**12.14 Controlled Substance—Possession of Listed Chemical**

**with Intent to Manufacture (21 U.S.C. § 841(c)(1))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with possession of a listed chemical with intent to manufacture [*specify controlled substance*] in violation of Section 841(c)(1) of Title 21 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed [*specify listed chemical*]; and

Second, the defendant possessed it with the intent to manufacture [*specify controlled substance*].

It does not matter whether the defendant knew that [*specify listed chemical*] was a listed chemical. It is sufficient that the defendant knew that it was to be used to manufacture [*specify controlled substance*] or some other prohibited drug.

**Comment**

The term “knowingly” in the first element refers only to “possessed” and not to “listed chemical.” *United States v. Estrada*,453 F.3d 1208, 1212 (9th Cir. 2006); *see also* *United States v. Ching Tang Lo*,447 F.3d 1212, 1231 (9th Cir. 2006) (same).