

(2) Preliminary Instructions

1.

Ladies and gentlemen, here are some first instructions about your duties as jurors. I will give each of you a copy of them for reference. You must, however, leave your copy at the courthouse. I may give you more instructions as we go along. And I will give you more instructions at the end of the trial. Follow all my instructions no matter when I give them.

I'm the judge of the law; you're the judges of the facts. It's your duty to determine the truth from the evidence and the reasonable inferences arising from the evidence. You must not engage in guess work or speculation.

This is a criminal case, brought against Vincent Alberto Barrios by the United States. The charges against Barrios are set forth in what is called a Superseding Indictment. In order to help you follow the evidence, I will give you a brief summary of the elements of each of the crimes charged. What I am about to give

you is only a preliminary outline. At the end of the trial, I will give you final instructions on these matters. If there is any difference between what I just told you and what I tell you in the instructions I give you at the end of the trial, then you must follow the instructions given at the end of the trial.

Count One of the Superseding Indictment charges Barrios with sexual exploitation of a minor, in violation of 18 U.S.C. §§ 2251(a) and (e). That crime has four elements, which are:

One, that approximately between 30 July 2023 and 4 August 2023, Y.F. was younger than eighteen years old;

Two, that Barrios knowingly persuaded, induced, enticed, or coerced Y.F. to engage in sexually explicit conduct;

Three, that Barrios acted with the purpose of producing a visual depiction of such conduct; and

Four, that Barrios either knew or had reason to know that the visual depiction would be transported across state lines or in

foreign commerce, or that the materials used to produce the visual depiction were mailed, shipped, or transported, including by computer or cell phone, in interstate or foreign commerce.

Count Two of the Superseding Indictment charges Barrios with attempted sexual exploitation of a minor in violation of 18 U.S.C. §§ 2251(a) and (e). That crime has four elements, which are:

One, that approximately between 4 August 2023 and 6 August 2023, Barrios attempted to persuade, induce, entice, or coerce a person, who was actually an undercover law enforcement officer posing as a thirteen-year-old girl, to engage in sexually explicit conduct;

Two, that Barrios believed that the person was younger than eighteen years old;

Three, that Barrios engaged in this behavior for the purpose of producing a visual depiction of such sexually explicit conduct; and

Four, that Barrios either knew or had reason to know that the visual depiction would be transported across state lines or in foreign commerce, or that the materials used to attempt to produce the visual depiction were mailed, shipped, or transported, including by computer or cell phone, in interstate or foreign commerce.

Count Three of the Superseding Indictment charges Barrios with enticement of a minor using the internet in violation of 18 U.S.C. § 2422(b). That crime has three elements, which are:

One, that approximately between 30 July 2023 and 4 August 2023, Barrios knowingly used a cell phone or computer with internet access to persuade, induce, entice, or coerce Y.F., a fourteen-year-old girl, to engage in sexual activity;

Two, that Barrios believed Y.F. was younger than eighteen years old; and

Three, that if the sexual activity had occurred, Barrios could have been charged with a criminal offense under the laws of the United States, specifically sexual exploitation of a minor in violation of 18 U.S.C. § 2251(a).

Count Four of the Superseding Indictment charges Barrios with attempted enticement of a minor using the internet in violation of 18 U.S.C. § 2422(b). That crime has three elements, which are:

One, that approximately between 4 August 2023 and 6 August 2023, Barrios knowingly used a cell phone or computer with internet access to attempt to persuade, induce, entice, or coerce a person, who was actually an undercover law enforcement officer posing as a thirteen-year-old girl, to engage in sexual activity;

Two, that Barrios believed the person was younger than eighteen years old; and

Three, that if the sexual activity had occurred, Barrios could have been charged with a criminal offense under the laws of the United States, specifically attempted sexual exploitation of a minor in violation of 18 U.S.C. § 2251(a).

Count Five of the Superseding Indictment charges Barrios with receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A). That crime has three elements, which are:

One, that approximately between 30 July 2023 and 4 August 2023, Barrios knowingly received images that contained visual depictions of child pornography;

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

Three, that the images containing the visual depictions had been transported, including by computer, in interstate or foreign commerce.

Count Six of the Superseding Indictment charges Barrios with attempted receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(A). That crime has three elements, which are:

One, that approximately between 4 August 2023 and 6 August 2023, Barrios knowingly attempted to receive images that contained visual depictions of child pornography;

Two, that Barrios knew the visual depictions were of a minor engaging in sexually explicit conduct;

Three, that the images containing the visual depictions had been transported, including by computer, in interstate or foreign commerce.

These charges are simply accusations. They are not evidence of anything. Barrios has pleaded not guilty to each charge, and he is presumed innocent unless and until he is proved guilty beyond

a reasonable doubt on each charge. In a criminal case, the government always carries the burden to prove beyond a reasonable doubt that the accused committed every element of each crime charged. There is no burden on the accused to do anything at all. And that burden remains with the government throughout the case until you go into deliberations to decide the case in light of the evidence under the jury instructions.

2.

You will decide what the truth is—whether Barrios is guilty or not guilty of each of the crimes charged. Consider all the evidence in the light of your own observations and experiences in the affairs of life. Use reason and common sense to draw conclusions from facts established by the evidence. Then apply those facts to the law that I give you in my instructions. That's how you reach your verdicts. You're the sole judges of the facts, but you must follow

the law, as I explain it to you, whether you agree with that law or not.

Do not allow any sympathy or any 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.

Don't 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 Barrios, not anyone else, is on trial here, and that Barrios is on trial only for the crimes charged, not for anything else. Remember that you must consider each charge separately. You may not convict Barrios on one charge just because you conclude he is guilty of another charge.

3.

“Evidence” includes the testimony of witnesses, documents, and other things received as exhibits. Evidence also includes any facts that have been stipulated—that is, formally agreed—by the parties. Evidence also includes any facts that have been judicially noticed—that is, facts that I say you must accept as true even without evidence.

Certain things are not evidence:

1. Statements, arguments, questions, and comments by lawyers are not evidence.
2. Objections are not evidence. Lawyers have a duty to object when they believe something is improper. Don’t be influenced by the objection. If I sustain an objection to a question, ignore the question. And don’t try to guess what the answer might have been.
3. Testimony that I strike from the record, or tell you to disregard, is not evidence. Ignore it.

4. Anything you see or hear about this case outside the courtroom is not evidence. Ignore it.

A particular item of evidence is sometimes received for a limited purpose. 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 give you some instructions.

Finally, you have heard the terms “direct evidence” and “circumstantial evidence.” Don’t be concerned with those terms. The law makes no distinction between direct and circumstantial evidence. Give all evidence the weight and value you believe it is entitled to receive.

4.

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

In deciding what testimony of any witness to believe, consider several things: the witness's intelligence; the opportunity the witness had to have seen or heard the things testified about; the witness's memory; any motives the 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.

A caution about considering a witness's demeanor while testifying. Many folks are nervous just being in court. And there are bold liars and shy truth-tellers. Use your common sense and

be discerning when judging someone's credibility based on their demeanor on the stand.

In deciding whether or not to believe a witness, keep in mind that people sometimes hear or see things differently and sometimes forget things. You need to consider therefore whether any contradiction is an innocent misrecollection or lapse of memory or a lie. That may depend on whether the contradiction has to do with an important fact or a small detail.

The weight of the evidence about a fact doesn't necessarily depend on the number of witnesses who testify about it. What is important is how believable the witnesses are and how much weight you think their testimony deserves.

5.

At the end of the trial you must make your decisions based on what you remember of the evidence. You will not have a written

transcript to consult. You must therefore pay close attention to the testimony.

You may take notes to help you remember what witnesses said. If you do, keep your notes to yourself. Don't share them with your fellow jurors during the trial. When you go to the jury room to deliberate and decide the case at the end of the trial, then you can share them with each other. And do not let note taking distract you so that you do not hear other answers by the witness.

When you leave at night, your notes will be locked up. No one will read them. At the end of the trial, all notes will be destroyed.

6.

During the trial, from time to time I'll have to talk just to the lawyers. We'll have a bench conference or a recess. Please understand that while you are waiting, we are working. The

purpose of these conferences is to discuss certain evidence questions, and to avoid confusion and error. We'll keep the number and length of these conferences to a minimum.

7.

Finally, to ensure fairness, as jurors you must obey the following rules:

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

Second, do not talk with anyone else about this case, or about anyone involved with it, until the end of the trial after I've discharged you as jurors.

Third, when you are outside the courtroom, don't let anyone tell you anything about the case, or about anyone involved with it, until the trial has ended and I've discharged you as jurors. If

someone should try to talk to you about the case during the trial, report it to the court security officer immediately.

Fourth, during the trial don't talk with any of the parties, lawyers, or witnesses involved in this case—don't even pass the time of day with any of them. It is important not only that you do justice, but that you also appear to do justice. If a person from one side of the case sees you talking to a person from the other side of the case, a suspicion about your fairness might arise. I suspend the rules of good manners. Please ignore the lawyers, Mr. Barrios, witnesses, me, and my staff outside the courtroom.

Fifth, you'll have to tell your family, friends, teachers, coworkers, or employer that you've been selected as a juror and must be in court. Warn them not to ask you for details. Don't name the case, the parties, or tell them what it's about. Don't listen to anything someone may say to you, or in your presence, about the case. You must not communicate with anyone about the parties,

witnesses, participants, charge, evidence, or anything else about the case, or tell anyone anything about the jury's deliberations in this case, until after I accept your verdict.

During the trial, while you are in the courthouse, and after you leave for the day, do not provide any information to anyone by any means about this case. For example, do not talk face-to-face or use any electronic device or media, such as the telephone, a cell phone, a smart phone, iPad, computer, the Internet, any Internet service, any text or instant messaging service, any Internet chat room, blog, or website such as Facebook, Instagram, TikTok, YouTube, or X (formerly known as Twitter) to communicate to anyone any information about this case until I accept your verdict.

Sixth, don't do any Internet research—using Google, for example—about the case. Don't do any research using libraries, reading the newspaper, or in any other way making any investigation about this case on your own. Don't visit or view any

place discussed in this case. Don't use Internet maps or Google Earth or any other program or device to search for or to view any place discussed in the testimony. And don't research any information about this case, the law, or the people involved, including the parties, the witnesses, the lawyers, or me.

Ask each juror: Juror No. —, on your oath, do you promise not to post anything about your jury service on any social media website such as Facebook, X, Instagram, or the like during the trial? On your oath, do you promise not to use the Internet to look up anything about the case, the matters discussed, the lawyers, any of the people or companies involved in the case, me, or the law?

Seventh, don't read any news articles in print, on the Internet, or in any blog, about the case or about anyone involved with it, or listen to any radio or television report about the case or about anyone involved with it. In fact, until the trial is over I suggest that

you take a news holiday: avoid reading newspapers; avoid watching TV news; avoid radio newscasts; and avoid news on the Internet. If you receive push notifications on your phone from news outlets or other sources, do your best to turn them off. I also suggest that you avoid social media, such as Facebook and X. I don't know whether there will be any news reports about this case. But if there are, you might stumble into reading or listening to something before you could do anything about it. I assure you: by the time you've heard all the evidence in this case, you'll know more about it than anyone could learn through the news media.

The reason for all these rules is to protect the integrity of the trial.

8.

Here is how the trial will go:

First, Ms. Collins will make an opening statement for the United States. Next, Ms. Albertson may, but does not have to, make an opening statement. Any opening statement is not evidence. It is a non-argumentative summary of what the lawyer expects the evidence to be.

Next, the United States will present evidence by calling witnesses, and Barrios's lawyer may cross-examine them. After the government's case, Barrios may, but does not have to, present evidence by calling witnesses or testifying. If Barrios calls witnesses, counsel for the United States may cross-examine them. Finally, the United States may offer rebuttal evidence.

After all the evidence is in, I'll give you some final instructions on the law. Then the lawyers will make their closing arguments. They'll summarize and interpret the evidence for you. But, closing

arguments are not evidence. After the close, you'll go to the jury room to deliberate on your verdict.

Court's Preliminary Instructions
18 December 2023

5:23-cr-50123-DPM
USA v. Vincent Alberto Barrios

Wm. Hall Jr.
U.S. District Judge
18 Dec. 2023

(3) Final Instructions

*W. Marshall J.
U.S. District Judge
21 Dec. 2023*

Court's Instructions
21 December 2023

5:23-cr-50123-DPM
USA v. Vincent Alberto Barrios

1.

Follow all the Court's instructions. Written and spoken instructions are equally important. And it doesn't make any difference when I gave an instruction. Follow them all. But, if there is some conflict in my instructions, follow these final instructions. Each of you will receive a copy for reference.

2.

Your job is to decide what happened. Don't take anything I said or did as a suggestion about what your decision should be. You're the judges of the facts, not me.

You must apply the law, as I give it to you, to the facts. You must follow my instructions on the law, even if you thought the law was different or think it should be different.

3.

Don't decide the case based on sympathy, prejudice, or emotion. Decide based on the evidence, the law, and your common sense.

4.

The evidence is the witnesses' testimony, the exhibits, any facts agreed by the parties, and any facts I have judicially noticed. Anything the lawyers said (such as questions, statements, arguments, and objections) is not evidence. If I told you to disregard something, ignore it. If you saw or heard something about this case outside the courtroom, ignore that, too. Don't worry about what's "direct evidence" and what's "circumstantial evidence." The law makes no distinction between them. Give all evidence the weight and value you believe it should receive.

5.

Be careful in evaluating each witness's credibility. Use your life experience and your common sense in deciding what testimony you believe.

6.

An expert is a person who has special knowledge, skill, experience, training, or education on a subject. An expert may give his or her opinion on issues in controversy. You may consider the expert's opinion in light of his qualifications, credibility, the reasons given for the opinion, and the basis of the opinion. You are not bound to accept an expert's opinion. You should give it whatever weight you think it should have. As with any witness, you can believe some, all, or none of what an expert says. You may disregard any expert opinion if you find it to be unreasonable.

7.

The Superseding Indictment charges Vincent Alberto Barrios with one count of sexual exploitation of a minor, one count of attempted sexual exploitation of a minor, one count of enticement of a minor using the internet, one count of attempted enticement of a minor using the internet, one count of receipt of child pornography, and one count of attempted receipt of child pornography. Barrios has pleaded not guilty to these charges. A Superseding Indictment is just an accusation. It isn't evidence of anything. Barrios is presumed innocent of each crime charged. He began the trial with no evidence against him. The presumption of innocence alone is sufficient to find Barrios not guilty. The United States can overcome that presumption only if it proves, beyond a reasonable doubt, each essential element of each crime charged. There is no burden on Barrios to prove that he is innocent. The fact

that Barrios didn't testify must not be considered by you in any way in arriving at your verdict. Don't discuss his silence. And don't weigh his silence.

8.

A reasonable doubt is a doubt based upon reason and common sense—not the mere possibility of innocence. A reasonable doubt may arise from careful and impartial consideration of all the evidence, or from a lack of evidence. A reasonable doubt is the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt must therefore be proof of such a convincing character that a reasonable person 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 Barrios's guilt.

But proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

9.

The Superseding Indictment alleges that the offenses charged were committed “on or about” certain dates. The United States must prove beyond a reasonable doubt that each offense was committed on a date reasonably near the dates alleged in the Superseding Indictment. But the United States need not prove that each offense was committed precisely on those dates.

10.

Count one of the Superseding Indictment charges Barrios with sexual exploitation of a minor. That crime has four elements, which are:

One, that approximately between 30 July 2023 and 4 August 2023, Y.F. was younger than eighteen years old.

Two, that Barrios knowingly persuaded, induced, enticed, or coerced Y.F. to engage in sexually explicit conduct;

Three, that Barrios acted with the purpose of producing a visual depiction of such conduct; and

Four, that the materials used to produce the visual depiction were mailed, shipped, or transported, including by computer or cell phone, in interstate or foreign commerce.

If all four elements have been proved beyond a reasonable doubt as to Barrios, then you must find him guilty on count one. Otherwise, you must find Barrios not guilty on count one.

11.

For the purposes of count one, the United States is not required to prove that Barrios knew that Y.F. was younger than eighteen years old.

12.

The term “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, and lascivious exhibition of the genitals or pubic area of any person.

13.

Whether a visual depiction of the genitals or pubic area constitutes a “lascivious exhibition” requires a consideration of the overall content of the material. You may consider such factors as:

- a) Whether the focal point of the image is on the minor’s genitals or pubic area;
- b) Whether the setting of the image is sexually suggestive, that is, in a place or pose generally associated with sexual activity;
- c) Whether the minor is depicted in an unnatural pose or in inappropriate attire, considering the age of the minor;
- d) Whether the minor is fully or partially clothed, or nude;
- e) Whether the image suggests sexual coyness or a willingness to engage in sexual activity;
- f) Whether the image is intended or designed to elicit a sexual response in the viewer;
- g) Whether the image portrays the minor as a sexual object; and
- h) any caption on the image.

It is for you to decide the weight or lack of weight to be given to any of these factors. An image need not involve all these factors to constitute a lascivious exhibition of the genitals or pubic area.

14.

The term “visual depiction” includes any photograph, film, video picture, computer, computer generated image or picture.

15.

An item is “produced” if it is produced, directed, manufactured, issued, published, created, made, or is in any way brought into being by the involvement of an individual participating in the recording of a visual depiction of sexually explicit conduct.

16.

Count two of the Superseding Indictment charges Barrios with attempted sexual exploitation of a minor. That crime has four elements, which are:

One, that approximately between 4 August 2023 and 6 August 2023, Barrios attempted to persuade, induce, entice, or coerce a person, who was actually an undercover law enforcement officer posing as a thirteen-year-old girl, to engage in sexually explicit conduct;

Two, that Barrios believed that the person was younger than eighteen years old;

Three, that Barrios engaged in this behavior for the purpose of producing a visual depiction of such sexually explicit conduct; and

Four, that the materials used to attempt to produce the visual depiction were mailed, shipped, or transported, including by computer or cell phone, in interstate or foreign commerce.

If all four elements have been proved beyond a reasonable doubt as to Barrios, then you must find him guilty on count two. Otherwise, you must find Barrios not guilty on count two.

17.

Barrios is charged with attempting to commit sexual exploitation of a minor. To prove an attempt, the United States must prove that Barrios intended to persuade, induce, entice, or coerce a person younger than eighteen-years-old to engage in sexually explicit conduct, and he voluntarily and intentionally carried out some act which was a substantial step toward that attempted act.

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 substantive crime. In order for behavior to be punishable as an attempt, it need not be incompatible with innocence, yet it must be necessary to the consummation of the crime 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 violate the statute.

18.

Count three of the Superseding Indictment charges Barrios with enticement of a minor using the internet. That crime has three elements, which are:

One, that approximately between 30 July 2023 and 4 August 2023, Barrios knowingly used a cell phone or computer with

internet access to persuade, induce, entice, or coerce Y.F., a fourteen-year-old girl, to engage in sexual activity;

Two, that Barrios believed Y.F. was younger than eighteen years old; and

Three, that if the sexual activity had occurred, Barrios could have been charged with a criminal offense under the laws of the United States, specifically sexual exploitation of a minor in violation of 18 U.S.C. §§ 2251(a). See Instruction 10 for the elements of that crime.

If all three of these elements have been proved beyond a reasonable doubt as to Barrios, then you must find him guilty on count three. Otherwise, you must find Barrios not guilty on count three.

19.

Count four of the Superseding Indictment charges Barrios with attempted enticement of a minor using the internet. That crime has three elements, which are:

One, that approximately between 4 August 2023 and 6 August 2023, Barrios knowingly used a cell phone or computer with internet access to attempt to persuade, induce, entice, or coerce a person, who was actually an undercover law enforcement officer posing as a thirteen-year-old girl, to engage in sexual activity;

Two, that Barrios believed the person was younger than eighteen years old; and

Three, that if the sexual activity had occurred, Barrios could have been charged with a criminal offense under the laws of the United States, specifically attempted sexual exploitation of a minor

in violation of 18 U.S.C. §§ 2251(a). See Instruction 15 for the elements of that crime.

If all three of these elements have been proved beyond a reasonable doubt as to Barrios, then you must find him guilty on count four. Otherwise, you must find Barrios not guilty on count four.

20.

For the purposes of counts three and four, it is not necessary that the United States prove that Barrios intended to engage in a sex act. Rather, the United States must prove that he intended to persuade, induce, or entice a minor to engage in sexual activity.

21.

Count five of the Superseding Indictment charges Barrios with receipt of child pornography. That crime has three elements, which are:

One, that approximately between 30 July 2023 and 4 August 2023, Barrios knowingly received images that contained visual depictions of child pornography.

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

Three, that the images containing the visual depictions had been transported, including by computer, in interstate or foreign commerce.

If all three of these elements have been proved beyond a reasonable doubt as to Barrios, then you must find him guilty on

count five. Otherwise, you must find Barrios not guilty on count five.

22.

Child pornography means any visual depiction of a minor engaging in sexually explicit conduct made while the minor was engaged in that conduct. Minor means any person younger than eighteen-years old. The definitions of sexually explicit conduct and visual depiction are provided in Instructions 12 and 14.

23.

Count six of the Superseding Indictment charges Barrios with attempted receipt of child pornography. That crime has three elements, which are:

One, that approximately between 4 August 2023 and 6 August 2023, Barrios knowingly attempted to receive images that contained visual depictions of child pornography;

Two, that Barrios knew the visual depictions were of a minor engaging in sexually explicit conduct;

Three, that the images containing the visual depictions had been transported, including by computer, in interstate or foreign commerce.

If all three of these elements have been proved beyond a reasonable doubt as to Barrios, then you must find him guilty on count six. Otherwise, you must find Barrios not guilty on count six.

24.

Barrios is charged with attempting to receive child pornography. To prove an attempt, the United States must prove that Barrios intended to receive child pornography and he voluntarily and intentionally carried out some act which was a substantial step toward that attempted act. Instruction 17 explains what counts as a substantial step.

25.

Intent or knowledge may be proved like anything else. You may consider any statements Barrios made, any acts he did in connection with the alleged offense, and all the facts and circumstances in evidence that may aid in determining Barrios's intent or knowledge.

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

26.

Here are some rules for your deliberations.

First, choose a foreperson. She or he will preside over your deliberations, sign your verdicts, and speak for you here in court.

Second, talk through the case in detail. Consider all the evidence. Discuss it fully with your fellow jurors. And listen attentively to others' views.

Third, make your own conscientious decision. Don't be afraid to change your mind if you're persuaded by the discussion. But don't make a decision simply because others think it is right. And don't agree just to get done.

Fourth, try hard to reach agreement. Your verdict on each count must be unanimous.

Fifth, if Barrios is found guilty on one or more counts of the Superseding Indictment, then the sentence to be imposed is my responsibility. You may not consider punishment in any way in deciding whether the United States has proved its case beyond a reasonable doubt.

Sixth, if you need to communicate with me during your deliberations, send me a note through the court security officer. One or more jurors must sign the note. But, do not tell me—or anyone—how your votes stand numerically.

Seventh, your verdicts must be based only on the evidence and the law that I've given to you. Your verdicts must be unanimous.

Eighth, the verdict forms are the written notice of the decisions that you reach in this case. They read:

Court's Final Instructions
21 December 2023

5:23-cr-50123-DPM
USA v. Vincent Alberto Barrios

VERDICT NO. 1

We, the jury, find Vincent Alberto Barrios

_____not guilty _____guilty

of sexual exploitation of a minor, as charged in count one of the
Superseding Indictment.

Foreperson

Date/Time

Sign and date this form, then proceed to Verdict No. 2

VERDICT NO. 2

We, the jury, find Vincent Alberto Barrios

_____not guilty _____guilty

of attempted sexual exploitation of a minor as charged in count two
of the Superseding Indictment.

Foreperson

Date/Time

Sign and date this form, then proceed to Verdict No. 3

VERDICT NO. 3

We, the jury, find Vincent Alberto Barrios

_____not guilty _____guilty

of enticement of a minor using the internet as charged in count
three of the Superseding Indictment.

Foreperson

Date/Time

Sign and date this form, then proceed to Verdict No. 4

VERDICT NO. 4

We, the jury, find Vincent Alberto Barrios

_____not guilty _____guilty

of attempted enticement of a minor using the internet as charged
in count four of the Superseding Indictment.

Foreperson

Date/Time

Sign and date this form, then proceed to Verdict No. 5

VERDICT NO. 5

We, the jury, find Vincent Alberto Barrios

_____not guilty _____guilty

of receipt of child pornography as charged in count five of the
Superseding Indictment.

Foreperson

Date/Time

Sign and date this form, then proceed to Verdict No. 6

VERDICT NO. 6

We, the jury, find Vincent Alberto Barrios

_____not guilty _____guilty

of attempted receipt of child pornography as charged in count six
of the Superseding Indictment.

Foreperson

Date/Time

Take the blue copies of these forms to the jury room. When each of you has agreed on the verdicts, your foreperson will fill in the forms, sign and date them, and tell the court security officer that you are ready to return to the courtroom.

From this point forward, other than a note to the Court, do not communicate with any person other than your fellow jurors about the merits of the case.

COURT SECURITY OFFICER OATH

Court security officer, do you solemnly swear or affirm to keep this jury together in the jury room, and not to permit any person to communicate with them concerning this case, nor to do so yourself unless by order of the Court or to ask whether they have agreed on a verdict, and to return them into the courtroom when they have so agreed, or when otherwise ordered by the Court?