

PROSECUTING COMPUTER CRIMES

Computer Crime and
Intellectual Property Section
Criminal Division

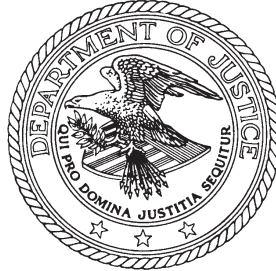
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18 U.S.C. § 2511(1)(a)
Intercepting a Communication

Model charging language

On or about [DATE], in the [DISTRICT], [DEFENDANT] did intentionally intercept [and endeavor to intercept] [and procure another person to intercept] with an electronic and mechanical device the contents of a [wire / oral / electronic] communication, [namely, ____], contemporaneously with transmission;

all in violation of 18 U.S.C. §§ 2511(1)(a), 2511(4)(a).

Model jury instruction

To prove that the defendant intentionally intercepted electronic communications in Count __, the United States must prove that the defendant did each of the following:

First, that the defendant intercepted, attempted to intercept, or procured another person to intercept the contents of one or more communications;

Second, that the defendant did so intentionally;

Third, that the interception was done using any electronic, mechanical, or other device; and

Fourth, that the communication or communications were [wire / oral / electronic] communications.

18 U.S.C. § 2511(1)(c)

Disclosing an Intercepted Communication

Model charging language

On or about [DATE], in the [DISTRICT], [DEFENDANT] did intentionally disclose [and endeavor to disclose] to another person the contents of a [wire / oral / electronic] communication, [namely, _____], knowing [and having reason to know] that the information was obtained through the interception of a [wire / oral / electronic] communication in violation of Section 2511(1), Title 18, United States Code;

all in violation of 18 U.S.C. §§ 2511(1)(c), 2511(4)(a).

Model jury instruction

To prove that the defendant intentionally disclosed electronic communications as charged in Count __, the United States must prove that the defendant did each of the following:

First, that the defendant disclosed a [wire / oral / electronic] communication;

Second, that the defendant did so intentionally;

Third, that the defendant knew or had reason to know that the communication was obtained through an interception of an electronic communication in violation of Section 2511(1), Title 18, United States Code.

18 U.S.C. § 2511(1)(d)
Using an Intercepted Communication

Model charging language

On or about [DATE], in the [DISTRICT], [DEFENDANT] did intentionally use [and endeavor to use] the contents of a [wire / oral / electronic] communication, [namely, _____], knowing [and having reason to know] that the information was obtained through the interception of a [wire / oral / electronic] communication in violation of Section 2511(1), Title 18, United States Code;

all in violation of 18 U.S.C. §§ 2511(1)(d), 2511(4)(a).

Model jury instruction

To prove that the defendant intentionally used electronic communications as charged in Count __, the United States must prove that the defendant did each of the following:

First, that the defendant used a [wire / oral / electronic] communication;

Second, that the defendant did so intentionally;

Third, that the defendant knew or had reason to know that the communication was obtained through an interception of an electronic communication in violation of Section 2511(1), Title 18, United States Code.