

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 2:23-CR-7

v.

HON. ROBERT J. JONKER

NATHAN WEEDEN.

Defendant.

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**CRIM 1.01**

**Introduction**

(1) Members of the jury, I will now instruct you about the law that you must follow in deciding this case.

(2) I will start by explaining your duties and the general rules that apply in every criminal case.

(3) Then I will explain the elements, or parts, of the crimes that the defendant is accused of committing.

(4) Then I will explain some rules that you must use in evaluating particular testimony and evidence.

(5) And last, I will explain the rules that you must follow during your deliberations in the jury room, and the possible verdicts that you may return.

(6) Please listen very carefully to these instructions. I will also give you a written copy of these instructions when you retire to your jury room to deliberate. And I will be projecting a copy of these instructions on the courtroom screen for those of you who would like to follow along as I read.

**CRIM 1.02**

**Jurors' Duties**

(1) You have two main duties as jurors. The first one is to decide what the facts are from the evidence that you saw and heard here in Court. Deciding what the facts are is your job, not mine, and nothing that I have said or done during this trial was meant to influence your decision about the facts in any way.

(2) Your second duty is to take the law that I give you, apply it to the facts, and decide if the government has proven its case beyond a reasonable doubt. It is my job to instruct you about the law, and you are bound by the oath that you took at the beginning of the trial to follow the instructions that I give you, even if you personally disagree with them. This includes the instructions that I gave you before and during the trial. All the instructions are important, and you should consider them together as a whole.

(3) The lawyers may talk about the law during their arguments. But if what they say is different from what I indicate in these instructions, you must follow what I say.

(4) You must perform these duties fairly, not letting any bias, sympathy, or prejudice that you may feel toward one side or the other influence your decision.

### CRIM 1.03

#### **Presumption of Innocence, Burden of Proof, and Reasonable Doubt**

(1) The defendant has pleaded not guilty to the crimes charged in the Indictment. The Indictment is not any evidence at all of guilt. It is just the formal document that the government files with this Court telling the defendant what crimes he is accused of committing. It does not even raise any suspicion of guilt.

(2) The defendant starts the trial with no evidence at all against him, and the law presumes that he is innocent. This presumption of innocence stays with him unless the government presents evidence before you in Court that overcomes that presumption and convinces you beyond a reasonable doubt that he is guilty.

(3) This means that the defendant has no obligation to present any evidence at all, or to prove to you in any way that he is innocent. It is the government's responsibility to prove that he is guilty, and this burden stays on the government from start to finish. Unless the government convinces you beyond a reasonable doubt that the defendant is guilty, you must find the defendant not guilty.

(4) The government must prove every element of the crimes charged beyond a reasonable doubt. Proof beyond a reasonable doubt does not mean proof beyond all possible doubt. Possible doubts or doubts based purely on speculation are not reasonable doubts. A reasonable doubt is what its name implies—a doubt based on reason and common sense. It may arise from the evidence, the lack of evidence, or the nature of the evidence.

(5) Proof beyond a reasonable doubt means proof which is so convincing that you would not hesitate to rely and act on it in making the most important decisions in your own lives. If you are convinced that the government has proved the defendant guilty beyond a reasonable doubt, say so by returning a guilty verdict. If you are not convinced, say so by returning a not guilty verdict.

**CRIM 1.04**

**Evidence Defined**

(1) You must make your decision based only on the evidence that you saw and heard here in Court. Do not let rumors, suspicions, or anything else that you may have seen or heard outside of Court influence your decision in any way.

(2) The evidence in this case includes only what the witnesses said while they were testifying under oath; the exhibits that were admitted into evidence; and any stipulations that the lawyers agreed to.

(3) Nothing else is evidence. The lawyers' statements and arguments are not evidence. Their questions and objections are not evidence. My legal rulings are not evidence.

(4) So during the trial, if I sustained an objection and did not let you hear the answers to some of the questions that the lawyers asked; or if I ruled that you could not see some of the exhibits offered by the lawyers; or if I struck something from the record and ordered you to disregard it; you must completely ignore all of these things in your deliberations. Do not speculate about what a witness might have said or what an exhibit you did not see might have shown. Rely only on the actual evidence admitted in the case.

## **CRIM 1.05**

### **Consideration of Evidence**

(1) You should use your common sense in weighing the evidence. Consider the evidence in light of your everyday experience with people and events and give it whatever weight you believe it deserves. If your experience tells you that certain evidence reasonably leads to a conclusion, you are free to reach that conclusion.

(2) In our lives, we often look at one fact and conclude from it that another fact exists. In law we call this an “inference.” A jury is allowed to make reasonable inferences, unless otherwise instructed. Any inferences you make must be reasonable and must be based on the evidence in the case.

(3) The existence of an inference does not change or shift the burden of proof from the government to the defendant.



## CRIM 1.06

### **Direct and Circumstantial Evidence**

(1) Now, some of you may have heard the terms “direct evidence” and “circumstantial evidence.”

(2) Direct evidence is simply evidence like the testimony of an eyewitness which, if you believe it, directly proves a fact. If a witness testified that she saw it raining outside, and you believed her, that would be direct evidence that it was raining.

(3) Circumstantial evidence is simply a chain of circumstances that indirectly proves a fact. If someone walked into the Courtroom wearing a raincoat covered with drops of water and carrying a wet umbrella, that would be circumstantial evidence from which you could conclude that it was raining.

(4) It is your job to decide how much weight to give the direct and circumstantial evidence in this case. The law makes no distinction between the weight that you should give to either one or say that one is any better evidence than the other. You should consider all the evidence, both direct and circumstantial, and give it whatever weight you believe it deserves.

**CRIM 1.07**

**Credibility of Witnesses**

(1) Another part of your responsibility as jurors is to decide how believable each witness was. It is for you alone to decide if a witness's testimony was believable, and how much weight you think it deserves. You are free to believe everything that a witness said, or only part of it, or none of it at all. But you should act reasonably and carefully in making these decisions.

(2) Let me suggest some things for you to consider in evaluating each witness's testimony:

(A) Ask yourself if the witness was able to clearly see or hear the events. Sometimes even an honest witness may not have been able to see or hear what was happening and may make a mistake.

(B) Ask yourself how good the witness's memory seemed to be. Did the witness seem able to accurately remember what happened?

(C) Ask yourself if there was anything else that may have interfered with the witness's ability to perceive or remember the events.

(D) Ask yourself how the witness acted while testifying. Did the witness appear honest? Or did the witness appear to be lying?

(E) Ask yourself if the witness had any relationship to the government or the defendant, or anything to gain or lose from the case, that might influence the witness's testimony. Ask yourself if the witness had any bias, or prejudice, or

reason for testifying that might cause the witness to lie or to slant the testimony in favor of one side or the other.

(F) Ask yourself if the witness testified inconsistently while on the witness stand, or if the witness said or did something (or failed to say or do something) at any other time that is inconsistent with what the witness said while testifying. If you believe that the witness was inconsistent, ask yourself if this makes the witness's testimony less believable. Sometimes it may; other times it may not. Consider whether the inconsistency was about something important, or about some unimportant detail. Ask yourself if it seemed like an innocent mistake, or if it seemed deliberate.

(G) And ask yourself how believable the witness's testimony was in light of all the other evidence. Was the witness's testimony supported or contradicted by other evidence that you found believable? If you believe that a witness's testimony was contradicted by other evidence, remember that people sometimes forget things, and that even two honest people who witness the same event may not describe it exactly the same way.

(3) These are only some of the ideas that you may consider in deciding how believable each witness was. You may also consider other things that you think shed some light on the witness's believability. Use your common sense and your everyday experience in dealing with other people. And then decide what testimony you believe, and how much weight you think it deserves.

**CRIM 1.08**

**Number of Witnesses**

(1) One more thing about witnesses. You are not to make any decisions based only on the number of witnesses who testified for a particular side. What is more important is how believable the witnesses were, and how much weight you think their testimony deserves.

**CRIM 1.09**

**Lawyers' Objections**

(1) The lawyers for both sides objected to some of the things that were said or done during the trial. They have a duty to object whenever they think that something is not permitted by the rules of evidence. Therefore, you should not concern yourselves with these objections.

(2) Please do not interpret my rulings on the lawyers' objections as any indication of how I think the case should be decided. My rulings were based on the rules of evidence, not on any opinion about the case. Remember that your decision must be based only on the evidence that you saw and heard here in Court.

(3) Both the objections of the lawyers and my rulings on them are designed to ensure that the parties receive a fair trial under the law. They should not influence your decision.

**CRIM 2.01**

**Introduction**

(1) That concludes the part of my instructions explaining your duties and the general rules that apply in every criminal case. In a moment, I will explain the elements of the crimes that the defendant is accused of committing. The defendant is only on trial here only for the particular crimes charged in the Indictment.

(2) Also keep in mind that whether anyone else should be prosecuted and convicted for these crimes is not a proper matter for you to consider. The possible guilt of others is no defense to a criminal charge. Your job is to decide if the government has proved this defendant guilty. Do not let the possible guilt of others influence your decision in any way.

**CRIM 2.01A**

**Single Defendant Charged with Multiple Crimes**

(1) The defendant has been charged with two crimes. The number of charges is no evidence of guilt, and this should not influence your decision in any way. It is your duty to separately consider the evidence that relates to each charge, and to return a separate verdict for each one. For each charge, you must decide whether the government has presented proof beyond a reasonable doubt that the defendant is guilty of that particular charge.

(2) Your decision on one charge—whether it is guilty or not guilty—should not influence your decision on the other charge.

**CRIM 2.04**

**On or About**

(1) Next, I want to say a word about the dates mentioned in the Indictment.

(2) The Indictment charges that crimes charged occurred “on or about” various dates. The government does not have to prove that the crimes happened on those exact dates. But the government must prove that the crimes happened reasonably close to those dates.



**CRIM 2.08**

**Inferring Required Mental States**

(1) Next, I want to explain something about proving a defendant's state of mind.

(2) Ordinarily, there is no way that a defendant's state of mind can be proved directly, because no one can read another person's mind and tell what that person is thinking.

(3) But a defendant's state of mind can be proved indirectly from the surrounding circumstances. This includes things like what the defendant said, what the defendant did, how the defendant acted, and any other facts or circumstances in evidence that show what was in the defendant's mind.

(4) You may also consider the natural and probable results of any acts that the defendant knowingly did, and whether it is reasonable to conclude that the defendant intended those results. This, of course, is all for you to decide.

**CRIM 2.02**

**Count 1 – Conspiracy Against Rights (18 U.S.C. § 241)**

(1) Count 1 of the Indictment charges the defendant, Nathan Weeden, with conspiracy to deprive one or more persons of a right or privilege secured to them by the laws of the United States. One of the rights or privileges secured by the laws of the United States is the right of all citizens—including Jewish citizens—to hold and use real and personal property free from discrimination.

(2) Here, the Indictment charges the defendant with conspiracy to injure, oppress, threaten, and intimidate Jewish citizens—including members and guests of the Temple Jacob Synagogue—in their right to hold and use real and personal property free from discrimination.

(3) A conspiracy is a kind of criminal partnership. It is a crime for two or more persons to conspire, or agree, to commit a criminal act, even if they never achieve their goal.

(4) For you to find the defendant guilty of the conspiracy charge, the government must prove each and every one of the following three elements beyond a reasonable doubt:

(A) FIRST, that two or more persons conspired or agreed to injure, oppress, threaten, or intimidate Jewish citizens' right to hold and use real and personal property free from discrimination.

(B) SECOND, that the defendant knowingly and voluntarily joined the conspiracy.

(C) THIRD, that in doing so, the defendant specifically intended to hinder, prevent, or interfere with Jewish citizens' right to hold and use real and personal property free from discrimination.

(3) Now I will give you more detailed instructions on each of these elements.

(A) For the first element (a criminal conspiracy), the government must prove that two or more persons agreed to cooperate with each other to injure, oppress, threaten, or intimidate Jewish citizens in their right to hold and use real and personal property free from discrimination.

(i) This element does not require proof of a formal written or spoken agreement. Nor does this element require proof that everyone involved agreed on all the details. Instead, the government must prove that there was a mutual understanding—either spoken or unspoken—between two or more people, to cooperate with each other to injure, oppress, threaten or intimidate Jewish citizens to interfere with their property rights. This is essential.

(ii) In deciding whether the government has met its burden, give the words “injure,” “oppress,” “threaten,” and “intimidate” their ordinary (i.e., everyday) meaning. Actual physical force is not required.

(iii) The existence of a criminal agreement can be proved indirectly—such as by facts and circumstances which lead to a conclusion that an agreement existed. But it is up to the government to convince you that such facts and circumstances existed in this particular case. Proof that

people simply met together from time to time and talked about common interests, or engaged in similar conduct, is not enough to establish a criminal agreement. While you may consider these types of facts and circumstances in deciding whether the government has proved an agreement, they are not enough—standing alone—to prove the existence of a criminal agreement.

(B) For the second element (the defendant's connection to the conspiracy), the government must prove that the defendant knowingly and voluntarily joined that conspiracy.

(i) This means that the government must prove that the defendant knew the main purpose of the conspiracy and voluntarily joined the conspiracy to help advance or achieve its goal.

(ii) This element can be met even if the defendant or his co-conspirators had other motivations. What is essential is that one of the purposes of the conspiracy was to injure, oppress, threaten, or intimidate Jewish citizens to interfere with their right to hold and use property free from discrimination, and the defendant knew that.

(iii) The government can prove the defendant's knowledge of the conspiracy indirectly—such as by facts and circumstances which lead to a conclusion that the defendant knew the conspiracy's main purpose. But it is up to the government to convince you that such facts and circumstances existed in this particular case.

(iv) To prove the defendant joined the conspiracy, the government does not have to prove that the defendant knew everything about the conspiracy, or everyone else involved, or that he was a member of it from the very beginning. Nor does the government have to prove that the defendant played a major role in the conspiracy, or that his connection to it was substantial. A slight role or connection may be enough to prove that the defendant joined the conspiracy.

(v) But proof that the defendant simply knew about a conspiracy, or was present at times, or associated with members of the group, is not enough, even if he approved of what was happening or did not object to it. Similarly, just because the defendant may have done something that happened to help a conspiracy, this does not necessarily make him a conspirator. While these are all things you may consider in deciding whether the government has proved that the defendant joined the conspiracy, they are insufficient—standing alone—to prove that the defendant joined the conspiracy.

(C) For the third element (the defendant's specific intent), the government must prove that the defendant specifically intended to interfere with Jewish citizens' right to hold and use property free from discrimination.

(i) It is not necessary for you to find that the defendant knew the specific federal law that his conduct violated. This means that you may find that the defendant acted with specific intent even if he had no real familiarity with the particular legal right involved.

(ii) What is essential is that the government prove to you that the defendant personally entered the agreement with the purpose of injuring, oppressing, threatening, or intimidating Jewish citizens in their right to hold and use real and personal property free from discrimination. In other words, the government must persuade you that the defendant personally shared the main purpose of the conspiracy and joined the conspiracy because of that.

(iii) It is not essential for the government to prove that this was the defendant's sole purpose in joining the conspiracy, but the government must convince you beyond a reasonable doubt that it was one of the defendant's personal purposes.

(4) If you are convinced that the government has proved all three of these elements beyond a reasonable doubt, return a guilty verdict on this charge. If you have a reasonable doubt about any one of these elements, then you must find the defendant not guilty of this charge.

**CRIM 3.04**

**Overt Acts**

(1) If you find the Defendant “guilty” on Count 1, the Verdict Form will ask you whether the government has proved beyond a reasonable doubt that any member of the conspiracy did one of the “overt” (i.e., specific) acts described in the Indictment in order to advance or help the conspiracy.

(2) The Indictment lists several specific acts that the government says were performed by a member of the conspiracy. The government does not have to prove that all these acts were committed, or that any of these acts were themselves illegal.

(3) But for you to answer “yes” to this question on the Verdict Form, you must find beyond a reasonable doubt that the government proved that at least one of these acts was committed by a member of the conspiracy in order to advance or help the conspiracy. This is essential.

**CRIM 2.02**

**Count 2 – Damage to Religious Property (18 U.S.C. § 247(c))**

(1) Count 2 of the Indictment charges the defendant, Nathan Weeden, with causing damage to religious property. For you to find the defendant guilty of this offense, you must find that the government has proved each and every one of the following two elements beyond a reasonable doubt:

(A) FIRST, that the defendant intentionally defaced, damaged, or destroyed religious real property, here, the Temple Jacob synagogue.

(B) SECOND, that the defendant did so because of the race, color, or ethnic characteristics of any individual associated with that religious property.

(2) Now, I will give you more detailed instructions on each of these elements.

(A) The first element requires the government to prove that the defendant intentionally defaced, damaged, or destroyed religious real property.

(i) An intentional act is one that a person desires to take—that is, the specific action was done on purpose, rather than by mistake or accident.

(ii) Give the terms, “deface,” “damage,” and “destroy” their ordinary (i.e., everyday) meanings.

(iii) The term “religious real property” includes churches, synagogues, mosques, and religious cemeteries. The parties agree that the Temple Jacob synagogue is religious real property.

(B) The second element requires the government to prove beyond a reasonable doubt that the defendant targeted the religious property “because of”



the race, color, or ethnic characteristics of any individual associated with Temple Jacob—such as being Jewish.

(i) This means that you must find that the defacement, damage, or destruction would not have taken place absent the race, color, or ethnicity of anyone associated with Temple Jacob. This is sometimes called a “but for” cause.

(ii) The language “because of” does not require proof that the race, color, or ethnicity of anyone associated with Temple Jacob was the sole cause of the defendant’s actions. Therefore, a defendant cannot avoid culpability by citing some other factor that contributed to his actions. But for the “because of” element to be met, it is essential that you find that the race, color, or ethnicity of any person associated with Temple Jacob was the “but for” reason for the defendant’s decision to target Temple Jacob.

(3) If you are convinced that the government has proved all of these elements, return a guilty verdict on this charge. If you have a reasonable doubt about any one of these elements, then you must find the defendant not guilty of this charge.

**CRIM 3.06**

**Unindicted, Unnamed, or Separately Tried Co-Conspirators**

(1) Now, some of the people who may have been involved in these events are not on trial. This does not matter. There is no requirement that all members of a conspiracy be charged and prosecuted, or tried together in one proceeding.

(2) Nor is there any requirement that the names of the other conspirators be known. An Indictment can charge a defendant with a conspiracy involving people whose names are not known, as long as the government can prove that the defendant conspired with one or more of them. Whether they are named or not does not matter.

**CRIM 7.1**

**Introduction**

(1) That concludes the part of my instructions explaining the elements of the crimes charged. Next, I will explain some rules that you must use in considering some of the testimony and evidence.

**CRIM 7.02A**

**Defendant's Election Not to Testify or Present Evidence [PROVISIONAL]**

(1) The defendant has an absolute right not to testify [or present evidence]. The fact that he did not testify [or present any evidence] cannot be considered by you in any way. Do not even discuss it in your deliberations.

(2) Remember that it is up to the government to prove the defendant guilty beyond a reasonable doubt. It is not up to the defendant to prove that he is innocent.

**CRIM 7.02B**

**Defendant's Testimony [PROVISIONAL]**

(1) You have heard the defendant testify. Earlier, I talked to you about the "credibility" or the "believability" of the witnesses. And I suggested some things for you to consider in evaluating each witness' testimony.

(2) You should consider those same things in evaluating the defendant's testimony.

**CRIM 7.04**

**Impeachment by Prior Inconsistent Statement Not Under Oath [PROVISIONAL]**

(1) You have heard the testimony of one or more witnesses who may have made statements before this trial that differ from their testimony here in Court.

(2) Any such earlier statements were brought to your attention only to help you decide how believable the witness's testimony was. If you believe a witness has been discredited—or in the language of the law, “impeached”—with a prior inconsistent statement, you may use those prior statements *only* to help you decide whether you believe the witness' trial testimony here in Court. You cannot use these prior statements as independent evidence of the truth of what happened (or did not happen) in the events at issue in the case or for anything else.

**CRIM 7.05B**

**Impeachment of a Witness by Prior Conviction**

(1) You have heard the testimony of one or more witnesses who were convicted of crimes before this trial.

(2) The earlier convictions were brought to your attention only as one way of helping you decide how believable the testimony was. Do not use the evidence for any other purpose. They are not evidence of anything else.

**CRIM 7.07**

**Testimony of Witness under Grant of Immunity or Reduced Criminal Liability**

(1) You have heard the testimony of one or more witnesses that the government has made promises to in exchange for their cooperation.

(2) It is permissible for the government to make such a promise. But you should consider these witnesses' testimony with more caution than the testimony of other witnesses. Consider whether the testimony may have been influenced by the government's promise.

(3) Do not convict the defendant based on the unsupported testimony of such a witness—standing alone—unless you believe the testimony beyond a reasonable doubt.

**CRIM 7.08**

**Testimony of An Accomplice**

(1) You have heard the testimony of one or more witnesses who say they were involved in one or more of the same crimes that the defendant is charged with committing. You should consider the testimony of such witnesses with more caution than the testimony of other witnesses.

(2) Do not convict the defendant based on the unsupported testimony of such a witness—standing alone—unless you believe the testimony beyond a reasonable doubt.



**CRIM 7.12**

**Summaries and Other Materials Not Admitted in Evidence [PROVISIONAL]**

(1) During this trial you have seen the lawyers use summaries, charts, drawings, calculations, or similar material which were offered to assist in the presentation and understanding of the evidence. This material is not itself evidence and must not be considered as proof of any facts.

**CRIM 7.13**

**Other Acts of Defendant [PROVISIONAL]**

(1) You have heard testimony that the defendant committed acts other than the ones charged in the Indictment. If you find the defendant did those acts, you can consider the evidence only as it relates to the government's claim on the defendant's identity. That is, you can only consider these other acts for the purpose of determining whether the defendant is the person who committed the crimes charged in the Indictment. You must not consider it for any other purpose.

(2) Remember that the defendant is on trial here only for the crimes charged in the Indictment, not for the other acts. Do not return a guilty verdict unless the government proves the crimes charged in the Indictment beyond a reasonable doubt.

**CRIM 7.17**

**Transcriptions of Recordings [PROVISIONAL]**

(1) You have heard some recorded conversations that were received in evidence, and you were given some written transcripts of the recordings.

(2) Keep in mind that the transcripts are not evidence. They were given to you only as a guide to help you follow what was being said. The recordings themselves are the evidence. If you noticed any differences between what you heard on the recordings and what you read in the transcripts, you must rely on what you heard, not what you read. And if you could not hear or understand certain parts of the recordings, you must ignore the transcripts as far as those parts are concerned.

**CRIM 7.21**

**Stipulations [PROVISIONAL]**

(1) The parties have agreed to certain facts that have been given to you. You should therefore treat these facts as having been proved. You will be given a list of uncontroverted facts to which the parties have agreed.

**CRIM 8.01**

**Introduction**

(1) That concludes the part of my instructions explaining the rules for considering some of the testimony and evidence. Now let me conclude by explaining some things about your deliberations in the jury room, and your possible verdicts.

(2) The first thing that you should do in the jury room is choose someone to be your foreperson. This person will help to guide your discussions and will speak for you here in Court.

(3) Once you start deliberating, do not talk to the jury officer, or to me, or to anyone else except each other about the case. If you have any questions or messages, you must write them down on a piece of paper, sign them, and then give them to the jury officer. The officer will give them to me, and I will respond as soon as I can. I may have to talk to the lawyers about what you have asked, so it may take me some time to get back to you. Any questions or messages normally should be sent to me through your foreperson.

(4) I will provide you with copies of the paper and electronic exhibits admitted into evidence. If you want to see any of the other exhibits that were admitted in evidence, you may send me a message, and I will arrange for you to see them.

(5) One more thing about messages. Do not ever write down or tell anyone, including me, how you stand on your votes. For example, do not write down or tell anyone that you are split 6-6, or 8-4, or whatever your vote happens to be. That should stay secret until you are finished.

**CRIM 8.02**

**Experiments, Research, Investigation, and Outside Communications**

(1) Remember that you must make your decision based only on the evidence that you saw and heard here in Court. Do not try to gather any information about the case on your own while you are deliberating.

(2) For example, do not conduct any experiments inside or outside the jury room; do not bring any books, like a dictionary, or anything else with you to help you with your deliberations; do not conduct any independent research, reading, or investigation about the case; and do not visit any of the places that were mentioned during the trial.

(3) That personal visit is probably unlikely in any event, but what is not unlikely in today's day and age is that one or more of you is here with a web browser on your phone. And if you are like a lot of people, your natural inclination is to find out about the world with that web browser. It is a natural thing, and it is the way we ordinarily deal with our life in today's world, but it is not the way you may function as jurors. And I want to emphasize that. When you go back to the jury room to deliberate, you have to rely only on the evidence you heard and seen here in Court. You cannot go out and research, even on those tools that all of us have learned to use in our daily life.

(4) Make your decision based only on the evidence that you saw and heard here in Court.

**CRIM 8.03**

**Unanimous Verdict**

(1) Your verdict, whether it is guilty or not guilty, must be unanimous as to each count.

(2) To find the defendant guilty of a particular count, every one of you must agree that the government has overcome the presumption of innocence with evidence that proves his guilt beyond a reasonable doubt.

(3) To find him not guilty of a particular count, every one of you must agree that the government has failed to convince you beyond a reasonable doubt.

(4) Either way, guilty or not guilty, your verdict must be unanimous as to each count.

**CRIM 8.05**

**Duty to Deliberate**

(1) Now that all the evidence is in and the arguments are completed, you are free to talk about the case in the jury room. In fact, it is your duty to talk with each other about the evidence and to make every reasonable effort you can to reach unanimous agreement. Talk with each other, listen carefully and respectfully to each other's views, and keep an open mind as you listen to what your fellow jurors have to say. Try your best to work out your differences. Do not hesitate to change your mind if you are convinced that other jurors are right and that your original position was wrong.

(2) But do not ever change your mind just because other jurors see things differently, or just to get the case over with. In the end, your vote must be exactly that—your own vote. It is important for you to reach unanimous agreement, but only if you can do so honestly and in good conscience.

(3) No one will be allowed to hear your discussions in the jury room, and no record will be made of what you say. So, you should all feel free to speak your minds.

(4) Listen carefully to what the other jurors have to say, and then decide for yourself if the government has proved the defendant guilty beyond a reasonable doubt.



**CRIM 8.05**

**Punishment**

(1) If you decide that the government has proved the defendant guilty, then it will be my job to decide what the appropriate punishment should be.

(2) Deciding what the punishment should be is my job, not yours. It would violate your oaths as jurors to even consider the possible punishment in deciding your verdict.

(3) Your job is to look at the evidence and decide if the government has proved the defendant guilty beyond a reasonable doubt.

**CRIM 8.06**

**Verdict Form**

(1) I have prepared a Verdict Form that you should use to record your verdict. The form reads as follows: \*\*\*.

(2) If you decide that the government has proved a charge against the defendant beyond a reasonable doubt, say so by having your foreperson mark the appropriate place on the form. If you decide that the government has not proved a charge against the defendant beyond a reasonable doubt, say so by having your foreperson mark the appropriate place on the form. Your foreperson should then sign the form and date it.

(3) After the verdict form is completed, your foreperson should give a signed written note to the jury officer indicating that you have reached a verdict. The jury officer will deliver that note to me; you will be called into the courtroom; and your foreperson will deliver the verdict to me in the courtroom. The parties will then be informed of your verdict.

**CRIM 8.08**

**Verdict Limited to Charges Against Defendant**

(1) As I said earlier, remember that the defendant is only on trial for the particular crimes charged in the Indictment. Your job is limited to deciding whether the government has proved the two crimes charged.

(2) Also remember that whether anyone else should be prosecuted and convicted for these crimes is not a proper matter for you to consider. The possible guilt of others is no defense to a criminal charge. Your job is to decide if the government has proved this defendant guilty. Do not let the possible guilt of others influence your decision in any way.

**CRIM 8.10**

**Juror Notes**

(1) Remember that if you elected to take notes during the trial, your notes should be used only as memory aids. They are not evidence.

(2) Whether you took notes or not, each of you must form and express your own opinion as to the facts of the case. You should not be unduly influenced by the notes of other jurors.

**CRIM 8.09**

**Court Has No Opinion**

(1) Let me conclude by repeating something that I said to you earlier. Nothing that I have said or done during this trial was meant to influence your decision on the facts in any way. You decide for yourselves if the government has proved the defendant guilty beyond a reasonable doubt.