**20.11 Sexual Abuse of Minor**

**(18 U.S.C. § 2243(a))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with sexual abuse of a minor in violation of Section 2243(a) of Title 18 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 engaged in a sexual act with [*name of victim*];

Second, [*name of victim*] had reached the age of twelve years but had not yet reached the age of sixteen years;

Third, [*name of victim*] was at least four years younger than the defendant; and

Fourth, the offense was committed at [*specify place of federal jurisdiction*].

The government need not prove that the defendant knew the age of [*name of victim*] or that the defendant knew that [*name of victim*] was at least four years younger than the defendant.

In this case, “sexual act” means [*specify statutory definition*].

**Comment**

*See* Comment to Instruction 20.1 (Aggravated Sexual Abuse (18 U.S.C. § 2241(a))).

*See* 18 U.S.C. § 2243(d), as to the penultimate paragraph of this instruction. *See* 18 U.S.C. § 2246(2) for the definition of sexual act referred to in the last paragraph of this instruction.

Sexual abuse of a minor is not a lesser included offense of aggravated sexual assault. *United States v. Rivera*, 43 F.3d 1291, 1297 (9th Cir. 1995).