

SUBSTITUTE INSTRUCTION NO. 43

Defendant Barney is charged in Count 9 of the Indictment with possession of an unregistered firearm, specifically a destructive device in the form of a 37mm launcher loaded with a "Hornets Nest" anti-personnel round in violation of Section 5861(d) of Title 26 of the United States Code. In order for the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, on or about November 23, 2010, the defendant knowingly possessed a 37mm launcher loaded with a "Hornets Nest" anti-personnel round, which is a destructive device;

Second, the destructive device was not registered to the defendant in the National Firearms Registration and Transfer Record; and

Third, the defendant knew that it was a 37mm launcher loaded with a "Hornets Nest" anti-personnel round. It does not matter whether the defendant knew that the destructive device was not registered or had to be registered.

*Originals*

SUBSTITUTE INSTRUCTION NO. 44

Defendant Cox is charged in Count 10 of the Indictment with possession of an unregistered firearm, specifically a destructive device in the form of a “Hornets Nest” anti-personnel round and an associated 37mm launcher, in violation of Section 5861(d) of Title 26 of the United States Code. In order for the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, beginning at an exact time unknown, but at least from on or about November 23, 2010, and continuing up to on or about March 10, 2011, the defendant knowingly possessed a “Hornets Nest” anti-personnel round and an associated 37mm launcher, which, if the defendant intended them to be a weapon, is a destructive device;

Second, the destructive device was not registered to the defendant in the National Firearms Registration and Transfer Record; and

Third, the defendant knew that it was a “Hornets Nest” anti-personnel round and an associated 37mm launcher. It does not matter whether the defendant knew that the destructive device was not registered or had to be registered.

SUBSTITUTE INSTRUCTION NO. 45

Defendant Barney is charged in Count 11 of the Indictment with possession of an unregistered firearm, specifically a destructive device in the form of four “Hornets Nest” anti-personnel rounds and two associated 37mm launchers, in violation of Section 5861(d) of Title 26 of the United States Code. In order for the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, on or about March 10, 2011, the defendant knowingly possessed four “Hornets Nest” anti-personnel rounds and two associated 37mm launchers, which, if the defendant intended them to be a weapon, is a destructive device;

Second, the destructive device was not registered to the defendant in the National Firearms Registration and Transfer Record; and

Third, the defendant knew that it was four “Hornets Nest” anti-personnel rounds and two associated 37mm launchers. It does not matter whether the defendant knew that the destructive device was not registered or had to be registered.