is a doubt based upon reason and common sense and is not based purely on speculation. It may arise from a careful and impartial consideration of all the evidence, or from lack of evidence.

If after a careful and impartial consideration of all the evidence, you are not convinced beyond a reasonable doubt that the defendant is guilty, it is your duty to find the defendant not guilty. On the other hand, if after a careful and impartial consideration of all the evidence, you are convinced beyond a reasonable doubt that the defendant is guilty, it is your duty to find the defendant guilty

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 6.5.

COUNT ONE—Conspiracy To Transport Stolen Property

Instruction No. 10. The defendants are charged with conspiring to transport stolen property. For the defendants to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, beginning on or about April 3274, and ending on or about November 3276, there was an agreement between two or more persons to transport stolen helium-3;

Second, the defendants became members of the conspiracy knowing its object was to transport stolen helium-3 and intending to help accomplish it; and

Third, one of the members of the conspiracy performed at least one overt act for the purpose of carrying out the conspiracy.

The crime of conspiracy is the agreement to do something unlawful; it does not matter whether the crime agreed upon was committed.

One becomes a member of a conspiracy by willfully participating in the unlawful plan with the intent to advance or further some object or purpose of the conspiracy, even though the person does not have full knowledge of all the details of the conspiracy. Furthermore, one who willfully joins an existing conspiracy is as responsible for it as the originators.

An overt act does not itself have to be unlawful. A lawful act may be an element of a conspiracy if it was done for the purpose of carrying out the conspiracy. The government is not required to prove that the defendant personally did one of the overt acts.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 11.1 (modified); 18 U.S.C. § 371; *United States v. Iribe*, 564 F.3d 1155, 1160-61 (9th Cir. 2009) (Conspiracy to commit a crime “does not require completion of the intended underlying offense.”); *United States v. Kaplan*, 836 F.3d 1199, 1212 (9th Cir. 2016).

Instruction No. 11. An agreement to commit a crime can be explicit or tacit, and can be proved by direct or circumstantial evidence, including inferences from circumstantial evidence.

Source: *Kaplan*, 836 F.3d 1199, 1212 (9th Cir. 2016) (quotation marks and citation omitted). See also *United States v. Gonzalez*, 906 F.3d 784, 792 (9th Cir. 2018) (noting that tacit agreement is sufficient for a conspiracy conviction).

Instruction No. 12. A defendant may be held liable for a substantive offense committed by a co-conspirator, as long as

the offense occurred within the course of the conspiracy,

was within the scope of the agreement, and

could reasonably have been foreseen as a necessary or natural consequence of the unlawful agreement.

Each member of the conspiracy is responsible for the actions of the other conspirators performed during the course and in furtherance of the conspiracy. If one member of a conspiracy commits a crime in furtherance of a conspiracy, the other members have also, under the law, committed that crime.

Therefore, you may find the defendant guilty of transportation of stolen property as charged in Count One of the indictment if the government has proved each of the following elements beyond a reasonable doubt:

First, a person named in Count One of the indictment (Jonny Walker) committed the crime of transportation of stolen property as alleged in that count;

Second, Jonny Walker was a member of the conspiracy to transport stolen property charged in Count One of the indictment;

Third, Jonny Walker committed the crime of transportation of stolen property in furtherance of the conspiracy;

Fourth, the defendant was a member of the same conspiracy at the time the offense charged in Count One was committed; and

Fifth, the offense fell within the scope of the unlawful agreement and could reasonably have been foreseen to be a necessary or natural consequence of the unlawful agreement.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 11.6 (modified); *Pinkerton v. United States*, 328 U.S. 640 (1946); *Khalulyan v. Garland*, 63 F.4th 1207, 1212 (9th Cir. 2023); *United States v. Henry*, 984 F.3d 1343, 1355-1356 (9th Cir. 2021); *United States v. Alvarez-Valenzuela*, 231 F.3d 1198, 1202 (9th Cir. 2000). See *Alfred v. Garland*, 64 F.4th 1025, 1059 n.21 (9th Cir. 2023) (concurring opinion). See also *United States v. Long*, 301 F.3d 1095, 1103 (9th Cir. 2002) (per curiam) (explaining that under *Pinkerton*, “a conspirator [is] criminally liable for the substantive offenses committed by a co-conspirator when they are reasonably foreseeable and committed in furtherance of the conspiracy”).

Instruction No. 13. The defendants are charged with conspiring to transport in foreign commerce helium-3 stolen, converted, or taken by fraud. For purposes of this trial, the defendants stipulate that Jonny Walker committed the crime of transportation of stolen helium-3:

First, the Jonny Walker transported stolen helium-3 on Destination;

Second, at the time that the helium-3 was transported, Jonny Walker knew it was stolen;

Third, Jonny Walker intended to deprive EX Corp of the ownership of the helium-3 temporarily or permanently; and

Fourth, the value of the stolen helium-3 was more than \$5,000.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 23.8 (modified); 18 U.S.C. § 2314.

Instruction No. 14 Withdrawal from Conspiracy

Once a person becomes a member of a conspiracy, that person remains a member until that person withdraws from it. One may withdraw by doing acts which are inconsistent with the purpose of the conspiracy and by making reasonable efforts to tell the co-conspirators about those acts. You may consider any definite, positive step that shows that the conspirator is no longer a member of the conspiracy to be evidence of withdrawal.

If you find that the government has proved beyond a reasonable doubt each element of a conspiracy and that the defendant was a member of the conspiracy, the burden is on the defendant to prove by a preponderance of the evidence that [he] withdrew from the conspiracy before the overt act—on which you all agreed—was committed by some member of the conspiracy. A preponderance of the evidence means that you must be persuaded that the things the defendant seeks to prove are more probably true than not true. This is a lesser burden of proof than the government's burden to prove beyond a reasonable doubt each element of the conspiracy and that the defendant was a member of the conspiracy.

If you find that the defendant withdrew from the conspiracy, you must find the defendant not guilty of conspiracy to transport stolen property.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 11.5.

COUNT TWO—Wire Fraud

Instruction No. 20. For a defendant to be found guilty of committing wire fraud, the government must prove each of the following elements beyond a reasonable doubt:

The defendant knowingly participated in a scheme or plan to defraud for the purpose of obtaining property by means of false or fraudulent pretenses, representations, or promises,

The statements made as part of the scheme were material; that is, they had a natural tendency to influence, or were capable of influencing, a person to part with money or property,

the defendant acted with the intent to defraud, that is, the intent to deceive and cheat, and

The defendant used, or caused to be used, a foreign wire, radio, television, laser, microwave or other optical or electromagnetic means of communication to transmit any writings, signs, signals, pictures, or sounds to carry out or attempt to carry out an essential part of the scheme.

It is not necessary that the government prove that the material transmitted by radio was itself false or fraudulent.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 15.35 (modified); 18 USC § 1343.

Instruction No. 21. The term “scheme or artifice to defraud” includes a scheme or artifice to deprive another of the intangible right of honest services. This applies to the use of bribes or kickbacks.

Source: 18 USC § 1346. *Skilling v. United States*, 561 U.S. 358, 409, 130 S. Ct. 2896, 2931 (2010).

Instruction No. 22. For a defendant to be guilty of conspiracy to commit wire fraud as charged in Count Two of the indictment, the government must prove each of the following elements beyond a reasonable doubt:

First, a person named in Count One of the indictment (Jonny Walker, John Coach, or Jimmy Jim) committed the crime of wire fraud as alleged in Count Two;

Second, the person was a member of the conspiracy to transport stolen property charged in Count One of the indictment;

Third, the person committed the crime of wire fraud in furtherance of the conspiracy;

Fourth, the defendant was a member of the same conspiracy at the time the offense charged in Count Two was committed; and

Fifth, the offense fell within the scope of the unlawful agreement and could reasonably have been foreseen to be a necessary or natural consequence of the unlawful agreement.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 11.6 (modified); *Pinkerton v. United States*, 328 U.S. 640 (1946); *Khalulyan v. Garland*, 63 F.4th 1207, 1212 (9th Cir. 2023).

COUNT THREE—Witness Tampering

Instruction No. 30. For John Coach to be found guilty of tampering with witness Jonny Walker, the government must prove each of the following elements beyond a reasonable doubt:

John Coach hired Ben Tiller to kill Jonny Walker, acting knowingly with the intent to—

- (A) prevent the attendance or testimony of Jonny Walker in an official proceeding;
- (B) prevent the production of a record, document, or other object possessed by Jonny Walker, in an official proceeding; or
- (C) prevent the communication by Jonny Walker to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense.

An official proceeding need not be pending or about to be instituted at the time of the witness tampering offense.

Source: 18 U.S.C. §§ 1512(a)(1), 1512(f)(1). See Eleventh Circuit Pattern Criminal Jury Instructions O59.1 Killing a Witness.

Instruction No. 32. To find the defendant Jimmy Jim guilty of witness tampering as charged in Count Three of the indictment, the government must prove each of the following elements beyond a reasonable doubt:

First, John Coach committed the crime of witness tampering as alleged in Count Three;

Second, John Coach was a member of the conspiracy to transport stolen property charged in Count One of the indictment;

Third, John Coach committed the crime of witness tampering in furtherance of the conspiracy;

Fourth, the defendant Jimmy Jim was a member of the same conspiracy at the time the offense charged in Count Two was committed; and

Fifth, the offense fell within the scope of the unlawful agreement and could reasonably have been foreseen to be a necessary or natural consequence of the unlawful agreement.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 11.6 (modified); *Pinkerton v. United States*, 328 U.S. 640 (1946); *Khalulyan v. Garland*, 63 F.4th 1207, 1212 (9th Cir. 2023).

COUNT FOUR—Murder for Hire of Jonny Walker

Instruction No. 40. John Coach is charged with using interstate commerce facilities in the commission of a murder-for-hire. For John Coach to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, defendant, John Coach, caused Ben Tiller to travel in foreign commerce via the space vessel *Black Pearl* to Destination;

Second, John Coach did so with the intent that Ben Tiller would murder Jonny Walker; and

Third, John Coach intended that the murder be committed in exchange for possession and use of the *Black Pearl* and ownership of a lander.

For purposes of murder for hire, the murder committed may be a violation of the laws of any State or the United States.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 16.7 (modified); 18 U.S.C. § 1958; *United States v. Linehan*, 56 F.4th 693, 707 (9th Cir. 2022); *United States v. Chong*, 419 F.3d 1076, 1082 (9th Cir. 2005).

Instruction No. 41. Possession of the *Black Pearl* is a thing of pecuniary value even if the right to formal transfer of title is not enforceable under contract law.

Source: *United States v. Phillips*, 929 F.3d 1120, 1124 (9th Cir. 2019).

Instruction No. 42. A defendant may be found guilty of the crime(s) charged even if the defendant did not personally commit the act(s) constituting the crime if the defendant willfully caused an act to be done that if directly performed by him would be an offense against the United States. A defendant who puts in motion or causes the commission of an indispensable element of the offense may be found guilty as if he had committed this element himself.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 4.2; 18 U.S.C. § 2(b).

COUNT FIVE—Murder of Jonny Walker by Co-Conspirator Jimmy Jim

Instruction No. 50. You may find the defendant Jimmy Jim guilty of the murder for hire of Jonny Walker if the government has proved each of the following elements beyond a reasonable doubt:

First, John Coach committed the crime of murder for hire;

Second, John Coach was a member of the conspiracy to transport stolen property;

Third, John Coach committed the crime of murder for hire in furtherance of the conspiracy;

Fourth, Jimmy Jim was a member of the same conspiracy at the time the murder was committed; and

Fifth, the murder fell within the scope of the unlawful agreement and could reasonably have been foreseen to be a necessary or natural consequence of the unlawful agreement.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 11.6 (modified); Eleventh Circuit Pattern Criminal Jury Instructions³ O13.5 (“The committee believes that the general definition of “willfully” in Basic Instruction 9.1A would usually apply to this crime.”). See Instruction No. 1B above for Basic Instruction 9.1A – willfully.

³<https://www.ca11.uscourts.gov/sites/default/files/courtdocs/clk/FormCriminalPatternJuryInstructionsRevisedAPR2024.pdf>

COUNT SIX—Racketeering

Instruction No. 60. The defendants are charged with having participated in the conduct of the affairs of an enterprise through a pattern of racketeering activity. For the defendants to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, there was an ongoing enterprise with some sort of formal or informal framework for carrying out its objectives consisting of a group of persons associated together for a common purpose of engaging in a course of conduct;

Second, the defendant was employed by or associated with the enterprise;

Third, the defendant participated, directly or indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity. To conduct or participate means that the defendant had to be involved in the operation or management of the enterprise; and

Fourth, the enterprise engaged in or its activities in some way affected commerce on Destination.

An enterprise need not be a formal entity such as a corporation and need not have a name, regular meetings, or established rules. An “enterprise” includes any individual, partnership, association, or other legal entity, and any group of individuals associated in fact although not a legal entity.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 18.18; 18 U.S.C. §§ 1961(4) and 1962(c). See *Boyle v. United States*, 556 U.S. 938 (2009).

Instruction No. 61. To establish a pattern of racketeering activity, the government must prove each of the following beyond a reasonable doubt:

First, at least two acts of racketeering were committed within a period of ten years of each other;

Second, the acts of racketeering were related to each other, meaning that there was a relationship between or among the acts of racketeering; and

Third, the acts of racketeering amounted to or posed a threat of continued criminal activity.

With respect to the second element, acts of racketeering are related if they embraced the same or similar purposes, results, participants, victims, or methods of commission, or were otherwise interrelated by distinguishing characteristics.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 18.14

Instruction No. 62. All of you must agree on the same two racketeering acts that the defendant aided and abetted in committing.

The racketeering charge is based on the pattern of racketeering activity, which can be established by:

Conspiracy to transport stolen property,
wire fraud,
tampering with a witness,
murder for hire, or
murder.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 18.13 (modified); 18 U.S.C. § 1961(1)(B); *Richardson v. United States*, 526 U.S. 813, 815 (1999); *United States v. Rodriguez*, 971 F.3d 1007, 1013-14 (9th Cir. 2020) (holding that pattern of racketeering activity extends to attempts and conspiracies, even if no racketeering offense is completed).

Instruction No. 63.

A common purpose means each defendant was “aware of the essential nature and scope of [the] enterprise and intended to participate in it.” Even if some of the enterprise’s participants lack detailed knowledge of all of the other participants or their activities, “it is sufficient that the defendant knows the general nature of the enterprise and knows that the enterprise extends beyond his individual role.”

Source: *United States v. Christensen*, 828 F.3d 763, 780-81 (9th Cir. 2015), *as amended on denial of reh’g* (9th Cir. 2016). See *United States v. Shryock*, 342 F.3d 948, 985-86 (9th Cir. 2003) (defining “conducts or participates” in the affairs of the enterprise).

Instruction No. 65. Even though a defendant has previously been acquitted of a crime in a state court, he or she can still be charged with violating the RICO statute “with the [same] crime as predicate acts.”

Source: *United States v. Licavoli*, 725 F.2d 1040, 1047 (6th Cir. 1984).

COUNT SEVEN—Murder of Ben Tiller by John Coach

Instruction No. 70. To be found guilty of murder in the first degree, the government must prove each of the following elements beyond a reasonable doubt:

First, John Coach unlawfully killed Ben Tiller.

Second, John Coach killed Ben Tiller with malice aforethought—deliberately and intentionally.

Third, the killing was premeditated. Premeditated means with planning or deliberation. The amount of time needed for premeditation must be long enough, after forming the intent to kill, for a killer to have been fully conscious of the intent and to have considered the killing.

Fourth, the killing occurred within the special maritime jurisdiction of the United States.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 16.1; 18 U.S.C. § 1111; *United States v. Free*, 841 F.2d 321, 325 (9th Cir. 1988).

COUNT EIGHT—Murder of Ben Tiller by Co-Conspirator Jimmy Jim

Instruction No. 80. You may find the defendant Jimmy Jim guilty of the murder of Ben Tiller if the government has proved each of the following elements beyond a reasonable doubt:

First, John Coach committed the crime of murder;

Second, John Coach was a member of the conspiracy to transport stolen property;

Third, John Coach committed the crime of murder in furtherance of the conspiracy;

Fourth, Jimmy Jim was a member of the same conspiracy at the time the murder was committed; and

Fifth, the murder fell within the scope of the unlawful agreement and could reasonably have been foreseen to be a necessary or natural consequence of the unlawful agreement.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 11.6 (modified); Eleventh Circuit Pattern Criminal Jury Instructions O13.5.

COUNT NINE—Murder for Hire of the AI Operators

Instruction No. 90. John Coach is charged with using interstate commerce facilities in the commission of a murder-for-hire. For John Coach to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, defendant, John Coach, caused Ben Tiller to travel in foreign commerce via the space vessel *Black Pearl* to Destination;

Second, the defendant did so with the intent that murder be committed; and

Third, the defendant intended that the murder be committed in exchange for possession and use of the *Black Pearl* and ownership of a lander.

For purposes of murder for hire, the murder committed may be a violation of the laws of any State or the United States.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 16.7 (modified); 18 U.S.C. § 1958; *United States v. Linehan*, 56 F.4th 693, 707 (9th Cir. 2022); *United States v. Chong*, 419 F.3d 1076, 1082 (9th Cir. 2005).

Instruction No. 91. In Arizona criminal law, “person“ includes, “as the context requires, an individual or entity capable of holding a legal or beneficial interest in property.”

Source: A.R.S. § 13-105(30). *Cf* 18 U.S.C. § 1961(3) (Under the federal RICO law, “person” includes any individual or entity capable of holding a legal or beneficial interest in property).

Instruction No. 92. under Destination law AI robots are persons—individuals capable of holding an interest in property under Destination law.

Source: **AI Edison v. South Mine**, Case No. 3279-1 (AIs can invent, own, and enforce patents registered in the U.S); **AI Glimpse v. Images Corp.**, Case No. 3279-3 (AIs can own and enforce copyrights, and trademarks); **Out Transport v. AI Hunter and Westcity**, Case No. 3276-2 (trade secrets) and **Dark Mine v. AI Corporation and AIs Amir, Bruna, and Carlos**, (Case No. 3276-6 (trade secrets). See **PSA 79/ONE** (Protection for Trade Secrets, Patents, Copyrights and Trademarks).

Instruction No. 93. A defendant may be found guilty of the crime(s) charged even if the defendant did not personally commit the act(s) constituting the crime if the defendant willfully caused an act to be done that if directly performed by him would be an offense against the United States. A defendant who puts in motion or causes the commission of an indispensable element of the offense may be found guilty as if he had committed this element himself.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 4.2; 18 U.S.C. § 2(b).

COUNT TEN— Murder of AI Operators by Co-Conspirator Jimmy Jim

Instruction No. 100

You may find the defendant Jimmy Jim guilty of the murder for hire of the AI operators if the government has proved each of the following elements beyond a reasonable doubt:

First, John Coach committed the crime of murder for hire;

Second, John Coach was a member of the conspiracy to transport stolen property;

Third, John Coach committed the crime of murder for hire in furtherance of the conspiracy;

Fourth, Jimmy Jim was a member of the same conspiracy at the time the murder was committed; and

Fifth, the murder fell within the scope of the unlawful agreement and could reasonably have been foreseen to be a necessary or natural consequence of the unlawful agreement.

Source: Manual of Model Criminal Jury Instructions (Ninth Circuit) 11.6 (modified); Eleventh Circuit Pattern Criminal Jury Instructions O13.5.

