

FINAL INSTRUCTION NO. 1 – INTRODUCTION

Members of the jury, the written instructions I gave you at the beginning of the trial and the oral instructions I gave you during the trial remain in effect. I now give you some additional instructions.

The instructions I am about to give you, as well as the preliminary instructions given to you at the beginning of the trial, are in writing and will be available to you in the jury room. *All* instructions, whenever given and whether in writing or not, must be followed. This is true even though some of the instructions I gave you at the beginning of the trial are not repeated here.

FINAL INSTRUCTION NO. 2 – DISTRIBUTION OF CHILD PORNOGRAPHY

For you to find Jesse Luiz Jaso guilty of the offense of Distribution of Child Pornography, as charged in Count III of the Indictment, the prosecution must prove the following three essential elements beyond a reasonable doubt:

One, that on or about December 7, 2022, in the District of South Dakota, Jaso knowingly distributed material that contained a visual depiction of child pornography;

Intent or knowledge may be proved like anything else. The prosecution is not required to prove the defendant knew 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. You may consider any statements made and acts done by the defendant, and all the facts and circumstances in evidence which may aid in a determination of the defendant's knowledge or intent. You may, but are not required to, infer that a person intends the natural and probable consequences of acts knowingly done or knowingly omitted.

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

Two, that Jaso knew that the visual depiction was of a minor engaging in sexually explicit conduct;

A “minor” is any person under the age of eighteen years.

“Sexually explicit conduct” means actual or simulated sexual intercourse, including genital-genital, oral-genital, anal-genital, oral-anal, whether between persons of the same or opposite sex; bestiality, masturbation, sadistic or masochistic abuse, or lascivious exhibition of the genitals or pubic area of any person.

Whether a visual depiction of the genitals or pubic area constitutes a lascivious exhibition requires 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 or pubic area;
- (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) any captions on the visual depictions.

You decide what weight, if any, to give to each of these factors. A picture need not involve all of these factors to constitute a lascivious exhibition of the genitals or pubic area.

And three, that the material containing the visual depiction had been mailed, shipped or transported in or affecting interstate or foreign commerce, including by computer.

The term “interstate commerce” means commerce between any combination of states, territories, and possessions of the United States, including the District of Columbia.

The phrase “foreign commerce,” as used above, means commerce or travel between any state, territory or possession of the United States and a foreign country.

The term “commerce” includes, among other things, travel, trade, transportation, and communication. The Internet is an instrumentality and channel of interstate commerce.

For you to find Jaso guilty of the offense charged in Count III of the Indictment, the prosecution must prove all three of the essential elements beyond a reasonable doubt. If you find that the prosecution has not proved

each of the essential elements beyond a reasonable doubt, then you must find Jaso not guilty of Count III of the Indictment.

FINAL INSTRUCTION NO. 3 –RECEIPT OF CHILD PORNOGRAPHY

For you to find Jesse Luiz Jaso guilty of the offense of Receipt of Child Pornography, as charged in Count IV of the Indictment, the prosecution must prove the following three essential elements beyond a reasonable doubt:

One, that on or about June 23, 2023, in the District of South Dakota, Jaso knowingly received a visual depiction of child pornography;

“Knowledge,” “child pornography,” and “visual depiction” are further defined above in Final Instruction No. 2.

Two, that Jaso knew that the visual depiction was of a minor engaging in sexually explicit conduct;

“Minor,” “visual depiction,” and “sexually explicit conduct” are further defined above in Final Instruction No. 2.

And three, that the visual depiction had been mailed, shipped or transported in or affecting interstate or foreign commerce, including by computer.

“Interstate commerce,” “foreign commerce,” and “commerce” are further defined above in Final Instruction No. 2.

For you to find Jaso guilty of the offense charged in Count IV of the Indictment, the prosecution must prove all three of the essential elements beyond a reasonable doubt. If you find that the prosecution has not proved each of the essential elements beyond a reasonable doubt, then you must find Jaso not guilty of Count IV as charged in the Indictment.

FINAL INSTRUCTION NO. 4 – POSSESSION OF CHILD PORNOGRAPHY

For you to find Jesse Luiz Jaso guilty of the offense of Possession of Child Pornography, as charged in Count V of the Indictment, the prosecution must prove the following three essential elements beyond a reasonable doubt:

One, that on or about July 12, 2023, in the District of South Dakota, Jaso knowingly possessed computer files that contained a visual depiction of child pornography;

“Knowledge,” “child pornography,” and “visual depiction” are further defined above in Final Instruction No. 2.

“Possession” is defined further below in Final Instruction No. 5.

Two, that Jaso knew the visual depiction was of a minor engaging in sexually explicit conduct;

“Minor,” “visual depiction,” and “sexually explicit conduct” are further defined above in Final Instruction No. 2.

And three, that the computer files containing the visual depiction of child pornography had been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or were produced using materials that had been mailed, shipped, or transported using any means and facility of interstate or foreign commerce, including by computer or cell phone.

“Interstate commerce,” “foreign commerce,” and “commerce” are further defined above in Final Instruction No. 2.

For you to find Jaso guilty of the offense charged in Count V of the Indictment, the prosecution must prove all three of the essential elements beyond a reasonable doubt. If you find that the prosecution has not proved each of the essential elements beyond a reasonable doubt, then you must find Jaso not guilty of Count V as charged in the Indictment.

FINAL INSTRUCTION NO. 5 – POSSESSION

The law recognizes several kinds of possession. A person may have actual possession or constructive possession. A person may have sole 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” has been used in these instructions it includes actual as well as constructive possession and sole as well as joint possession.

FINAL INSTRUCTION NO. 6 – IMPEACHMENT

In Preliminary Instruction No. 6, 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” and how you may treat certain evidence.

A witness may be discredited or impeached by contradictory evidence; by a showing that the witness testified falsely concerning a material matter; 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. If earlier statements of a witness were admitted into evidence, they were not admitted to prove that the contents of those statements were true. Instead, you may consider those earlier statements only to determine whether you think they are consistent or inconsistent with the trial testimony of the witness, and therefore whether they affect the credibility of that witness.

If you believe that a witness has been discredited or impeached, it is your exclusive right to give that witness’s testimony whatever weight, if any, you think it deserves.

Your decision on the facts of this case should not be determined by the number of witnesses testifying for or against a party. You should consider all the facts and circumstances in evidence to determine which of the witnesses you choose to believe or not believe. You may find that the testimony of a smaller number of witnesses on one side is more credible than the testimony of a greater number of witnesses on the other side.

FINAL INSTRUCTION NO. 7 – PRESUMPTION OF INNOCENCE AND BURDEN
OF PROOF

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

- This presumption means that you must put aside all suspicion that might arise from a defendant's arrest, the charges, or the fact that he is here in court.
- This presumption remains with a defendant throughout the trial.
- This presumption is enough, alone, for you to find a defendant not guilty, unless the prosecution proves, beyond a reasonable doubt, all of the elements of an offense charged against him.

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

- This burden never, ever shifts to a defendant to prove him innocence.
- This burden means that the defendant does not have to call any witnesses, produce any evidence, cross-examine the prosecution's witnesses, or testify.

This burden means that you must find Jaso not guilty of an offense charged against him, unless the prosecution proves beyond a reasonable doubt that he has committed each and every element of that offense.

FINAL INSTRUCTION NO. 8 – REASONABLE DOUBT

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

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

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

- Proof beyond a reasonable doubt requires careful and impartial consideration of all the evidence in the case before making a decision.
- Proof beyond a reasonable doubt is proof so convincing that you would be willing to rely and act on it in the most important of your own affairs.

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

FINAL INSTRUCTION NO. 9 - DUTY TO DELIBERATE

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

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

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

FINAL INSTRUCTION NO. 10 – DUTY DURING DELIBERATIONS

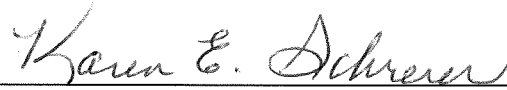
You must follow certain rules while conducting your deliberations and returning your verdict:

- Select a foreperson to preside over your discussions and to speak for you here in court.
- Do not consider punishment in any way in deciding whether a defendant is guilty or not guilty. If a defendant is guilty, I will decide what the sentence should be.
- Communicate with me by sending me a note through a Court Security Officer (CSO). The note must be signed by one or more of you. Remember that you should not tell anyone, including me, how your votes stand. I will respond as soon as possible, either in writing or orally in open court.
- Base your verdict solely on the evidence, reason, your common sense, and these Instructions. Again, nothing I have said or done was intended to suggest what your verdict should be—that is entirely for you to decide.
- Reach your verdict without discrimination. In reaching your verdict, you must not consider a defendant's race, color, religious beliefs, national origin, or sex. You are not to return a verdict for or against a defendant unless you would return the same verdict without regard to his race, color, religious beliefs, national origin, or sex.
- Complete the Verdict Form. The foreperson must bring the signed verdict form to the courtroom when it is time to announce your verdict.
- When you have reached a verdict, the foreperson will advise the CSO that you are ready to return to the courtroom.

Good luck with your deliberations.

Dated May 21, 2026.

BY THE COURT:

A handwritten signature in cursive script that reads "Karen E. Schreier". The signature is written in black ink and is positioned above a horizontal line.

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
 DISTRICT OF SOUTH DAKOTA
 WESTERN DIVISION

UNITED STATES OF AMERICA, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> JESSE LUIZ JASO, <p style="text-align: center;">Defendant.</p>	5:24-CR-50037-KES VERDICT
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We, the Jury, unanimously find the defendant, **Jesse Luiz Jaso**, as follows:

COUNT III: DISTRIBUTION OF CHILD PORNOGRAPHY	VERDICT
On the charge of “Distribution of Child Pornography” as explained in Final Instruction No. 2, please mark your verdict. If you find Jaso guilty as charged in Count III, please complete the following subsection A. If you find Jaso not guilty as charged in Count III, do not complete the following subsection A.	<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty
A. We, the Jury, having found Jaso guilty of the offense charged in Count III, further unanimously find that “Exhibit 20” constitutes child pornography. Please proceed to Count IV.	<input type="checkbox"/> Yes <input type="checkbox"/> No

COUNT IV: RECEIPT OF CHILD PORNOGRAPHY	VERDICT
<p>On the charge of “Receipt of Child Pornography” as explained in Final Instruction No. 3, please mark your verdict.</p> <p>If you find Jaso guilty as charged in Count IV, please complete the following subsection A. If you find Jaso not guilty as charged in Count IV, do not complete the following subsection A.</p>	<p>____ Not Guilty</p> <p>____ Guilty</p>
<p>A. We, the Jury, having found Jaso guilty of the offense charged in Count IV, further unanimously find that “Exhibit 34” constitutes child pornography.</p> <p>Please proceed to Count V.</p>	<p>____ Yes</p> <p>____ No</p>

COUNT V: POSSESSION OF CHILD PORNOGRAPHY	VERDICT
<p>On the charge of “Possession of Child Pornography” as explained in Final Instruction No. 4, please mark your verdict.</p> <p>If you find Jaso guilty as charged in Count V, please complete the following subsection A. If you find Jaso not guilty as charged in Count V, do not complete the following subsection A.</p>	<p>____ Not Guilty</p> <p>____ Guilty</p>
<p>A. We, the Jury, having found Jaso guilty of the offense charged in Count V, further unanimously find that “Exhibit 38” constitutes child pornography.</p>	<p>____ Yes</p> <p>____ No</p>

Please sign and date the Verdict Form.

Date

Foreperson