

FINAL DRAFT 3/9/26
INDEX
STATE OF CONNECTICUT V. PAUL BOYNE
STALKING FIRST DEGREE; ELECTRONIC STALKING

INTRODUCTION	3
FUNCTION OF COURT AND JURY	4
BURDEN OF PROOF/PRESUMPTION OF INNOCENCE	6
REASONABLE DOUBT	8
EVIDENCE	10
CIRCUMSTANTIAL AND DIRECT EVIDENCE	14
INFERENCES	17
CREDIBILITY OF WITNESSES	18
BIAS/PREJUDICE -CONSCIOUS AND UNCONSCIOUS	21
OTHER ACTS EVIDENCE AND LIMITING INSTRUCTIONS	23
EXPERT WITNESS TESTIMONY	26
TESTIMONY OF JUDGES AND POLICE OFFICERS	29
MULTIPLE CHARGES AND INFORMATIONS	30
ADEQUACY OF POLICE INVESTIGATIONS	31
IDENTIFICATION	32

DEFENDANT'S TESTIMONY	33
KNOWLEDGE	34
IRRELEVANCE OF PUNISHMENT/SYMPATHY	35
INTENT	36
TRUE THREATS	39
SPECIFIC UNANIMITY	43
THE CHARGES	54
DUTIES UPON RETIRING	136
EXCUSE ALTERNATES	143

INTRODUCTION

The record will reflect all jurors are present.

Lady and gentlemen, you have heard the evidence presented in this case. It is now my duty to instruct you as to the law that you must apply to the facts in this case.

The process of delivering these instructions is that in the first portion of the instructions I will be explaining several general principles of law which apply in every criminal case; and then second, I will instruct you on specific principles of law relating to the particular charges against the defendant in this case.

I may make reference to the defendant either as the defendant, or the accused. That reference is of no significance.

I know some of the things I may say may seem self-evident, or somewhat repetitive. I apologize in advance. I want to ensure the clarity of these instructions.

As you can see, I am reading these instructions. I am reading these instructions because I have prepared them in advance and I want to be sure to say exactly what I intend to say.

I know it is hard to listen when someone reads to you. You have all paid careful attention during the trial; I must ask you now to focus your attention and listen carefully to what I have to say in this vital part of the case.

FUNCTION OF COURT AND JURY

It is exclusively the function of the Court to state the rules of law that govern the case, with instructions as to how you are to apply them. It is your obligation to accept the law as I state it. You must follow all of my instructions and not single out some and ignore others; they are all equally important. If by chance you have a different idea of what the law is, or should be, you must disregard your notions entirely and apply the law exactly as I give it to you. What I tell you, not what the attorneys tell you, is the law that you are to follow. If the law as I give it to you differs in any way from the claims of law made by counsel, dismiss from your minds what counsel have said to the extent it differs from what I tell you.

You are the sole judges of the facts. It is your duty to find the facts. You are to recollect and weigh the evidence and form your own conclusions as to what the ultimate facts are and to determine where the truth lies. You may not go outside the evidence introduced in court to find the facts. This means that you may not resort to guesswork, conjecture or suspicion, and you must not be influenced by any personal likes or dislikes, opinions, prejudices or sympathy.

My actions during the trial in ruling on motions or objections by counsel, or in comments to counsel, or in questions to witnesses, or in facial expressions, if I made any, or in setting forth the law in these instructions are not to be taken by you

as any indication of my opinion as to how you should determine the issues of fact. Do not conclude from anything I may have said or done that I favor one side or the other. I do not. My goal has been to ensure a fair trial so that you can render a verdict. What the verdict shall be is your sole and exclusive duty and responsibility.

Whatever your verdict is, it must be unanimous.

The defendant justly relies upon you to consider carefully his claims, to consider carefully all of the evidence and to find him not guilty if the facts and the law require such a verdict. The defendant rightfully expects fair and just treatment at your hands.

At the same time, the State of Connecticut and its people look to you to render a verdict of guilty if the facts and law require such a verdict.

I will not make many substantial comments on the evidence. If I do refer to any of the evidence in the charge, it will be simply for the purpose of illustration and clarification, and you are not to understand that I intend to emphasize any evidence I mention or to limit your consideration to that evidence alone. If I omit reference to any evidence, you will supply it from your recollection. If I incorrectly state any of the evidence, you will correct my error, because it is your province to review the evidence and determine the facts established by it.

BURDEN OF PROOF/PRESUMPTION OF INNOCENCE

In this case, as in all criminal prosecutions, the defendant is presumed to be innocent until proven guilty beyond a reasonable doubt.

That means that at the moment when he was presented before you for trial, he stood before you free of any bias, prejudice or burden arising from his position as the accused. The presumption of innocence continues with him throughout the trial. As far as you are concerned, the defendant is innocent and he continues to be innocent unless and until such time as all the evidence produced here in the orderly conduct of the case, considered in the light of these instructions of law and deliberated upon by you in the jury room, satisfies you beyond a reasonable doubt that he is guilty of any individual charge.

Thus, the presumption of innocence alone is sufficient to acquit the defendant. The presumption remains with the defendant throughout the trial unless you are satisfied beyond a reasonable doubt of the defendant's guilt from all the evidence in this case.

The defendant does not have to prove his innocence. This means that the State must prove beyond a reasonable doubt each and every element necessary to constitute the crimes charged. It is not enough for the State to prove only certain of those elements, because if proof of even one element is lacking, you must find the

defendant not guilty. It is not the law that physical evidence is essential to the proof of guilt. Whether the burden of proof resting upon the State is sustained, depends not on the number of witnesses, nor on the quantity of the testimony, but on the nature and quality of the testimony.

Please bear in mind that one witness' testimony, however, is sufficient to convict if you believe it beyond a reasonable doubt and if it establishes, either standing alone or together with any other testimony, all the elements of the crimes charged beyond a reasonable doubt.

REASONABLE DOUBT

The State can sustain the burden resting on it only if the evidence before you established the existence of every element of each of the crimes charged beyond a reasonable doubt.

Now, what does that mean: “beyond a reasonable doubt?” The phrase “reasonable doubt” has no technical or unusual meaning.

The meaning of reasonable doubt can be arrived at by emphasizing the word reasonable. It is not a surmise, a guess or mere conjecture, or a doubt raised by one who questions simply for the sake of argument. It is such a doubt as, in serious affairs that concern you, you would heed; that is, such a doubt as would cause reasonable men and women to hesitate to act upon it in matters of importance. It is not hesitation springing from any feelings of pity or sympathy for the accused or any other persons who might be affected by your decision. It is, in other words, a real doubt, an honest doubt, a doubt that has its foundation in the evidence or lack of evidence. It is doubt that is honestly entertained and is reasonable in light of the evidence after a fair and careful examination of the entire evidence.

Now, of course, absolute certainty in the affairs of life is almost never attainable, and the law does not require absolute certainty on the part of the jury before it returns a verdict of guilty. The State does not have to prove guilt beyond

all doubt, or to a mathematical certainty. What the law does require, however, is that after hearing all the evidence, if there is something in the evidence or lack of evidence that leaves in the minds of the jurors, as reasonable men and women, a reasonable doubt as to the guilt of the accused, then the accused must be given the benefit of that doubt and acquitted. Proof beyond a reasonable doubt is proof that precludes every reasonable hypothesis except guilt and is inconsistent with any other rational conclusion. A reasonable doubt is a doubt based on reason, and not on the mere possibility of innocence. It is a doubt for which you can in your own mind conscientiously give a reason. If you can, in reason, reconcile all of the facts proved with any reasonable theory consistent with the innocence of the accused, then you cannot find him guilty. On the other hand, if you find that the proven facts do establish the guilt of the accused beyond a reasonable doubt, then the proper verdict would be guilty.

EVIDENCE

Let me now turn to a discussion of evidence.

The evidence from which you are to decide what the facts are consists of:

(1) the sworn testimony of witnesses, both on direct and cross-examination, regardless of who called the witness;

AND

(2) the exhibits that have been received into evidence;

In reaching your verdict, you should consider all the testimony and exhibits received into evidence. Certain things are not evidence, and you may not consider them in deciding what the facts are. These include:

(1) Arguments and statements by lawyers. The lawyers are not witnesses. What they have said in their closing arguments is intended to help you interpret the evidence, but it is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, your memory of them controls.

(2) Questions and objections by lawyers. Attorneys have a duty to object when they believe a question is improper under the rules of evidence. You should not be influenced by the objection or by the

Court's ruling on it, and you are not to hold it against any party for making objections.

(3) Testimony that has been excluded or stricken. If testimony has been stricken, you must not consider it. You must treat it as if it did not exist.

(4) Anything you may have seen or heard when the court was not in session.

(5) Anything that you may have seen or heard from any person(s) that were spectators during this trial.

(6) Notes: Your notes are not evidence. Remember that they are merely aids to your memories and should not be given precedence over your independent recollection of the evidence. A juror who has not taken notes should rely on his or her recollection of the evidence and should not be influenced by the fact that other jurors have taken notes. Obviously, your notes may be helpful to you when recalling testimony and when applying these instructions on the law to the facts that you find. You have previously been advised that you should not allow note-taking to distract you from paying proper attention to the evidence presented.

(7) The document called the “Information” that you will have with you at the time of deliberation. As you’ve already been told, the “Information” is the formal manner of accusing a person of a crime in order to bring him to trial. You must not consider the information as any evidence whatsoever of the guilt of the defendant, or draw any inference of guilt because he has been charged with crimes.

During the course of the trial, certain exhibits were marked for identification (ID) only and never introduced as full exhibits. They are, therefore, not evidence and have no influence upon you. You should disregard any physical evidence which was offered for identification purposes and never became a full exhibit.

Likewise, during the course of the trial, certain questions and, therefore, the answers to them, were not permitted by the Court. At times, you were not permitted to hear the legal arguments on them, so you don’t know why or what the Court ruled. That has occurred during this trial, either by the Court excusing you from the courtroom, or conducting arguments at side bar. This was done by the Court as its function to control the admission of evidence as a matter of law. You are not to be influenced by anything you might surmise or speculate would be the answers. You are not to draw any inferences from questions objected to and not answered. In other words, you are to determine your verdict only from the evidence presented and

admitted by the Court.

CIRCUMSTANTIAL AND DIRECT EVIDENCE

There are, generally speaking, two types of evidence: direct evidence and circumstantial evidence. I am now going to discuss the differences between direct and circumstantial evidence.

Direct evidence of an event is the testimony of a witness who comes into court and testifies about what that witness personally saw, or heard, or did.

Circumstantial evidence of an event is the testimony of a witness, or evidence by exhibits, as to the existence of certain facts, or the happening of other events, from which the jury may logically conclude that the event in question did happen.

I am going to give you a simple example of the difference between direct and circumstantial evidence. Assume that it is a December night, around 11:30 p.m., and you are preparing to go to bed. You look out the window and see that it is snowing. You wake up the next morning and come into court and testify that at approximately 11:30 p.m. the night before it was snowing in the area of your house. This is direct evidence of the fact that it snowed at 11:30 the night before. You saw it snow and you came in and testified to that fact.

Now assume that it is another December night, the weather is clear and there is no snow on the ground. You go to bed and when you wake up the next morning you look out the window and see snow on the ground and footprints across your

front lawn in the snow. You come into court that morning and testify to those facts. The evidence that the night before there was no snow on the ground and the next morning there was snow on the ground and footprints in the snow across your front lawn is direct evidence, your eyewitness observation, of those facts. That direct evidence is itself circumstantial evidence of the fact that sometime during the night while you were sleeping it snowed, and that sometime thereafter someone walked across your front lawn.

The only practical difference between direct and circumstantial evidence is that when you have direct evidence of the commission of a crime, the only thing the jury has to pass upon is the credibility, the believability, of the direct testimony given; whereas, with circumstantial evidence, the jury first has to determine the credibility of the witness and exhibits and decide whether the facts testified to did exist. Then the jury has to decide whether the happening of those events or the existence of those facts leads them logically to the conclusion that other facts existed and other events occurred and ultimately that the crime was committed by the accused.

There is no reason to be prejudiced against circumstantial evidence simply because it is circumstantial evidence. You make decisions on the basis of circumstantial evidence in the everyday affairs of life. There is no reason why

decisions on circumstantial evidence should not be made in the courtroom. In fact, proof by circumstantial evidence may be as conclusive as would be the testimony of witnesses speaking on the basis of their own observation.

In passing upon the guilt of an accused person on the basis of circumstantial evidence, you must be satisfied, first, that certain facts or circumstances exist; and second, that those facts or circumstances do or do not beyond a reasonable doubt, lead you to conclude that the crime was committed by the accused.

Unless the existence of those facts or circumstances leads you, as reasonable men and women, to only one conclusion, namely, that the accused is guilty, then, of course, you would not be justified in finding him guilty.

INFERENCES

You may draw reasonable inferences from the established facts in this case. The inferences which you draw, however, must not be from a guess upon the evidence, but they must be from a fact or facts which the evidence has established. In drawing inferences from established facts, you should use your reason and common sense. The inferences which you draw must be logical and reasonable, and any facts, whether inferred or proven directly, which are essential to proof of an element of the crimes charged must be proved beyond a reasonable doubt.

CREDIBILITY OF WITNESSES

I now want to discuss the subject of credibility by which I mean believability of testimony. You have heard, and observed the witnesses. The credibility, the believability, of the witnesses and the weight to be given to their testimony are matters entirely within your hands. It is for you alone to determine their credibility.

Credibility means this: there may be the sharpest possible dispute between witnesses and it becomes important for you to note the witness, to observe the demeanor of the witness, the attitude of the witness on the stand, to form from the evidence what opinion you can as to that particular witness' powers of observation, judgment, recollection and discernment.

In deciding what the facts are, you must consider all the evidence. In doing this, you must decide which testimony to believe and which testimony not to believe. You may believe all, none or any part of any witness' testimony. That is up to you. In making that decision, you may take into account a number of factors including the following: (1) was the witness able to see, or hear, or know the things about which that witness testified?; (2) how well was the witness able to recall and describe those things?; (3) what was the witness' manner while testifying?; (4) did the witness have an interest in the outcome of this case or any bias or prejudice concerning any party or any matter involved in the case?; (5) how reasonable was the witness'

testimony considered in light of all the evidence in the case?; and (6) was the witness' testimony contradicted by what that witness has said or done at another time, or by the testimony of other witnesses, or by other evidence?

Whether or not you find a fact proven is not to be determined by the number of witnesses testifying for, or against it. It is the quality, and not the quantity of testimony which controls.

Now, if you should find that there has been an inaccuracy in some respect on the part of a witness, remember that in judging the rest of that witness' testimony and give to that witness' testimony the weight which your own minds lead you to think that it ought to have and which you would attach to it in the ordinary affairs of life when anyone came to you in a matter and you found that in some particular way he or she was inaccurate. If, however, you should conclude that a witness has not only testified inaccurately but that he or she has done that intentionally or willfully, in other words, lied to you, well, that fact would cast a very serious doubt upon all of that witness' testimony and you might well conclude that you cannot accept any of that witness' testimony. That, however, is a matter for you to determine.

And even though you find that a witness intentionally gave false testimony as to certain matters, you may find that as to certain other matters he or she gave testimony worthy of acceptance by you as true.

In sum, your task is to render a verdict based on facts drawn only from the evidence introduced in the courtroom and from the law as stated in my instructions to you, and not based on prejudice or bias for or against any party or person involved in the trial.

OTHER ACTS OF THE DEFENDANT AND LIMITING INSTRUCTIONS

The state has offered evidence of other acts by the defendant, specifically blog posts that are not part of the charged offenses, voice messages left for Detective McCord, and recorded DOC calls. This evidence is not being admitted to prove bad character, propensity or criminal tendencies. Such evidence is being admitted solely to show or establish:

- the defendant's intent with respect to the charged offenses.
- the identity of the person who committed the charges offenses.
- a motive for the commission of the charged offenses.
- that the commission of charged offenses follows a common plan or scheme.
- absence of mistake or accident on the part of the defendant.
- the defendant's knowledge.
- an element of the crimes of Stalking and Electronic Stalking.

You received limiting instructions from the court during the trial regarding the voicemail messages, the recorded DOC calls and the two blog posts. You were instructed that they could be considered by you only for the reasons stated above and for no other purpose. The court reiterates those instructions today.

You may not consider such evidence as establishing a predisposition on the part of the defendant to commit any of the charged offenses or to demonstrate a criminal propensity.

You may consider such evidence if you believe it and further find that it logically and rationally supports the issues for which it is being offered by the state, but only as it may bear on the issues of intent, identity, motive, common plan or scheme, absence of mistake or accident, knowledge, or elements of the crimes of stalking and electronic stalking.

On the other hand, if you do not believe such evidence, or even if you do, if you find that it does not logically and rationally support the issues for which it is being offered by the state, namely intent, identity, motive, common plan or scheme, absence of mistake or accident, knowledge, or elements of the crimes of stalking and electronic stalking, then you may not consider that testimony for any purpose.

You may not consider evidence of other acts of the defendant for any purpose other than the ones I've just told you, because it may predispose your mind uncritically to believe that the defendant may be guilty of the offense here charged merely because of the alleged other acts. For this reason, you may consider this evidence only on the issues of intent, identity, motive, common plan or scheme, absence of mistake or accident, knowledge, or elements of the crimes of stalking and electronic stalking,

and for no other purpose. For the charges contained in the information concerning Jane Grossman, you may not find the existence of a true threat based on the blog posts contained in State's Exhibits 2 and 3. These exhibits were admitted for a limited purpose, specifically on the issues of intent, identity, motive, knowledge, and common plan or scheme, and for no other purpose.

Relative to the DOC calls, you were previously informed that the defendant was arrested in this case, which is a procedural step in the criminal process. The defendant was detained by the Department of Corrections ("DOC") until he was released from custody. You are not to draw any adverse inferences from the fact the defendant was in custody. You are reminded that every defendant in a criminal case has been arrested, or he would not be a defendant in a criminal case. The fact that the defendant has been arrested by a police officer is not evidence against the defendant.

As to the recorded DOC conversation, at times you also heard the other party to the conversations. Their statements are not offered for their truth but merely for the purpose of putting the defendant's alleged statements in context. The Defendant's involvement in such is relevant and may be considered by you in your deliberations only to the extent that you find that the defendant was, in fact, involved in the conversations.

EXPERT WITNESSES' TESTIMONY

I am going to talk for a moment about expert testimony.

In this case, one witness took the stand, gave their qualifications and testified as expert witnesses: Mark Newth.

A person is qualified to testify as an expert if they have special knowledge, skill, experience, training or education sufficient to qualify them as experts on the subject to which the testimony relates. Most witnesses are allowed to testify only about facts or events. An expert witness, however, is permitted not only to testify to facts that they have personally observed but also to state an opinion about certain things. This is allowed because an expert is, from their experience, research and study, supposed to have a particular knowledge of the subject of the inquiry and be more capable than a lay person of drawing conclusions from facts and basing their opinion upon them.

Expert testimony is presented to you to assist you in your deliberations. No such testimony is binding upon you, however, and you may disregard such testimony either in whole or in part. It is for you to consider any expert testimony along with the other circumstances in the case, and, using your best judgment, determine whether you will give any weight to it, and if so, what weight you will give to it. The testimony is entitled to such weight as you find the expert's qualifications in

their field entitled it to receive, and it must be considered by you, but it is not controlling upon your judgment.

In weighing and considering the testimony of an expert you should apply to them the same considerations of credibility that you apply to other witnesses, such as their appearance and demeanor on the stand, their interest or lack of interest in the outcome of the case, their ability to recall and relate facts to you, and all the other considerations you use in judging the believability of any other witness. In deciding the weight to be accorded to the testimony of an expert witness, you should consider their education, experience, ability in the particular field of knowledge and any other material matters of the sort developed in the course of their testimony. You should consider the proof or lack of proof, and the completeness, or lack of completeness, of any facts considered by the experts in forming their opinions or reaching their conclusions. You should recall the testimony of the expert witnesses in this case in the light of the principles which I have just stated to you.

Also, where an expert witness has given an opinion based on what we call a hypothetical question - that is, where he or she is asked to assume or did assume certain facts and then gave an opinion based on those facts - the value of the opinion depends on the truth and completeness of those facts. You should consider whether those facts were proven or not; and you should consider whether or not their opinion

was based on all the relevant facts or whether some relevant facts were omitted.

TESTIMONY OF JUDGES AND POLICE OFFICERS

As you will remember, there was testimony here from judges and police officers. The testimony of a judge or a police officer is entitled to no special or exclusive sanctity merely because it comes from a judge or a police officer. A judge or a police officer who takes the witness stand subjects his or her testimony to the same tests that any other witness does. You should not automatically believe or disbelieve them merely because they are judges or police officers. You should recall their demeanor here on the stand, consider the training, if any, in the field in which they gave evidence, their manner of testimony, the substance of their testimony, their capacity for observing facts and relating them to you accurately. You should weigh and balance their testimony just as carefully as you would weigh the testimony of any other witness.

In other words, you should neither believe, nor disbelieve, the testimony of a police witness, just because the witness is a judge or a police officer.

MULTIPLE CHARGES AND INFORMATIONS

The defendant is charged with 18 counts in 3 separate informations. The state has commenced 3 separate cases against the defendant. They have been consolidated for the convenience of trial. The defendant is entitled to and must be given by you a separate and independent determination of whether he is guilty or not guilty as to each of the counts. Each of the counts charged is a separate crime. The state is required to prove each element in each count beyond a reasonable doubt. Each count must be deliberated upon separately. The total number of counts charged does not add to the strength of the state's case.

You may find that some evidence applies to more than one count in more than one information. The evidence, however, must be considered separately as to each element in each count. Each count is a separate entity.'

You must consider each count separately and return a separate verdict for each count. This means that you may reach opposite verdicts on different counts. A decision on one count does not bind your decision on another count.

ADEQUACY OF POLICE INVESTIGATION

You have heard some testimony of witnesses and arguments by counsel that the state did not perform a thorough and impartial investigation and/or follow standard procedures. This is a factor that you may consider in deciding whether the state has met its burden of proof in this case because the defendant may rely on relevant deficiencies or lapses in the police investigation to raise reasonable doubt. Specifically, you may consider whether police would normally receive First Amendment-related training as well as consider other suspects under the circumstances; whether if these actions were taken, they could reasonably have been expected to lead to significant evidence creating a reasonable doubt of the defendant's guilt; and whether there are reasonable explanations for the omission of those actions. If you find that any omissions in the investigation were significant and not reasonably explained, you may consider whether the omissions tend to affect the quality, reliability, or credibility of the evidence presented by the state to prove beyond a reasonable doubt that the defendant is guilty of the counts with which he is charged in the informations. The ultimate issue for you to decide, however, is whether the state, in light of all the evidence before you, has proved beyond a reasonable doubt that the defendant is guilty of the counts with which he is charged.

IDENTIFICATION

Identification is a question of fact for you to decide, taking into consideration all the evidence that you have seen and heard in the course of the trial. One of the elements in this, as in every other criminal case, is that the state must prove beyond a reasonable doubt that the defendant is the person who committed the crimes charged. That is, the element of identity must be proven by the state beyond a reasonable doubt.

If the state fails to prove beyond a reasonable doubt that the defendant was the person who committed any of the crimes charged, you must find him not guilty.

DEFENDANT'S TESTIMONY

In this case, the defendant testified. An accused person, having testified, stands before you just like any other witness. He is entitled to the same considerations and must have his testimony tested and measured by you by the same factors and standards as you would judge the testimony of any other witness. You have no right to disregard the defendant's testimony or to disbelieve the defendant's testimony merely because he is accused of a crime. Consider my earlier instructions on the general subject matter of credibility and apply them to the defendant's testimony.

KNOWLEDGE

A person acts “knowingly” with respect to conduct or to a circumstance described by a statute defining an offense when he is aware that his conduct is of such nature or that such circumstance exists. An act is done knowingly if done voluntarily and purposely, and not because of mistake, inadvertence or accident.

Ordinarily, knowledge can be established only through an inference from other proven facts and circumstances. The inference may be drawn if the circumstances are such that a reasonable person of honest intention, in the situation of the defendant, would have concluded that he engaged in a course of conduct, directed at and concerning specific persons, to wit: Jane Grossman, Thomas Moukawsher, and Elizabeth Stewart, that resulted in stalking and electronic stalking. The determinative question is whether the circumstances in the particular case form a basis for a sound inference as to the knowledge of the defendant in the transaction under inquiry.

IRRELEVANCE OF PUNISHMENT/SYMPATHY

You should not be concerned in any way with the punishment to be imposed in this case, in the event of a conviction. This is a matter exclusively within the court's function under the limitations and restrictions imposed by statute. You are to reach your verdict uninfluenced by the probable punishment or consequence which follow conviction.

Nor should you allow sympathy for any person who might be in any way affected by your decision to influence the verdict you are about to render.

INTENT

Now, during my instructions regarding each of the crimes charged in the information, I will explain the requisite intent which is an element of each crime, and during my instruction, I will be using the words intent, intentionally or intentional.

Intent relates to the condition of mind of the person who commits the act; his purpose in doing it. The law recognizes two types of intent, general intent and specific intent. All of the counts alleged by the State in the Information are specific intent crimes. Specific intent is the intent to achieve a specific result. As defined by our statute a person acts “intentionally” with respect to a result when his conscious objective is to cause such result. What the defendant intended is a question of fact for you to determine.

“Intent” is an element, a part of each of the crimes charged. Therefore, I am instructing you on “intent” and will refer back to this instruction throughout the instructions of the crimes alleged.

The State must prove intent beyond a reasonable doubt. It is not necessary for the State to prove that the defendant had the requisite intent for any particular time before acting on it. Intent can be formed instantaneously. The State must prove

beyond a reasonable doubt, however, that a defendant had the requisite intent at the time he committed the criminal conduct.

What a person's intention has been is usually a matter of inference. No witness can be expected to come here and testify that he looked into another's mind and saw therein a certain intention. Because direct evidence of the defendant's state of mind is rarely available, intent is generally proved by circumstantial evidence. A jury can determine what a person's intention was at any given time, by determining what that person's conduct was and what the circumstances were surrounding that conduct and any statements made by that person, and from that infer what his intention was.

To draw such an inference is not only the privilege, but also the proper function of a jury, provided, of course, that the inference drawn is a reasonable inference and complies with the standards for inferences, as explained in connection with my instructions to you on circumstantial evidence. The inference is not a necessary one. You are not required to infer a particular intent from the defendant's conduct or statements, but it is an inference that you may draw if you find it is reasonable and logical and in accordance with my instructions on circumstantial evidence. I again remind you that the burden of proving intent beyond a reasonable doubt is on the State.

Now, as it relates to “intent,” the explanation of “intent” that I have instructed you on applies throughout these instructions, wherever I use the term “intent,” “intentional,” “specific intent,” or “intentionally.” I will refer you back to this instruction when appropriate.

TRUE THREATS

A threat can only be punishable when it is a true threat. The defendant claims that his prosecution for Stalking in the First Degree and Electronic Stalking is barred by the First Amendment of the United States Constitution because it is based solely on his speech. Speech, including written statements or conduct, is generally protected by the First Amendment. The state contends that the defendant's speech is not protected by the First Amendment because it constituted a "true threat." When a person's speech is a "true threat," it is not entitled to First Amendment protection. The state has the burden of proving beyond a reasonable doubt that the defendant's speech constituted a "true threat" and that the defendant was aware of the threatening nature of his words but nonetheless delivered them.

True Threat

A true threat is a serious expression conveying that the speaker, here, the defendant, means to commit an act of unlawful violence. Statements that seek to communicate a belief or an idea, such as political hyperbole, advocacy for political and social change, or a mere joke, are not true threats and are protected by the First Amendment. Mere political hyperbole, even vehement, caustic and unpleasantly sharp attacks or abusive and inexact speech, are protected by the First Amendment.

True threats, on the other hand, encompass conduct where the speaker means to communicate, to one or more individuals, a serious expression of an intent to commit an act of unlawful violence. The speaker need not actually intend to carry out the threat. The existence of a true threat depends on both the mental state of the speaker and on what the statement conveys to the other persons.

In assessing whether the defendant's statements presented a true threat, you must determine whether his statements would readily be interpreted by a reasonable person, familiar with the accompanying circumstances, as a serious expression of the defendant's intent to commit an unlawful act of violence. You should consider the actual language used by the defendant as well as the entire factual context of the alleged threat, including the prior relationship between the defendant and the complainants, the surrounding events, whether the statements were made as part of a debate on public issues, the defendant's contemporaneous actions and the reaction of the complainants. The threatened violence need not be imminent or unconditional for the statements to constitute a true threat. Furthermore, to constitute a true threat, the statement does not require language that is explicitly threatening. What matters is whether the alleged threat conveyed a gravity of purpose and likelihood of execution.

Mens Rea

Next, the state must show that the defendant had some subjective understanding of the threatening nature of his conduct. It must prove beyond a reasonable doubt that the defendant intended his statements as threats of violence, had knowledge of how they could be interpreted, and conveyed them anyway. Thus, you must consider the defendant's subjective state of mind at the time he made the statements. You may not find that the statements were a true threat unless you determine that the defendant intended that Jane Grossman, Thomas Moukawsher or Elizabeth Stewart, respectively, could reasonably interpret them as a serious expression of an intent to commit an unlawful act of violence. The recipient must be fearful of the execution of the threat by the speaker and not by an unidentified third party.

If, after considering the defendant's statements and all of the surrounding circumstances in which they were made, you conclude that the state has proven beyond a reasonable doubt that a reasonable person in the position of Jane Grossman, Thomas Moukawsher or Elizabeth Stewart readily would reasonably interpret the statements as a serious expression of an intent to commit an unlawful act of violence, and not as conduct that seeks to communicate a belief, mere puffery, bluster, joke, political hyperbole, or advocacy and further, the defendant intended that his

statements would be interpreted by them in this manner, then the statements are true threats that are not protected by the First Amendment. Finally, you have heard testimony from one or more complainants about concerns that the blog post at-issue might have prompted a person or persons besides the defendant to act. You may not consider such concerns or the possibility of such action in assessing whether a statement within a blog post constitutes a true threat. You have heard my instruction concerning what constitutes a true threat. Your deliberation in this regard must be limited to that instruction and nothing more.

SPECIFIC UNANIMITY

Moukawsher – Count 1 – 53a-181c (a) (4) and 53a-181d (b) (1) (A).

The state has alleged that the defendant has committed the offense of Stalking in the First Degree on more than one occasion, the defendant knowingly engaged in conduct directed at or concerning Thomas Moukawsher that would cause a reasonable person to fear for his physical safety or the physical safety of a third person and the defendant intentionally directed such conduct at Thomas Moukawsher, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Thomas Moukawsher, through his blog posts: Exhibit 8, blog post dated December 13, 2021, entitled “Betsy Moukawsher”; Exhibit 9, blog post dated December 22, 2021, entitled “Hunt Deichert!”; Exhibit 10, blog post dated December 22, 2021, entitled “Kill Shot!”; Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!”; Exhibit 14, blog post dated June 8, 2022, entitled “Where?”; and/or Exhibit 15, blog post dated June 16, 2022, entitled “Charles B. Andrews.” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Stalking in the First Degree, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

Moukawsher – Count 2 – 53a-181c (a) (4) and 53a-181d (b) (1) (B).

The state has alleged that the defendant has committed the offense of Stalking in the First Degree on more than one occasion, the defendant knowingly engaged in conduct directed at or concerning Thomas Moukawsher that would cause a reasonable person to suffer emotional distress and he intentionally directed such conduct at Thomas Moukawsher, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Thomas Moukawsher, through his blog posts: Exhibit 8, blog post dated December 13, 2021, entitled “Betsy Moukawsher”; Exhibit 9, blog post dated December 22, 2021, entitled “Hunt Deichert!”; Exhibit 10, blog post dated December 22, 2021, entitled “Kill Shot!”; Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!”; Exhibit 14, blog post dated June 8, 2022, entitled “Where?”; and/or Exhibit 15, blog post dated June 16, 2022, entitled “Charles B. Andrews.” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Stalking in the First Degree, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

Moukawsher – Count 5 – 53a-181f (a) (1).

The state has alleged that the defendant has committed the offense of Electronic Stalking on more than one occasion, the defendant, with the intent to harass and intimidate, used an interactive computer service or electronic communication service to engage in conduct that placed Thomas Moukawsher in reasonable fear of the death of or serious bodily injury to himself or an immediate family member of Thomas Mouawkshe, through his blog posts: Exhibit 8, blog post dated December 13, 2021, entitled “Betsy Moukawsher”; Exhibit 9, blog post dated December 22, 2021, entitled “Hunt Deichert!”; Exhibit 10, blog post dated December 22, 2021, entitled “Kill Shot!”; Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!”; Exhibit 14, blog post dated June 8, 2022, entitled “Where?”; and/or Exhibit 15, blog post dated June 16, 2022, entitled “Charles B. Andrews.” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Electronic Stalking, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

Moukawsher – Count 6 – 53a-181f (a) (2).

The state has alleged that the defendant has committed the offense of

Electronic Stalking on more than one occasion, the defendant, with the intent to harass and intimidate, used an interactive computer service or electronic communication service to engage in conduct that caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to Thomas Moukawsher or an immediate family member of Thomas Mouawksher, through his blog posts: Exhibit 8, blog post dated December 13, 2021, entitled “Betsy Moukawsher”; Exhibit 9, blog post dated December 22, 2021, entitled “Hunt Deichert!”; Exhibit 10, blog post dated December 22, 2021, entitled “Kill Shot!”; Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!”; Exhibit 14, blog post dated June 8, 2022, entitled “Where?”; and/or Exhibit 15, blog post dated June 16, 2022, entitled “Charles B. Andrews.” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Electronic Stalking, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

Stewart – Count 1 – 53a-181c (a) (4) and 53a-181d (b) (1) (A).

The state has alleged that the defendant has committed the offense of Stalking in the First Degree on more than one occasion, the defendant knowingly engaged in conduct directed at or concerning Elizabeth Stewart that would cause a reasonable

person to fear for her physical safety or the physical safety of a third person and the defendant intentionally directed such conduct at Elizabeth Stewart, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Elizabeth Stewart, through his blog posts: Exhibit 11, blog post dated April 2, 2022, entitled “Fuck Off!”; Exhibit 12, blog post dated May 12, 2022, entitled “Jew Court”; and/or Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Stalking in the First Degree, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

Stewart - Count 2 – 53a-181c (a) (4) and 53a-181d (b) (1) (B).

The state has alleged that the defendant has committed the offense of Stalking in the First Degree on more than one occasion, the defendant knowingly engaged in conduct directed at or concerning Elizabeth Stewart that would cause a reasonable person to suffer emotional distress and he intentionally directed such conduct at Elizabeth Stewart, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Elizabeth Stewart, through his blog posts: Exhibit 11, blog post dated April 2,

2022, entitled “Fuck Off!”; Exhibit 12, blog post dated May 12, 2022, entitled “Jew Court”; and/or Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Stalking in the First Degree, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

Stewart - Count 5 – 53a-181f (a) (1).

The state has alleged that the defendant has committed the offense of Electronic Stalking on more than one occasion, the defendant, with the intent to harass and intimidate, used an interactive computer service or electronic communication service to engage in conduct that placed Elizabeth Stewart in reasonable fear of the death of or serious bodily injury to herself or an immediate family member of Elizabeth Stewart, through his blog posts: Exhibit 11, blog post dated April 2, 2022, entitled “Fuck Off!”; Exhibit 12, blog post dated May 12, 2022, entitled “Jew Court”; and/or Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Electronic Stalking, and that individually, they constitute a “true threat.” Please see

my previous instruction on True Threats.

Stewart - Count 6 – 53a-181f (a) (2).

The state has alleged that the defendant has committed the offense of Electronic Stalking on more than one occasion, the defendant, with the intent to harass and intimidate, used an interactive computer service or electronic communication service to engage in conduct that caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to Elizabeth Stewart or an immediate family member of Elizabeth Stewart, through his blog posts: Exhibit 11, blog post dated April 2, 2022, entitled “Fuck Off!”; Exhibit 12, blog post dated May 12, 2022, entitled “Jew Court”; and/or Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Electronic Stalking, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

Grossman - Count 1 – 53a-181c (a) (4) and 53a-181d (b) (1) (A).

The state has alleged that the defendant has committed the offense of Stalking in the First Degree on more than one occasion, the defendant knowingly engaged in

conduct directed at or concerning Jane Grossman that would cause a reasonable person to fear for her physical safety or the physical safety of a third person and the defendant intentionally directed such conduct at Jane Grossman, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Jane Grossman, through his blog posts: Exhibit 9, blog post dated December 22, 2021, entitled “Hunt Deichert!”; Exhibit 10, blog post dated December 22, 2021, entitled “Kill Shot!”; Exhibit 12, blog post dated May 12, 2022, entitled “Jew Court”; Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!”; Exhibit 16, blog post dated July 12, 2022, entitled “Grossman Does it Again!”; and/or Exhibit 17, blog post dated July 28, 2022, entitled “Audi A4 Quattro.” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Stalking in the First Degree, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

Grossman - Count 2 – 53a-181c (a) (4) and 53a-181d (b) (1) (B).

The state has alleged that the defendant has committed the offense of Stalking in the First Degree on more than one occasion, the defendant knowingly engaged in conduct directed at or concerning Jane Grossman that would cause a reasonable

person to suffer emotional distress and he intentionally directed such conduct at Jane Grossman, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Jane Grossman, through his blog posts: Exhibit 9, blog post dated December 22, 2021, entitled “Hunt Deichert!”; Exhibit 10, blog post dated December 22, 2021, entitled “Kill Shot!”; Exhibit 12, blog post dated May 12, 2022, entitled “Jew Court”; Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!”; Exhibit 16, blog post dated July 12, 2022, entitled “Grossman Does it Again!”; and/or Exhibit 17, blog post dated July 28, 2022, entitled “Audi A4 Quattro.” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Stalking in the First Degree, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

Grossman - Count 5 – 53a-181f (a) (1).

The state has alleged that the defendant has committed the offense of Electronic Stalking on more than one occasion, the defendant, with the intent to harass and intimidate, used an interactive computer service or electronic communication service to engage in conduct that placed Jane Grossman in

reasonable fear of the death of or serious bodily injury to herself or an immediate family member of Jane Grossman, through his blog posts: Exhibit 9, blog post dated December 22, 2021, entitled “Hunt Deichert!”; Exhibit 10, blog post dated December 22, 2021, entitled “Kill Shot!”; Exhibit 12, blog post dated May 12, 2022, entitled “Jew Court”; Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!”; Exhibit 16, blog post dated July 12, 2022, entitled “Grossman Does it Again!”; and/or Exhibit 17, blog post dated July 28, 2022, entitled “Audi A4 Quattro.” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Electronic Stalking, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

Grossman - Count 6 – 53a-181f (a) (2).

The state has alleged that the defendant has committed the offense of Electronic Stalking on more than one occasion, the defendant, with the intent to harass and intimidate, used an interactive computer service or electronic communication service to engage in conduct that caused, attempted to cause, or would be reasonably expected to cause substantial emotional distress to Jane Grossman or an immediate family member of Jane Grossman, through his blog

posts: Exhibit 9, blog post dated December 22, 2021, entitled “Hunt Deichert!”; Exhibit 10, blog post dated December 22, 2021, entitled “Kill Shot!”; Exhibit 12, blog post dated May 12, 2022, entitled “Jew Court”; Exhibit 13, blog post dated May 21, 2022, entitled “Jew Posterboy!”; Exhibit 16, blog post dated July 12, 2022, entitled “Grossman Does it Again!”; and/or Exhibit 17, blog post dated July 28, 2022, entitled “Audi A4 Quattro.” You may only find the defendant guilty of the offense if you all unanimously agree on which of the posts constitute a “course of conduct” for Electronic Stalking, and that individually, they constitute a “true threat.” Please see my previous instruction on True Threats.

THE CHARGES

In a moment, I am going to discuss with you the specific charges against the defendant, and the elements of the offenses.

As you know, the defendant has been charged in three separate Informations.

The Informations have been read to you at the beginning of the trial, and will be with you during your deliberations. As I have previously told you, the Informations are not evidence, but only a statement of the charges against the defendant, upon which the State proceeds to trial. It does contain some of the language from the statute which I will be defining to you and interpreting for you during my instructions of law.

There are 18 separate charges or counts. The defendant is entitled to, and must be given by you, a separate and independent determination on each count as to whether the State has proven that count beyond a reasonable doubt, or has failed to meet that burden. The fact that there are 18 separate counts here, as opposed to just one, has absolutely no bearing whatsoever on whether the State has met its burden of proof, or not met its burden. The presumption of innocence is no less here because there is more than one count. Each charge requires an independent determination by you of whether the State has met its burden of proof beyond a reasonable doubt,

or failed to meet that burden, considering only that evidence which applies to that count.

In order to keep the evidence and counts separate, use the counts as guideposts. Each count covers a specific charge. Each count is based upon what the State claims the defendant did to constitute the crime charged in that particular count. Again, in the course of my instructions to you, I may repeat certain portions of the instructions.

I apologize in advance. I do this for the purpose of clarity and organization. I want to be absolutely certain you understand what I am telling you. You are not to consider a repeated instruction as more important. In the course of my instructions, I may refer you to a previous instruction given. When I do this, I will identify it to you, and direct you to that section. And that instruction has the same force and effect in that particular instruction as was previously given.

The Court will instruct you on the charges that are presented in the Informations. I will also instruct on general principles of law that pertain to the specific crimes charged. You will be referred back to these general instruction sections where appropriate. Throughout these instructions I shall, at times, and I have already, used the words prove and proven with respect to the burden which rests upon the State. Throughout you will understand that when I say the State must

prove a fact to you, I mean it must prove it beyond a reasonable doubt. When I say you must find the facts essential to the guilt of the defendant, I mean you must find such facts proven by the State beyond a reasonable doubt. When I say you must find something proven, I mean the State must be found to have proven that beyond a reasonable doubt.

NNH-CR23-0250215-T
COUNT 1
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(1)(A))

The defendant is charged in Count 1 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

The first element of stalking in the first degree is that the defendant committed stalking in the second degree.

A person is guilty of stalking in the second degree when he knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to fear for such specific person's physical safety or the physical safety of a third person.

For you to find the defendant guilty of stalking in the second degree, the state must prove the following elements beyond a reasonable doubt:

1. **“Knowingly”**: The first element is that the defendant acted knowingly. A person acts knowingly with respect to a circumstance described in a statute when he is aware that such circumstance exists. Refer to the court’s previous instruction on Knowledge.

2. **Course of conduct**: The second element is that the defendant engaged in a course of conduct directed at or concerning a specific person, Thomas Moukawsher. “Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including but not limited to, electronic or social media threatens, harasses, communicates about a person.

“Concerning” means relating to, regarding or about. The defendant may do any one of these acts more than once or in combination with other. The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To “threaten” means to utter what a reasonable person would consider to be a serious expression of intent to commit an unlawful act of violence. A threat can only be punishable when it is a true threat. Refer to the court’s instructions on True Threats, previously given. Because the defendant is not accused of directly threatening Thomas Moukawsher, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious

threats and (2) that the threats would be conveyed to Thomas Moukawsher.

Mens Rea: see the court's previous instructions on Mens Rea.

"Harass" means to disturb persistently, bother continuously, pester or torment.

"Communicate" means to express thoughts, feelings or information by writing or speaking.

3. **Caused fear:** The third element is that the defendant caused Thomas Moukawsher to reasonably fear for his physical safety or the physical safety of a third person. Determining whether this element is satisfied requires a two-step process. First, the situation and the facts must be viewed from the viewpoint of Thomas Moukawsher. Did he in fact fear for his physical safety or that of a third person? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that fear was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the fear reasonable?

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Thomas Moukawsher in whole or in part, because

of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Thomas Moukawsher. A person acts "intentionally" with respect to a result when his conscious objective is to cause such result. *See the court's previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt first, that the defendant acted knowingly; second, the defendant engaged in a course of conduct directed at or concerning a specific person, Thomas Moukawsher; third, the defendant's course of conduct caused Thomas Moukawsher to fear for his physical safety or the physical safety of a third person; and that the defendant intentionally directed such conduct at Thomas Moukawsher in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Thomas Moukawsher.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 2
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(1)(B))

The defendant is charged in Count 2 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

A person is guilty of stalking in the second degree when he knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to suffer emotional distress.

For you to find the defendant guilty of stalking in the second degree, the state must prove the following elements beyond a reasonable doubt:

1. **“Knowingly”**: The first element is that the defendant acted knowingly. A person acts knowingly with respect to a circumstance described in a statute when he is

aware that such circumstance exists. Refer to the court's previous instruction on Knowledge, above.

2. **Course of conduct:** The second element is that the defendant engaged in a course of conduct directed at or concerning a specific person, Thomas Moukawsher. "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including but not limited to, electronic or social media threatens, harasses, communicates about a person.

"Concerning" means relating to, regarding or about. The defendant may do any one of these acts more than once or in combination with other. The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To "threaten" means to utter what a reasonable person would consider to be a serious expression of intent to commit an unlawful act of violence. A threat can only be punishable when it is a true threat. Refer to the court's instructions on True Threats, previously given. Because the defendant is not accused of directly threatening Thomas Moukawsher, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Thomas Moukawsher.

Mens Rea: see the court's previous instructions on Mens Rea.

To “harass” means to disturb persistently, bother continuously, pester or torment.

“Communicate” means to express thoughts, feelings or information by writing or speaking.

3. **Caused emotional distress:** The third element is that the defendant caused Thomas Moukawsher to reasonably suffer emotional distress. Determining whether this element is satisfied requires a two-step process. First, the situation and the facts must be viewed from the viewpoint of Thomas Moukawsher. Did he in fact suffer emotional distress? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that emotional distress was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the emotional distress reasonable? “Emotional distress” means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling.

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant

intentionally directed such conduct at Thomas Moukawsher in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Thomas Moukawsher. A person acts “intentionally” with respect to a result when his conscious objective is to cause such result. *See the court’s previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt first, that the defendant acted knowingly; second, the defendant engaged in a course of conduct directed at or concerning a specific person, Thomas Moukawsher; third, the defendant’s course of conduct caused Thomas Moukawsher to suffer emotional distress; and that the defendant intentionally directed such conduct at Thomas Moukawsher in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Thomas Moukawsher.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant

not guilty.

COUNT 3
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(3)(A))

The defendant is charged in Count 3 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

A person is guilty of stalking in the second degree when such person, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including but not limited to, electronic or social media, discloses a specific person's personally identifiable information without consent of the person, knowing, that under the circumstances, such disclosure would cause a reasonable person to fear for such person's physical safety or the physical safety of a third person.

For you to find the defendant guilty of stalking in the second degree, the state must prove the following elements beyond a reasonable doubt:

1. **No legitimate purpose:** the phrase “no legitimate purpose” is understood as the absence of expression of ideas or thoughts other than true threats.

2. **Harass, terrorize or alarm:** See the court’s previous definition of Intent as well as True Threats. Because the defendant is not accused of directly threatening Thomas Moukawsher, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Thomas Moukawsher.

Mens Rea: see the court’s previous instruction on Mens Rea.

The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To “harass” means to disturb persistently, bother continuously, pester or torment.

3. **“Personally Identifying Information”** means:

- a. Any information that can be used to distinguish or trace an individual’s identity, such as name, prior legal name, alias, mother’s maiden name, Social Security number, date or place of birth, address, telephone number or biometric data;
- b. Any information that is linked or linkable to an individual, such as medical, financial, education, consumer or employment information, data or records; or

- c. Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation or any sexually intimate visual depiction.

4. **Electronic Communication:** To “communicate” means to express thoughts, feelings, or information by writing or speaking. And electronic communication means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or a photo optical system that affects Interstate or foreign commerce, but does not include (a) any wire or oral communication; (b) any communication made through a tone-only paging device; (c) any communication from a tracking device; or (d) electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds. Because the defendant is not accused of directly threatening the complainant, the state must prove beyond a reasonable doubt that the defendant intended both that his posts contained on his blog would be interpreted as serious threats and that the threats would be conveyed to the complainant.

5. **Caused fear:** To determine whether the defendant caused Thomas Moukawsher to reasonably fear for his physical safety or the safety of a third person requires a two-step process. First, the situation and the facts must be viewed from the viewpoint of

Thomas Moukawsher. Did he in fact fear for his physical safety or that of a third person? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that fear was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the fear reasonable?

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Thomas Moukawsher, *in* whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Thomas Moukawsher. A person acts “intentionally” with respect to a result when his conscious objective is to cause such result. *See the court’s previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt that, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including but not limited to, electronic or social media, the defendant

disclosed Thomas Moukawsher's personally identifiable information without his consent, knowing, that under the circumstances, such disclosure would cause a reasonable person, to wit, Thomas Moukawsher, to fear for such person's physical safety or the physical safety of a third person; and that the defendant intentionally directed such conduct at Thomas Moukawsher, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Thomas Moukawsher.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 4
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(3)(B))

The defendant is charged in Count 4 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

A person is guilty of stalking in the second degree when, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including but not limited to, electronic or social media, discloses a specific person's personally identifiable information without consent of the person, knowing, that under the circumstances, such disclosure would cause a reasonable person to suffer emotional distress.

1. **No legitimate purpose:** the phrase "no legitimate purpose" is understood as the absence of expression of ideas or thoughts other than true threats.

2. **Harass, terrorize or alarm:** See the court’s previous definition of Intent as well as True Threats. Because the defendant is not accused of directly threatening Thomas Moukawsher, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Thomas Moukawsher.

Mens Rea: see the court’s previous instruction on Mens Rea.

The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To “harass” means to disturb persistently, bother continuously, pester or torment.

3. **“Personally Identifying Information”** means:

- a. Any information that can be used to distinguish or trace an individual’s identity, such as name, prior legal name, alias, mother’s maiden name, Social Security number, date or place of birth, address, telephone number or biometric data;
- b. Any information that is linked or linkable to an individual, such as medical, financial, education, consumer or employment information, data or records; or

- c. Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation or any sexually intimate visual depiction.

4. **Electronic Communication:** To “communicate” means to express thoughts, feelings, or information by writing or speaking. And electronic communication means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or a photo optical system that affects Interstate or foreign commerce, but does not include (a) any wire or oral communication; (b) any communication made through a tone-only paging device; (c) any communication from a tracking device; or (d) electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds. Because the defendant is not accused of directly threatening the complainant, the state must prove beyond a reasonable doubt that the defendant intended both that his posts contained on his blog would be interpreted as serious threats and that the threats would be conveyed to the complainant.

5. **Caused emotional distress:** To determine whether the defendant caused Thomas Moukawsher to reasonably suffer emotional distress requires a two-step process. First, the situation and the facts must be viewed from the viewpoint of

Thomas Moukawsher. Did he in fact suffer emotional distress? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that emotional distress was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the emotional distress reasonable?

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Thomas Moukawsher, *in* whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Thomas Moukawsher. A person acts “intentionally” with respect to a result when his conscious objective is to cause such result. *See the court’s previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt that, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including but not limited to, electronic or social media, the defendant

disclosed Thomas Moukawsher's personally identifiable information without his consent, knowing, that under the circumstances, such disclosure would cause a reasonable person, to wit, Thomas Moukawsher, to suffer emotional distress; and that the defendant intentionally directed such conduct at Thomas Moukawsher, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Thomas Moukawsher.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 5
ELECTRONIC STALKING (REASONABLE FEAR OF DEATH
OR SERIOUS BODILY INJURY)(C.G.S. § 53a-181f(a)(1))

The defendant is charged in Count 5 with Electronic Stalking. The statute defining this offense reads in pertinent part as follows:

A person is guilty of electronic stalking when such person, with the intent to kill, injure, harass or intimidate, uses any interactive computer service or electronic communication service, electronic communication system or electronic monitoring system to place another person under surveillance or otherwise to engage in a course of conduct that places such other person in reasonable fear of the death of or serious bodily injury to (A) such person, (B) an immediate family member of such person, or (C) an intimate partner of such person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

1. **Intent to harass/intimidate True Threat:** See the court's previous instructions on Intent as well as True Threats. Because the defendant is not accused of directly threatening Thomas Moukawsher, the state must prove beyond a reasonable doubt that the defendant intended both that (1) his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Thomas Moukawsher.

Mens Rea: see the court's previous instructions on Mens Rea.

2. **Use of computer/electronic service/system**

“Interactive computer service” means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the internet.

“Electronic communication service” means any service which provides to users thereof the ability to send or receive wire or electronic communications.

“Electronic communication system” means any computer facilities or related electronic equipment for the electronic storage of electronic communications.

“Electronic monitoring system” means any electronic device or apparatus which can be used to intercept, monitor, or collect a wire, oral, or electronic communication.

3. **Course of conduct**

“Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, monitors, surveils, harasses, or communicates about or with a person. Because the defendant is not accused of directly threatening Thomas Moukawsher, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts

contained on his blog would be interpreted as serious threats and (2) that the threats would be communicated to Thomas Moukawsher.

Mens Rea: see the court's previous instructions on Mens Rea.

"Immediate family member" means a spouse, parent, brother, sister, or child of Thomas Moukawsher, or a person for whom Thomas Moukawsher acts as a parent, or any person living in Thomas Moukawsher's household and related to him by blood or marriage.

"Intimate partner" means Thomas Moukawsher's former spouse, a person who has a child in common with Thomas Moukawsher regardless of whether they are or have been married, or are living or have lived together at any time, or a person who is in, or has recently been in, a dating relationship with Thomas Moukawsher.

4. **Fear of death/serious bodily injury**

"Serious bodily injury" means "physical injury which creates a substantial risk of death or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ."

Determining whether Thomas Moukawsher reasonably feared his or another person's death or serious bodily injury requires a two-step process. First, the evidence must be viewed from the standpoint of Thomas Moukasher. Did he in fact fear his death or serious bodily injury or the death or serious bodily injury of an

immediate family member or intimate partner? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether Thomas Moukawsher's fear was reasonable. You must answer that question from the standpoint of a reasonable person at the time in question. You must ask yourself whether under all the circumstances then present, was Thomas Moukawsher's the fear of death or serious bodily injury to himself, an immediate family member or an intimate partner, reasonable?

Conclusion

In summary, the state must prove the following elements beyond a reasonable doubt: (1) the defendant, acting with the intent to harass and intimidate (2) used any interactive computer service, electronic communications service and or electronic communication system (3) to engage in a course of conduct that placed Thomas Moukawsher in reasonable fear of his death or serious bodily injury or that of an immediate family member or intimate partner.

If you find that the state has proved beyond a reasonable doubt each of the elements of electronic stalking, you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 6
ELECTRONIC STALKING; SUBSTANTIAL EMOTIONAL
DISTRESS (C.G.S. § 53a-181f(a)(2))

The defendant is charged in Count 6 with Electronic Stalking. The statute defining this offense reads in pertinent part as follows:

A person is guilty of electronic stalking when such person, with the intent to kill, injure, harass or intimidate, uses any interactive computer service or electronic communication service, electronic communication system or electronic monitoring system to place another person under surveillance or otherwise to engage in a course of conduct that causes, attempts to cause or would be reasonably expected to cause substantial emotional distress to such person, an immediate family member of such person, or an intimate partner of such person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

1. **Intent to harass/intimidate**

True Threat: see the court's previous instructions on Intent as well as True Threats. Because the defendant is not accused of directly threatening Thomas Moukawsher, the state must prove beyond a reasonable doubt (1) that the defendant intended both that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Thomas Moukawsher.

Mens Rea: see the court's previous instructions on Mens Rea.

2. **Use of computer/electronic service/system**

“Interactive computer service” means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the internet.

“Electronic communication service” means any service which provides to users thereof the ability to send or receive wire or electronic communications.

“Electronic communication system” means any computer facilities or related electronic equipment for the electronic storage of electronic communications.

“Electronic monitoring system” means any electronic device or apparatus which can be used to intercept, monitor, or collect a wire, oral, or electronic communication.

3. **Course of conduct**

“Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, monitors, surveils, harasses, or communicates about or with a person. Because the defendant is not accused of directly threatening Thomas Moukawsher, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats

would be conveyed to Thomas Moukawsher.

“Immediate family member” means a spouse, parent, brother, sister, or child of Thomas Moukawsher, or a person for whom Thomas Moukawsher acts as a parent, or any person living in Thomas Moukawsher’s household and related to him by blood or marriage.

“Intimate partner” means Thomas Moukawsher’s former spouse, a person who has a child in common with Thomas Moukawsher regardless of whether they are or have been married, or are living or have lived together at any time, or a person who is in, or has recently been in, a dating relationship with Thomas Moukawsher.

4. **Substantial emotional distress**

“Substantial” means significant or consequential.

“Emotional distress” means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling.

Conclusion

In summary, the state must prove the following elements beyond a reasonable doubt: 1) the defendant, acting with the intent to harass or intimidate, 2) used any interactive computer service, electronic communications service and/or electronic

communications system 3) to engage in a course of conduct that would reasonably be expected to cause substantial emotional distress to Thomas Moukawsher, an immediate family member of Thomas Moukawsher, or an intimate partner of Thomas Moukawsher.

If you find the state has proved beyond a reasonable doubt each of the elements of electronic stalking, you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall find the defendant not guilty.

NNH-CR23-0250216-T
COUNT 1
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(1)(A))

The defendant is charged in Count 1 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

A person is guilty of stalking in the second degree when he knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to fear for such specific person's physical safety or the physical safety of a third person.

For you to find the defendant guilty of stalking in the second degree, the state must prove the following elements beyond a reasonable doubt:

1. **“Knowingly”**: The first element is that the defendant acted knowingly. A person acts knowingly with respect to a circumstance described in a statute when he is

aware that such circumstance exists. Refer to the court's previous instruction on Knowledge.

2. **Course of conduct:** The second element is that the defendant engaged in a course of conduct directed at or concerning a specific person, Jane Grossman. "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including but not limited to, electronic or social media threatens, harasses, communicates about a person.

"Concerning" means relating to, regarding or about. The defendant may do any one of these acts more than once or in combination with other. The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To "threaten" means to utter what a reasonable person would consider to be a serious expression of intent to commit an unlawful act of violence. A threat can only be punishable when it is a true threat. Refer to the court's instructions on True Threats, previously given. Because the defendant is not accused of directly threatening Jane Grossman, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Jane Grossman.

Mens Rea: see the court's previous instructions on Mens Rea.

“Harass” means to disturb persistently, bother continuously, pester or torment.

“Communicate” means to express thoughts, feelings or information by writing or speaking.

3. **Caused fear:** The third element is that the defendant caused Jane Grossman to reasonably fear for her physical safety or the physical safety of a third person. Determining whether this element is satisfied requires a two-step process. First, the situation and the facts must be viewed from the viewpoint of Jane Grossman. Did she in fact fear for her physical safety or that of a third person? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that fear was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the fear reasonable?

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Jane Grossman in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Jane Grossman. A person acts “intentionally” with

respect to a result when his conscious objective is to cause such result. *See the court's previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt first, that the defendant acted knowingly; second, the defendant engaged in a course of conduct directed at or concerning a specific person, Jane Grossman; third, the defendant's course of conduct caused Jane Grossman to fear for her physical safety or the physical safety of a third person; and that the defendant intentionally directed such conduct at Jane Grossman, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Jane Grossman.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 2
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(1)(B))

The defendant is charged in Count 2 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

A person is guilty of stalking in the second degree when he knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to suffer emotional distress.

For you to find the defendant guilty of stalking in the second degree, the state must prove the following elements beyond a reasonable doubt:

1. **“Knowingly”**: The first element is that the defendant acted knowingly. A person acts knowingly with respect to a circumstance described in a statute when he is aware that such circumstance exists. Refer to the court’s previous instruction on

Knowledge, above.

2. **Course of conduct:** The second element is that the defendant engaged in a course of conduct directed at or concerning a specific person, Jane Grossman. “Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including but not limited to, electronic or social media threatens, harasses, communicates about a person.

“Concerning” means relating to, regarding or about. The defendant may do any one of these acts more than once or in combination with other. The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To “threaten” means to utter what a reasonable person would consider to be a serious expression of intent to commit an unlawful act of violence. A threat can only be punishable when it is a true threat. Refer to the court’s instructions on True Threats, previously given. Because the defendant is not accused of directly threatening Jane Grossman, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Jane Grossman.

Mens Rea: see the court’s previous instructions on Mens Rea.

To “harass” means to disturb persistently, bother continuously, pester or

torment.

“Communicate” means to express thoughts, feelings or information by writing or speaking.

3. **Caused emotional distress:** The third element is that the defendant caused Jane Grossman to reasonably suffer emotional distress. Determining whether this element is satisfied requires a two-step process. First, the situation and the facts must be viewed from the viewpoint of Jane Grossman. Did she in fact suffer emotional distress? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that emotional distress was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the emotional distress reasonable? “Emotional distress” means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling.

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Jane Grossman in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation,

gender identity or expression of Jane Grossman. A person acts “intentionally” with respect to a result when his conscious objective is to cause such result. *See the court’s previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt first, that the defendant acted knowingly; second, the defendant engaged in a course of conduct directed at or concerning a specific person, Jane Grossman; third, the defendant’s course of conduct caused Jane Grossman to suffer emotional distress; and that the defendant intentionally directed such conduct at Jane Grossman in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Jane Grossman.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 3
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(3)(A))

The defendant is charged in Count 3 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

A person is guilty of stalking in the second degree when such person, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including but not limited to, electronic or social media, discloses a specific person's personally identifiable information without consent of the person, knowing, that under the circumstances, such disclosure would cause a reasonable person to fear for such person's physical safety or the physical safety of a third person.

For you to find the defendant guilty of stalking in the second degree, the state must prove the following elements beyond a reasonable doubt:

1. **No legitimate purpose:** the phrase “no legitimate purpose” is understood as the absence of expression of ideas or thoughts other than true threats.
2. **Harass, terrorize or alarm:** See the court’s previous definition of Intent as well as True Threats. Because the defendant is not accused of directly threatening Jane Grossman, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Jane Grossman.

Mens Rea: see the court’s previous instruction on Mens Rea.

The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To “harass” means to disturb persistently, bother continuously, pester or torment.

3. **“Personally Identifying Information”** means:
 - a. Any information that can be used to distinguish or trace an individual's identity, such as name, prior legal name, alias, mother's maiden name, Social Security number, date or place of birth, address, telephone number or biometric data;
 - b. Any information that is linked or linkable to an individual, such as medical, financial, education, consumer or employment information, data or records; or

- c. Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation or any sexually intimate visual depiction.

4. **Electronic Communication**

To “communicate” means to express thoughts, feelings, or information by writing or speaking. And electronic communication means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or a photo optical system that affects Interstate or foreign commerce, but does not include (a) any wire or oral communication; (b) any communication made through a tone-only paging device; (c) any communication from a tracking device; or (d) electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds. Because the defendant is not accused of directly threatening the complainant, the state must prove beyond a reasonable doubt that the defendant intended both that his posts contained on his blog would be interpreted as serious threats and that the threats would be conveyed to the complainant.

5. **Caused fear:** To determine whether the defendant caused Jane Grossman to reasonably fear for her physical safety or the safety of a third person requires a two-

step process. First, the situation and the facts must be viewed from the viewpoint of Jane Grossman. Did she in fact fear for her physical safety or that of a third person? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that fear was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the fear reasonable?

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Jane Grossman, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Jane Grossman. A person acts “intentionally” with respect to a result when his conscious objective is to cause such result. *See the court’s previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt that, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic

communication, including but not limited to, electronic or social media, the defendant disclosed Jane Grossman's personally identifiable information without her consent, knowing, that under the circumstances, such disclosure would cause a reasonable person, to wit, Jane Grossman, to fear for her physical safety or the physical safety of a third person; and that the defendant intentionally directed such conduct at Jane Grossman, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Jane Grossman.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 4
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(3)(B))

The defendant is charged in Count 4 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

A person is guilty of stalking in the second degree when, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including but not limited to, electronic or social media, discloses a specific person's personally identifiable information without consent of the person, knowing, that under the circumstances, such disclosure would cause a reasonable person to suffer emotional distress.

1. **No legitimate purpose:** the phrase "no legitimate purpose" is understood as the absence of expression of ideas or thoughts other than true threats.

2. **Harass, terrorize or alarm:** See the court’s previous definition of Intent as well as True Threats. Because the defendant is not accused of directly threatening Jane Grossman, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Jane Grossman.

Mens Rea: see the court’s previous instruction on Mens Rea.

The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To “harass” means to disturb persistently, bother continuously, pester or torment.

3. **“Personally Identifying Information”** means:

- a. Any information that can be used to distinguish or trace an individual’s identity, such as name, prior legal name, alias, mother’s maiden name, Social Security number, date or place of birth, address, telephone number or biometric data;
- b. Any information that is linked or linkable to an individual, such as medical, financial, education, consumer or employment information, data or records; or

- c. Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation or any sexually intimate visual depiction.

4. **Electronic Communication**

To “communicate” means to express thoughts, feelings, or information by writing or speaking. And electronic communication means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or a photo optical system that affects Interstate or foreign commerce, but does not include (a) any wire or oral communication; (b) any communication made through a tone-only paging device; (c) any communication from a tracking device; or (d) electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds. Because the defendant is not accused of directly threatening the complainant, the state must prove beyond a reasonable doubt that the defendant intended both that his posts contained on his blog would be interpreted as serious threats and that the threats would be conveyed to the complainant.

5. **Caused emotional distress:** To determine whether the defendant caused Jane Grossman to reasonably suffer emotional distress requires a two-step process. First,

the situation and the facts must be viewed from the viewpoint of Jane Grossman. Did she in fact suffer emotional distress? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that emotional distress was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the emotional distress reasonable?

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Jane Grossman, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Jane Grossman. A person acts “intentionally” with respect to a result when his conscious objective is to cause such result. *See the court’s previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt that, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic

communication, including but not limited to, electronic or social media, the defendant disclosed Jane Grossman's personally identifiable information without her consent, knowing, that under the circumstances, such disclosure would cause a reasonable person, to wit, Jane Grossman, to suffer emotional distress; and that the defendant intentionally directed such conduct at Jane Grossman, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Jane Grossman.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 5
ELECTRONIC STALKING (REASONABLE FEAR OF DEATH
OR SERIOUS BODILY INJURY) (C.G.S. § 53a-181f(a)(1))

The defendant is charged in Count 5 with Electronic Stalking. The statute defining this offense reads in pertinent part as follows:

A person is guilty of electronic stalking when such person, with the intent to kill, injure, harass or intimidate, uses any interactive computer service or electronic communication service, electronic communication system or electronic monitoring system to place another person under surveillance or otherwise to engage in a course of conduct that places such other person in reasonable fear of the death of or serious bodily injury to (A) such person, (B) an immediate family member of such person, or (C) an intimate partner of such person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

1. **Intent to harass/intimidate**

True Threats: See the court's previous instructions on Intent as well as True Threats. Because the defendant is not accused of directly threatening Jane Grossman, the state must prove beyond a reasonable doubt that the defendant intended both that (1) his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Jane Grossman.

Mens Rea: see the court's previous instructions on Mens Rea.

2. **Use of computer/electronic service/system**

“Interactive computer service” means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the internet.

“Electronic communication service” means any service which provides to users thereof the ability to send or receive wire or electronic communications.

“Electronic communication system” means any computer facilities or related electronic equipment for the electronic storage of electronic communications.

“Electronic monitoring system” means any electronic device or apparatus which can be used to intercept, monitor, or collect a wire, oral, or electronic communication.

3. **Course of conduct**

“Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, monitors, surveils, harasses, or communicates about or with a person. Because the defendant is not accused of directly threatening Jane Grossman, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts

contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Jane Grossman.

“Immediate family member” means a spouse, parent, brother, sister, or child of Jane Grossman, or a person for whom Jane Grossman acts as a parent, or any person living in Jane Grossman’s household and related to him by blood or marriage.

“Intimate partner” means Jane Grossman’s former spouse, a person who has a child in common with Jane Grossman regardless of whether they are or have been married, or are living or have lived together at any time, or a person who is in, or has recently been in, a dating relationship with Jane Grossman.

4. **Fear of death/serious bodily injury**

“Serious bodily injury” means “physical injury which creates a substantial risk of death or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ.” Determining whether Jane Grossman reasonably feared her or another person’s death or serious bodily injury requires a two-step process. First, the evidence must be viewed from the standpoint of Jane Grossman. Did she in fact fear her death or serious bodily injury or the death or serious bodily injury of an immediate family member or intimate partner? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether Jane

Grossman's fear was reasonable. You must answer that question from the standpoint of a reasonable person at the time in question. You must ask yourself whether under all the circumstances then present, was Jane Grossman's the fear of death or serious bodily injury to herself, an immediate family member or an intimate partner, reasonable?

Conclusion

In summary, the state must prove the following elements beyond a reasonable doubt: (1) the defendant, acting with the intent to harass or intimidate (2) used any interactive computer service, electronic communications service and or electronic communication system (3) to engage in a course of conduct that placed Jane Grossman in reasonable fear of her death or serious bodily injury or that of an immediate family member or intimate partner.

If you find that the state has proved beyond a reasonable doubt each of the elements of electronic stalking, you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 6
ELECTRONIC STALKING – SUBSTANTIAL EMOTIONAL
DISTRESS (C.G.S. § 53a-181f(a)(2))

The defendant is charged in Count 6 with Electronic Stalking. The statute defining this offense reads in pertinent part as follows:

A person is guilty of electronic stalking when such person, with the intent to kill, injure, harass or intimidate, uses any interactive computer service or electronic communication service, electronic communication system or electronic monitoring system to place another person under surveillance or otherwise to engage in a course of conduct that causes, attempts to cause or would be reasonably expected to cause substantial emotional distress to such person, an immediate family member of such person, or an intimate partner of such person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

1. **Intent to harass/intimidate**

True Threats: see the court's previous instructions on Intent as well as True Threats. Because the defendant is not accused of directly threatening Jane Grossman, the state must prove beyond a reasonable doubt (1) that the defendant intended both that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Jane Grossman.

Mens Rea: see the court's previous instructions on Mens Rea.

2. **Use of computer/electronic service/system**

“Interactive computer service” means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the internet.

“Electronic communication service” means any service which provides to users thereof the ability to send or receive wire or electronic communications.

“Electronic communication system” means any computer facilities or related electronic equipment for the electronic storage of electronic communications.

“Electronic monitoring system” means any electronic device or apparatus which can be used to intercept, monitor, or collect a wire, oral, or electronic communication.

3. **Course of conduct**

“Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, monitors, surveils, harasses, or communicates about or with a person. Because the defendant is not accused of directly threatening Jane Grossman, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts

contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Jane Grossman.

“Immediate family member” means a spouse, parent, brother, sister, or child of Jane Grossman, or a person for whom Jane Grossman acts as a parent, or any person living in Jane Grossman’s household and related to her by blood or marriage.

“Intimate partner” means Jane Grossman’s former spouse, a person who has a child in common with Jane Grossman regardless of whether they are or have been married, or are living or have lived together at any time, or a person who is in, or has recently been in, a dating relationship with Jane Grossman.

4. **Substantial emotional distress**

“Substantial” means significant or consequential.

“Emotional distress” means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling.

Conclusion

In summary, the state must prove the following elements beyond a reasonable doubt: 1) the defendant, acting with the intent to harass or intimidate, 2) used any interactive computer service, electronic communications service and/or electronic

communications system 3) to engage in a course of conduct that would reasonably be expected to cause substantial emotional distress to Jane Grossman, an immediate family member of Jane Grossman, or an intimate partner of Jane Grossman.

If you find the state has proved beyond a reasonable doubt each of the elements of electronic stalking, you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall find the defendant not guilty.

NNH-CR23-0250217-T
COUNT 1
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(1)(A))

The defendant is charged in Count 1 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

A person is guilty of stalking in the second degree when he knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to fear for such specific person's physical safety or the physical safety of a third person.

For you to find the defendant guilty of stalking in the second degree, the state must prove the following elements beyond a reasonable doubt:

1. **“Knowingly”**: The first element is that the defendant acted knowingly. A

person acts knowingly with respect to a circumstance described in a statute when he is aware that such circumstance exists. Refer to the court's previous instruction on Knowledge.

2. **Course of conduct:** The second element is that the defendant engaged in a course of conduct directed at or concerning a specific person, Elizabeth Stewart. "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including but not limited to, electronic or social media threatens, harasses, communicates about a person.

"Concerning" means relating to, regarding or about. The defendant may do any one of these acts more than once or in combination with other. The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To "threaten" means to utter what a reasonable person would consider to be a serious expression of intent to commit an unlawful act of violence. A threat can only be punishable when it is a true threat. Refer to the court's instructions on True Threats, previously given. Because the defendant is not accused of directly threatening Elizabeth Stewart, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Elizabeth Stewart.

Mens Rea: see the court's previous instructions on Mens Rea.

“Harass” means to disturb persistently, bother continuously, pester or torment.

“Communicate” means to express thoughts, feelings or information by writing or speaking.

3. **Caused fear:** The third element is that the defendant caused Elizabeth Stewart to reasonably fear for her physical safety or the physical safety of a third person. Determining whether this element is satisfied requires a two-step process. First, the situation and the facts must be viewed from the viewpoint of Elizabeth Stewart. Did she in fact fear for her physical safety or that of a third person? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that fear was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the fear reasonable?

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Elizabeth Stewart in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation,

gender identity or expression of Elizabeth Stewart. A person acts “intentionally” with respect to a result when his conscious objective is to cause such result. *See the court’s previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt first, that the defendant acted knowingly; second, the defendant engaged in a course of conduct directed at or concerning a specific person, Elizabeth Stewart; third, the defendant’s course of conduct caused Elizabeth Stewart to fear for her physical safety or the physical safety of a third person; and that the defendant intentionally directed such conduct at Elizabeth Stewart, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Elizabeth Stewart.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 2
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(1)(B))

The defendant is charged in Count 2 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

A person is guilty of stalking in the second degree when he knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to suffer emotional distress.

For you to find the defendant guilty of stalking in the second degree, the state must prove the following elements beyond a reasonable doubt:

1. **“Knowingly”**: The first element is that the defendant acted knowingly. A person acts knowingly with respect to a circumstance described in a statute when he is

aware that such circumstance exists. Refer to the court's previous instruction on Knowledge, above.

2. **Course of conduct:** The second element is that the defendant engaged in a course of conduct directed at or concerning a specific person, Elizabeth Stewart. "Course of conduct" means two or more acts, including, but not limited to, acts in which a person directly, indirectly or through a third party, by any action, method, device or means, including but not limited to, electronic or social media threatens, harasses, communicates about a person.

"Concerning" means relating to, regarding or about. The defendant may do any one of these acts more than once or in combination with other. The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To "threaten" means to utter what a reasonable person would consider to be a serious expression of intent to commit an unlawful act of violence. A threat can only be punishable when it is a true threat. Refer to the court's instructions on True Threats, previously given. Because the defendant is not accused of directly threatening Elizabeth Stewart, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Elizabeth Stewart.

Mens Rea: see the court's previous instructions on Mens Rea.

To “harass” means to disturb persistently, bother continuously, pester or torment.

“Communicate” means to express thoughts, feelings or information by writing or speaking.

3. **Caused emotional distress:** The third element is that the defendant caused Elizabeth Stewart to reasonably suffer emotional distress. Determining whether this element is satisfied requires a two-step process. First, the situation and the facts must be viewed from the viewpoint of Elizabeth Stewart. Did she in fact suffer emotional distress? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that emotional distress was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the emotional distress reasonable? “Emotional distress” means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling.

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Elizabeth Stewart in whole or in part, because of

the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Elizabeth Stewart. A person acts “intentionally” with respect to a result when his conscious objective is to cause such result. *See the court’s previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt first, that the defendant acted knowingly; second, the defendant engaged in a course of conduct directed at or concerning a specific person, Elizabeth Stewart; third, the defendant’s course of conduct caused Elizabeth Stewart to suffer emotional distress; and that the defendant intentionally directed such conduct at Elizabeth Stewart in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Elizabeth Stewart

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 3
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(3)(A))

The defendant is charged in Count 3 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 – Committed stalking in the second degree

A person is guilty of stalking in the second degree when such person, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including but not limited to, electronic or social media, discloses a specific person's personally identifiable information without consent of the person, knowing, that under the circumstances, such disclosure would cause a reasonable person to fear for such person's physical safety or the physical safety of a third person.

For you to find the defendant guilty of stalking in the second degree, the state must prove the following elements beyond a reasonable doubt:

1. **No legitimate purpose:** the phrase “no legitimate purpose” is understood as the absence of expression of ideas or thoughts other than true threats.
2. **Harass, terrorize or alarm:** See the court’s previous definition of Intent as well as True Threats. Because the defendant is not accused of directly threatening Elizabeth Stewart, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Elizabeth Stewart.

Mens Rea: see the court’s previous instruction on Mens Rea.

The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To “harass” means to disturb persistently, bother continuously, pester or torment.

3. **“Personally Identifying Information”** means:
 - a. Any information that can be used to distinguish or trace an individual’s identity, such as name, prior legal name, alias, mother’s maiden name, Social Security number, date or place of birth, address, telephone number or biometric data;
 - b. Any information that is linked or linkable to an individual, such as medical, financial, education, consumer or employment information, data or records; or

- c. Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation or any sexually intimate visual depiction.

4. **Electronic Communication**

To “communicate” means to express thoughts, feelings, or information by writing or speaking. And electronic communication means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or a photo optical system that affects Interstate or foreign commerce, but does not include (a) any wire or oral communication; (b) any communication made through a tone-only paging device; (c) any communication from a tracking device; or (d) electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds. Because the defendant is not accused of directly threatening the complainant, the state must prove beyond a reasonable doubt that the defendant intended both that his posts contained on his blog would be interpreted as serious threats and that the threats would be conveyed to the complainant.

5. **Caused fear:** To determine whether the defendant caused Elizabeth Stewart to reasonably fear for her physical safety or the safety of a third person requires a two-

step process. First, the situation and the facts must be viewed from the viewpoint of Elizabeth Stewart. Did she in fact fear for her physical safety or that of a third person? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether that fear was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the fear reasonable?

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Elizabeth Stewart, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Elizabeth Stewart. A person acts “intentionally” with respect to a result when his conscious objective is to cause such result. *See the court’s previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt that, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic

communication, including but not limited to, electronic or social media, the defendant disclosed Elizabeth Stewart's personally identifiable information without her consent, knowing, that under the circumstances, such disclosure would cause a reasonable person, to wit, Elizabeth Stewart, to fear for her physical safety or the physical safety of a third person; and that the defendant intentionally directed such conduct at Elizabeth Stewart, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Elizabeth Stewart.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 4
STALKING IN THE FIRST DEGREE (C.G.S. §§ 53a-181c(a)(4)
and 53a-181d(b)(3)(B))

The defendant is charged in Count 4 with Stalking in the First Degree. The statute defining this offense reads in pertinent part as follows:

a person is guilty of stalking in the first degree when he commits stalking in the second degree and he intentionally directs such conduct at the other person, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of such other person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

Element 1 - Committed stalking in the second degree

A person is guilty of stalking in the second degree when, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including but not limited to, electronic or social media, discloses a specific person's personally identifiable information without consent of the person, knowing, that under the circumstances, such disclosure would cause a reasonable person to suffer emotional distress.

1. **No legitimate purpose:** the phrase "no legitimate purpose" is understood as the absence of expression of ideas or thoughts other than true threats.
2. **Harass, terrorize or alarm:** See the court's previous definition of Intent as well

as True Threats. Because the defendant is not accused of directly threatening Elizabeth Stewart, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Elizabeth Stewart.

Mens Rea: see the court's previous instruction on Mens Rea.

The statute does not encompass conduct that is aimless, unintentional, accidental or undertaken for a lawful purpose. To "harass" means to disturb persistently, bother continuously, pester or torment.

3. **"Personally Identifying Information"** means:

- a. Any information that can be used to distinguish or trace an individual's identity, such as name, prior legal name, alias, mother's maiden name, Social Security number, date or place of birth, address, telephone number or biometric data;
- b. Any information that is linked or linkable to an individual, such as medical, financial, education, consumer or employment information, data or records; or
- c. Any other sensitive private information that is linked or linkable to a specific identifiable individual, such as gender identity, sexual orientation or any sexually intimate visual depiction.

4. **Electronic Communication**

To “communicate” means to express thoughts, feelings, or information by writing or speaking. And electronic communication means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic or a photo optical system that affects Interstate or foreign commerce, but does not include (a) any wire or oral communication; (b) any communication made through a tone-only paging device; (c) any communication from a tracking device; or (d) electronic funds transfer information stored by a financial institution in a communication system used for the electronic storage and transfer of funds. Because the defendant is not accused of directly threatening the complainant, the state must prove beyond a reasonable doubt that the defendant intended both that his posts contained on his blog would be interpreted as serious threats and that the threats would be conveyed to the complainant.

5. **Caused emotional distress:** To determine whether the defendant caused Elizabeth Stewart to reasonably suffer emotional distress requires a two-step process. First, the situation and the facts must be viewed from the viewpoint of Elizabeth Stewart. Did she in fact suffer emotional distress? If the answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must

then ask whether that emotional distress was reasonable. You must answer that question from the viewpoint of a reasonable person under the circumstances at the time. You must ask yourself whether under all the circumstances then present, was the emotional distress reasonable?

Element 2 - Additional factor

The second element of stalking in the first degree is that the defendant intentionally directed such conduct at Elizabeth Stewart, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation or gender identity or expression of Elizabeth Stewart. A person acts “intentionally” with respect to a result when his conscious objective is to cause such result. *See the court’s previous instruction on Intent.*

Conclusion

In summary, the state must prove beyond a reasonable doubt that, for no legitimate purpose and with intent to harass, terrorize or alarm, by means of electronic communication, including but not limited to, electronic or social media, the defendant disclosed Elizabeth Stewart’s personally identifiable information without her consent, knowing, that under the circumstances, such disclosure would cause a reasonable

person, to wit, Elizabeth Stewart, to suffer emotional distress; and that the defendant intentionally directed such conduct at Elizabeth Stewart, in whole or in part, because of the actual or perceived race, religion, ethnicity, disability, sex, sexual orientation, gender identity or expression of Elizabeth Stewart.

If you unanimously find that the state has proved beyond a reasonable doubt each of the elements of the crime of stalking in the first degree, then you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 5
ELECTRONIC STALKING (REASONABLE FEAR OF DEATH
OR SERIOUS BODILY INJURY) (C.G.S. §§ 53a-181f(a)(1))

The defendant is charged in Count 5 with Electronic Stalking. The statute defining this offense reads in pertinent part as follows:

A person is guilty of electronic stalking when such person, with the intent to kill, injure, harass or intimidate, uses any interactive computer service or electronic communication service, electronic communication system or electronic monitoring system to place another person under surveillance or otherwise to engage in a course of conduct that places such other person in reasonable fear of the death of or serious bodily injury to (A) such person, (B) an immediate family member of such person, or (C) an intimate partner of such person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

1. **Intent to harass/intimidate**

True Threats: See the court's previous instructions on Intent as well as True Threats. Because the defendant is not accused of directly threatening Elizabeth Stewart, the state must prove beyond a reasonable doubt that the defendant intended both that (1) his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Elizabeth Stewart.

Mens Rea: see the court's previous instructions on Mens Rea.

2. Use of computer/electronic service/system

“Interactive computer service” means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the internet.

“Electronic communication service” means any service which provides to users thereof the ability to send or receive wire or electronic communications.

“Electronic communication system” means any computer facilities or related electronic equipment for the electronic storage of electronic communications.

“Electronic monitoring system” means any electronic device or apparatus which can be used to intercept, monitor, or collect a wire, oral, or electronic communication.

3. Course of conduct

“Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, monitors, surveils, harasses, or communicates about or with a person. Because the defendant is not accused of directly threatening Elizabeth Stewart, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts

contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Elizabeth Stewart.

Mens Rea: see the court's previous instructions on Mens Rea.

"Immediate family member" means a spouse, parent, brother, sister, or child of Elizabeth Stewart, or a person for whom Elizabeth Stewart acts as a parent, or any person living in Elizabeth Stewart's household and related to him by blood or marriage.

"Intimate partner" means Elizabeth Stewart's former spouse, a person who has a child in common with Elizabeth Stewart regardless of whether they are or have been married, or are living or have lived together at any time, or a person who is in, or has recently been in, a dating relationship with Elizabeth Stewart.

4. **Fear of death/serious bodily injury**

"Serious bodily injury" means "physical injury which creates a substantial risk of death or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ." Determining whether reasonably feared her or another person's death or serious bodily injury requires a two-step process. First, the evidence must be viewed from the standpoint of Elizabeth. Did she in fact fear her death or serious bodily injury or the death or serious bodily injury of an immediate family member or intimate partner? If the

answer to that question is no, you must find the defendant not guilty. If the answer to that question is yes, you must then ask whether Elizabeth Stewart's fear was reasonable. You must answer that question from the standpoint of a reasonable person at the time in question. You must ask yourself whether under all the circumstances then present, was Elizabeth Stewart's the fear of death or serious bodily injury to herself, an immediate family member or an intimate partner, reasonable?

Conclusion

In summary, the state must prove the following elements beyond a reasonable doubt: (1) the defendant, acting with the intent to harass and intimidate (2) used any interactive computer service, electronic communications service and or electronic communication system (3) to engage in a course of conduct that placed Elizabeth Stewart in reasonable fear of her death or serious bodily injury or that of an immediate family member or intimate partner.

If you find that the state has proved beyond a reasonable doubt each of the elements of electronic stalking, you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall then find the defendant not guilty.

COUNT 6
ELECTRONIC STALKING; SUBSTANTIAL EMOTIONAL
DISTRESS (C.G.S. §§ 53a-181f(a)(2))

The defendant is charged in Count 6 with electronic stalking. The statute defining this offense reads in pertinent part as follows:

A person is guilty of electronic stalking when such person, with the intent to kill, injure, harass or intimidate, uses any interactive computer service or electronic communication service, electronic communication system or electronic monitoring system to place another person under surveillance or otherwise to engage in a course of conduct that causes, attempts to cause or would be reasonably expected to cause substantial emotional distress to such person, an immediate family member of such person, or an intimate partner of such person.

For you to find the defendant guilty of this charge, the state must prove the following elements beyond a reasonable doubt:

1. **Intent to harass/intimidate**

True Threats: See the court's previous instructions on Intent as well as True Threats. Because the defendant is not accused of directly threatening Elizabeth Stewart, the state must prove beyond a reasonable doubt (1) that the defendant intended both that his posts contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Elizabeth Stewart.

Mens Rea: see the court's previous instructions on Mens Rea.

2. **Use of computer/electronic service/system**

“Interactive computer service” means any information service, system or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the internet.

“Electronic communication service” means any service which provides to users thereof the ability to send or receive wire or electronic communications.

“Electronic communication system” means any computer facilities or related electronic equipment for the electronic storage of electronic communications.

“Electronic monitoring system” means any electronic device or apparatus which can be used to intercept, monitor, or collect a wire, oral, or electronic communication.

3. **Course of conduct**

“Course of conduct” means two or more acts, including, but not limited to, acts in which a person directly, indirectly, or through a third party, by any action, method, device or means, including, but not limited to, electronic or social media, monitors, surveils, harasses, or communicates about or with a person. Because the defendant is not accused of directly threatening Elizabeth Stewart, the state must prove beyond a reasonable doubt that the defendant intended both (1) that his posts

contained on his blog would be interpreted as serious threats and (2) that the threats would be conveyed to Elizabeth Stewart.

Mens Rea: see the court's previous instructions on Mens Rea.

"Immediate family member" means a spouse, parent, brother, sister, or child of Elizabeth Stewart, or a person for whom Elizabeth Stewart acts as a parent, or any person living in Elizabeth Stewart's household and related to her by blood or marriage.

"Intimate partner" means Elizabeth Stewart's former spouse, a person who has a child in common with Elizabeth Stewart regardless of whether they are or have been married, or are living or have lived together at any time, or a person who is in, or has recently been in, a dating relationship with Elizabeth Stewart.

4. **Substantial emotional distress**

"Substantial" means significant or consequential.

"Emotional distress" means significant mental or psychological suffering or distress that may or may not require medical or other professional treatment or counseling.

Conclusion

In summary, the state must prove the following elements beyond a reasonable

doubt: 1) the defendant, acting with the intent to harass or intimidate, 2) used any interactive computer service, electronic communications service and/or electronic communications system 3) to engage in a course of conduct that would reasonably be expected to cause substantial emotional distress to Elizabeth Stewart, an immediate family member of Elizabeth Stewart, or an intimate partner of Elizabeth Stewart.

If you find the state has proved beyond a reasonable doubt each of the elements of electronic stalking, you shall find the defendant guilty. On the other hand, if you unanimously find that the state has failed to prove beyond a reasonable doubt any of the elements, you shall find the defendant not guilty.

DUTIES UPON RETIRING

In conclusion, I impress upon you that you are duty bound as jurors to apply the law as I outlined it; to determine the facts on the basis of the evidence as it has been presented; and then to render a verdict fairly, uprightly and without any prejudice.

When you retire to the jury room, you will choose from among yourselves a foreperson. The foreperson will tally your votes and report your verdict later in the courtroom. As quickly as we can, we will deliver the evidence to you and you may then begin deliberations. As you deliberate, you will have the Information and all the exhibits with you. Do not begin to deliberate until I send the clerk with instructions that you may begin.

When you deliberate, it must be with all six of you in the jury room at the same time and you may only deliberate while you are in the jury room. If all or some of you leave the jury room for lunch or to take a break, you may not discuss the case. If one of you is not in the deliberation room ready to deliberate, you must not deliberate. It is only when you are all together in the jury room and with the exhibits that you may discuss the case. Your verdict must be unanimous on each count.

It is your individual duty to make up your own mind, and to decide this case upon the basis of your own individual judgment and conscience.

While it is true that the verdicts to which each juror agrees must be his or her own conclusion and not merely acquiescence in the conclusions of his or her fellow jurors, that does not mean that each juror should pursue his or her inclination and judgment with no regard for the arguments and the conclusions of his or her fellow jurors or that having reached a conclusion he or she should obstinately adhere to it without a conscious effort to test the validity of his or her own conclusions by listening to the views entertained by the other jurors on the jury who are equally wise and just as resolved to do their duty. In other words, when you are deliberating, listen to what each other has to say and exchange your views.

Keep in mind that the defendant justly relies upon you to carefully consider his claims, to carefully consider all of the evidence and to find him not guilty if the facts and law require such a verdict. He rightfully expects fair and just treatment at your hands.

At the same time, the State of Connecticut and its people also justly rely on you to consider its claims, to carefully consider all of the evidence, and to find the defendant guilty if the facts and law require such a verdict. The State rightfully expects fair and just treatment from you.

You will remember that you were sworn to act fearlessly and faithfully. Do not allow sympathy for anyone to affect your verdict. Leave sympathy and

sentiment, prejudice and bias behind you when you enter the jury room for your deliberations. Guard against these factors as you would guard against any other improper consideration which may divert you from a careful, dispassionate investigation of the evidence before you. Let your verdicts, whatever they may be, reflect your sound and honest judgment unwarped by any consideration which your oath as jurors will not justify and approve.

[If applicable] A word about your notes. They are not, of course, evidence. You may refer to them and share the contents with your fellow jurors during your deliberations. But you do not have to do so. Furthermore, another juror's notes are not a substitute for your own recollection of the evidence. And the fact that a juror may have taken notes does not mean that the juror's memory of the evidence is any more accurate than the memory of a juror who has not taken notes, or that the juror is more conscientious than jurors who chose not to take notes. Notes, in other words, are an aid but they are not sacrosanct.

You have the right to request testimony to be played back for you or request a clarification of these instructions. If you want this done, I recommend that you be very precise in what it is that you are actually interested in hearing. If your request is phrased broadly - simply the testimony of a witness, for example - you will find yourselves sitting in the jury box for an extended period of time listening to a

considerable amount of playback because I will give you the direct examination, cross-examination, redirect and re-cross of the witness in such a case. If that is what you want, your request will be honored. However, if that is not what you want, if you simply want a specific portion of testimony on a specific point, please so indicate so that we will be able to comply precisely with your request.

Any questions and any requests for playback of testimony should be in writing signed by the foreperson and delivered to the marshal, who will be sitting right outside your door. All communications with the Court must be in writing, signed and dated by the foreperson.

When you have arrived at a verdict, prepare a note to that effect and knock upon the door to call attention to the marshal. Do not tell the marshal what the verdict is, or write the verdict in a note. The note should simply indicate “we have reached a verdict.” The Court will be reconvened to receive your verdict. When you return to the courtroom, the roll will be called. The foreperson will be asked to identify himself/herself by name, and will be asked if the jury has arrived at a verdict. That response will be given orally. The oral response will be, “yes, we have.” Then, the clerk will read the Information.

The clerk will ask for a response from the foreperson. The clerk’s question will be, as to Count One, “how do you find the defendant, guilty or not guilty” and

the response will be oral, “we find the defendant guilty” or “we find the defendant not guilty.” Following Count One, this will be the procedure for all the counts.

Well, ladies and gentlemen, I have now completed my instructions on the law having application to this case, and I will have some concluding remarks in just a moment. But at this point, I’m, going to excuse you while I go over my instructions with the attorneys here on the record. The attorneys may have some suggestions regarding modifications in the instructions. If that is the case, you would be brought back in and you would be given a brief supplemental instruction. So, I’m going to ask that while I’m discussing this with the attorneys, that you please remain in the jury deliberation room and we’ll be getting back to you very shortly. Again, even at this point, there should be no discussion whatsoever regarding the case, the charges, or any aspect of the case, or the testimony. So, I’ll excuse you for just a moment.

[STOP/EXCUSE FOR EXCEPTIONS/BRING BACK IN]

That concludes my formal instructions. I do have to give you some concluding remarks.

The marshal will be sitting outside the door. The marshal will be there to meet your needs, whatever you may think you may want additionally, non-court related.

If, during the course of your deliberations, your recollection of any part of the testimony fails, and if what you want is some replaying of testimony, you do have to put it on a piece of paper and indicate what you want. Such as, direct examination of a witness, or cross-examination of a witness, or a specific area of a witness's testimony. Or, if it happens to be that you want a clarification of my instructions, you may also ask that. If it's clarification, then I'll have to read your note as to what you want clarified, so that I can aid you, or attempt to aid in clarifying it. However, you will have a copy of these instructions with you in the deliberation room.

- You will have with you all the evidence that are full exhibits.

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device, such as a cell phone, smart phone, tablet or computer; the internet, any internet service, or any text or instant messaging service, or any internet chat room, blog or social website such Facebook, Snap Chat, Instagram, You Tube X (formerly known as Twitter) to communicate to anyone any information about this case, or to conduct any research about this case.

I think that completes my instructions, except for the fact that in a short amount of time you will be presented with the evidence that's been introduced during the case as full exhibits. You will be provided with the Information. And you will,

likewise, be provided with paper and pencils, so that you can take notes. I will have the clerk provide you with a large envelope for your notes. You will also be provided with latex gloves, should you desire to use them when viewing the evidence.

And with that, I indicate that this does conclude my instructions, as well, with this exception. I would ask that your first duty be to choose a foreperson. Do not begin your deliberations, until you have selected a foreperson and you have received the Information and exhibits, and you are told by the clerk to begin.

Will each of the alternate jurors please remain in the jury box. The regular jurors may retire to the jury deliberation room.

EXCUSE ALTERNATES

Thank you for your attendance. You have served an extremely important function. I am going to ask you to continue to adhere to the instructions I have previously given you. Although it's unusual, there is a procedure by which you can be brought back to deliberate in this case in the event a regular juror cannot continue with deliberations for some reason. So, for that reason, it's important that you adhere to my prior instructions and not discuss this case with anyone or allow anyone to talk to you. Do not discuss the case, or communicate about the case at all, and keep an open mind. Do not speculate on the deliberations. Please continue to avoid any and all media coverage, which includes social media.

You are now excused from the courtroom. Just return upstairs to the jury assembly room, make sure the clerk has your phone numbers. Once that is done, you are free to leave. Please give the courtroom clerk your notebooks, they will be returned to you if you so desire at the conclusion of the case.