

Eugene G. Iredale: SBN 75292
IREDALE & YOO, APC
105 West F Street, Fourth Floor
San Diego, CA 92101-6036
Telephone: (619) 233-1525
Fax: (619) 233-3221
Email: egiredale@iredalelaw.com

**Attorney for Defendant
WAIEL YOUSIF ANTON**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(Hon. Gonzalo P. Curiel)**

UNITED STATES OF
AMERICA,

Plaintiff,

v.

WAIEL YOUSIF ANTON (5),

Defendant.

CASE NO. 3:19-cr-04768-GPC

Date: January 7, 2022
Time: 2:30 pm

Honorable Gonzalo P. Curiel

**DEFENDANT WAIEL ANTON'S
CONCURRENCE WITH AND
OBJECTIONS TO
GOVERNMENT'S PROPOSED
INSTRUCTIONS, AND
SUBMISSION OF ADDITIONAL
PROPOSED INSTRUCTIONS**

1
2 Defendant Waiel (“Will”) Anton through his counsel, and pursuant to the
3 provision of Rule 30, F.R. Crim. Pro. submits the following concurrence with the
4 government’s proposed instructions, objections to government’s proposed
5 instructions, and defendant Anton’s proposed instructions.

6 **I.**

7 **Concurrence with Government’s Proposed Instructions**

8 Defendant Anton concurs with the prosecution request for the following
9 Ninth Circuit Pattern Instructions (Criminal): 1.1, 1.2, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8,
10 1.9, 1.10, 1.11, 1.13, 1.14, 2.1, 2.3, 2.5, 2.12, 2.14, 2.15, 3.1, 3.3, 3.9, 3.14, 3.16,
11 3.17, and 4.8.

12 **II.**

13 **Objections to Government’s Proposed Instructions**

14 Defendant Anton objects to the following proposed government
15 instructions:

16 **A. Proposed Instruction 3.10**

17 The use note states this instruction should be given when the entrapment
18 defense is being asserted. No such defense is being asserted in this case. Further
19 the language regarding “criminal activities” and “assuming roles in criminal
20 organizations” is unnecessarily prejudicial.
21

22 **B. “Obstruction of Justice” Instruction**

23 This instruction fails to define attempt, fails to state the offense as
24 “attempted obstruction,” includes irrelevant and confusing language, improperly
25 defines “corruptly” and violates the requirement of jury unanimity.
26
27
28

C. “Abandonment Not a Defense” Instruction

This instruction misstates the law regarding abandonment.

III.

Defendant’s Specific Requests for Instructions

Defendant requests that the Court give pattern instructions 1.16 (bench conferences and recesses); 2.4 (judicial notice); 3.19 (lost or destroyed evidence); 4.1 (aiding and abetting); 5.12 (mere presence) and the following final instructions: 6.1, 6.2, 6.3 or 6.4 as applicable, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.13, 6.19, 6.20, 6.21, and 6.24. Defendant Anton reserves the right to request additional proposed instructions in light of the evidence and developments at trial.

Defendant Anton will submit his proposed instructions on attempt and on abandonment after as a defense to attempt and in light of the Court’s *in limine* ruling on abandonment.

Respectfully submitted,

DATED: February 23, 2022

IREDALE AND YOO, APC

/s/ Eugene G. Iredale

EUGENE G. IREDALE

Attorney for Defendant

WAIEL YOUSIF ANTON