

PROPOSED INSTRUCTION NO. 23
UNANIMITY NOT REQUIRED – MEANS

(1) One more point about the requirement that your verdict must be unanimous.

The indictment accuses the defendant of committing the crime of contempt in more than one possible way. The first is that she filed a 2008 U.S. Individual Income Tax Return for Single and Joint Filers With No Dependents, Form 1040EZ, which falsely reported that she earned zero wages in 2008. The second is that she failed to file with the IRS Amended U.S. Individual Income Tax Returns for 2002 and 2003.

(2) The government does not have to prove both of these for you to return a guilty verdict on this charge. Proof beyond a reasonable doubt of any one of these ways is enough. In order to return a guilty verdict, all twelve of you must agree that at least one of these has been proved; however, all of you need not agree that the same one has been proved.