

We have just talked about what the government has to prove for you to convict a defendant of [the greater crime]. As to each defendant, your first task is to decide whether the government has proved, beyond a reasonable doubt, that the defendant committed that alleged crime. If your verdict on that alleged crime is guilty, you are finished with Count I as to that defendant. But if your verdict is not guilty, or if you are unable to reach a verdict, you should go on to consider whether the defendant is guilty of [a lesser crime]. You should find the defendant guilty of [a lesser crime] if the government has proved, beyond a reasonable doubt, that the defendant did everything we discussed before except that it did not prove that the defendant [the missing element of the greater crime].

To put it another way, a defendant is guilty of [a lesser crime] if the following things are proved beyond a reasonable doubt:

First:

Second:

Third:

If your verdict is that the defendant is guilty of [the greater crime], you need go no further. But if your verdict on that crime is not guilty, or if you are unable to reach a verdict on it, you should consider whether the defendant has been proved guilty of [a lesser crime].

Of course, if the government has not proved beyond a reasonable doubt that a defendant committed [a lesser crime], your verdict as to that defendant must be not guilty of all charges.