

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case Number ##-#####

Honorable David M. Lawson

v.

JOHN DOE and BOB ROE,

Defendants.

_____ /

JURY INSTRUCTIONS
(Draft _____)

(1) Members of the jury, now it is time for me to 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 defendants are accused of committing.

(4) *Then I will explain the defendant(s)' positions.*

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

(6) 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.

(7) Please listen very carefully to everything I say.

I have given each of you a copy of these instructions for your use while deliberating. They are available to each of you. If you have questions about the law or your duties as jurors, you should consult the copy of the instructions as given to you.

(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 proved the defendants guilty 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, and these instructions. 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 say, you must follow what I say. What I say about the law controls.

(4) Perform these duties fairly. Do not let any bias, sympathy, or prejudice that you may feel toward one side or the other influence your decision in any way.

(1) As you know, the defendant(s) have 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 way that the government tells the defendant(s) what crimes they are accused of committing. It does not even raise any suspicion of guilt.

(2) Instead, the defendant(s) start the trial with a clean slate, with no evidence at all against them, and the law presumes that they are innocent. This presumption of innocence stays with them unless the government presents evidence here in court that overcomes the presumption, and convinces you beyond a reasonable doubt that they are guilty.

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

(4) The government must prove every element of each 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 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 that 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 a 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.

(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 I allowed into evidence; and the stipulations that the lawyers agreed to.

(3) Nothing else is evidence. The lawyers' statements and arguments are not evidence. *Mr. Doe's questions to the witnesses, arguments, and statements not made under oath are not evidence.* Their questions and objections are not evidence. My legal rulings are not evidence. And my comments and questions are not evidence.

(4) *During the trial I did not let you hear the answers to some of the questions that the lawyers and Mr. Doe asked. I also ruled that you could not see some of the exhibits that the parties wanted you to see. And sometimes I ordered you to disregard things that you saw or heard, or I struck things from the record.* You must completely ignore all of these things. Do not even think about them. Do not speculate about what a witness might have said or what an exhibit might have shown. These things are not evidence, and you are bound by your oath not to let them influence your decision in any way.

(5) Make your decision based only on the evidence, as I have defined it here, and nothing else.

(1) *The parties have reached some stipulations that have eliminated the need to call as a witness [x person] to testify to the results of [x subject matter]. The parties agree that if called as a witness, [x person] would testify to the following:*

A.

B.

(2) *You may accept this stipulation as proof of the facts covered by the stipulation without the testimony from [x person].*

(1) *You have heard testimony that the defendant(s) committed some act other than the ones charged in the indictment.*

(2) *You cannot consider this testimony as direct evidence that the defendant(s) committed the crimes that they are on trial for now. Instead, you can only consider it in deciding whether _____ . Do not consider it for any other purpose.*

(3) *Remember that the defendant(s) are on trial here only for the crimes charged, not for the other acts. Do not return a guilty verdict unless the government proves the crimes charged beyond a reasonable doubt.*

You should use your common sense in weighing the evidence. Consider it 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.

Whenever evidence was received for a limited purpose or limited to certain parties, you must not consider it for any other purpose or as to any other party.

(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 he saw it raining outside, and you believed him, 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. The law makes no distinction between the weight that you should give to either one, or says 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.

(1) Another part of your job as jurors is to decide how credible or believable each witness was. This is your job, not mine. It is up to you 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 either one of the defendants, 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 things 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.

(1) *You have heard testimony that some witnesses made statements that may be different from his or her testimony here in court. If you decide that a witness said something earlier that is not consistent with what the witness said in court, you may consider the earlier statement in deciding whether to believe the witness, but you may not consider it as proof of the facts in this case.*

(2) *However, there are exceptions. You may consider an earlier statement as proof of the facts in this case if:*

(A) *the statement was given under oath subject to the penalty of perjury or at a deposition;*

(B) *the witness testified during the trial that the earlier statement was true;*
or

(C) *the witness is a defendant.*

(1) One more point about the witnesses. Sometimes jurors wonder if the number of witnesses who testified makes any difference.

(2) Do not make any decisions based only on the number of witnesses who testified. What is more important is how believable the witnesses were, and how much weight you think their testimony deserves. Concentrate on that, not the numbers.

(1) There is one more general subject that I want to talk to you about before I begin explaining the elements of the crimes charged.

(2) The lawyers for both sides objected to some of the things that were said or done during the trial. Do not hold that against either side. The lawyers, and the defendant on his own behalf, have a duty to object whenever they think that something is not permitted by the rules of evidence. Those rules are designed to make sure that both sides receive a fair trial.

(3) And do not interpret my rulings on their objections as any indication of how I think the case should be decided. My rulings were based on the rules of evidence, not on how I feel about the case. Remember that your decision must be based only on the evidence that you saw and heard here in court.

(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(s) are accused of committing.

(2) But before I do that, I want to emphasize that the defendant(s) are only on trial for the particular crimes charged in the indictment. Your job is limited to deciding whether the government has proved the crimes charged.

(3) 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 the defendant(s) guilty. Do not let the possible guilt of others influence your decision in any way.

(1) *The defendant(s) each have been charged with more than one crime. The number of charges is no evidence of guilt, and this should not influence your decision in any way. And in our system of justice, guilt or innocence is personal and individual. It is your duty to separately consider the evidence against each defendant on each charge, and to return a separate verdict for each one of them. For each one, you must decide whether the government has presented proof beyond a reasonable doubt that a particular defendant is guilty of a particular charge.*

(2) *Your decision on any one defendant or charge, whether it is guilty or not guilty, should not influence your decision on the other defendant or any of the other charges.*

(1) Count One of the indictment accuses defendants John Doe and Bob Roe of a conspiracy to _____, in violation of federal law. It is a crime for two or more persons to conspire, or agree, to commit a criminal act, even if they never actually achieve their goal.

(2) A conspiracy is a kind of criminal partnership. For you to find a defendant guilty of the conspiracy charge, the government must prove each and every one of the following elements beyond a reasonable doubt:

(A) First, that two or more persons conspired, or agreed, to commit a crime;

(B) Second, that the crime they agreed to commit was _____, as defined later in these instructions;

(C) Third, that the defendant knowingly and voluntarily joined the conspiracy; and

(D) *Fourth, that a member of the conspiracy committed one of the overt acts described in the indictment for the purpose of advancing or helping the conspiracy.*

(3) If you are convinced that the government has proved all of these elements as to the respective defendant, say so by returning a guilty verdict as to that defendant. If you have a reasonable doubt about any of these elements then you must find the defendant not guilty of the charge in the respective Count.

(1) With regard to the first element — a criminal agreement — the government must prove that two or more persons conspired, or agreed, to cooperate with each other to commit the crime of _____.

(2) This does not require proof of any formal agreement, written or spoken. Nor does this require proof that everyone involved agreed on all the details. But 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. These are things that you may consider in deciding whether the government has proved an agreement. But without more they are not enough.

(3) What the government must prove is that there was a mutual understanding, either spoken or unspoken, between two or more people, to cooperate with each other to commit the crime of uttering counterfeit securities of an organization that operates in interstate commerce with intent to defraud. This is essential.

(4) An agreement can be proved indirectly, 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.

(1) If you are convinced that there was a criminal agreement, then you must decide whether the government has proved that the defendants knowingly and voluntarily joined that agreement. You must consider each defendant separately in this regard. To convict a defendant, the government must prove that he knew the conspiracy's main purpose, and that he voluntarily joined it intending to help advance or achieve its goals.

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

(3) But proof that a 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 a defendant may have done something that happened to help a conspiracy does not necessarily make him a conspirator. These are all things that you may consider in deciding whether the government has proved that a defendant joined a conspiracy. But without more they are not enough.

(4) What the government must prove is that a defendant knew the conspiracy's main purpose, and that he voluntarily joined it intending to help advance or achieve its goals. This is essential.

(5) A defendant's knowledge can be proved indirectly by facts and circumstances which lead to a conclusion that he 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.

(1) The fourth element that the government must prove is that a member of the conspiracy did one of the overt acts described in the indictment for the purpose of advancing or helping the conspiracy.

(2) The indictment lists five overt acts:

(A) That on or about _____;

(B) ;

(C) ;

(D) ;

(E) .

(3) The government does not have to prove that all these acts were committed, or that any of these acts were themselves illegal. But the government must prove that at least one of these acts was committed by a member of the conspiracy, and that it was committed for the purpose of advancing or helping the conspiracy. This is essential.

(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.*

(1) Counts Two, Three, Five, Six, Seven, and Eight of the indictment accuse defendant John Doe, and Count Three of the indictment accuses defendant Bob Roe, of _____ as follows:

(A) Count Two charges that defendant John Doe _____ on _____, 2002.

(B) Count Three charges that defendants John Doe and Bob Roe _____, on _____, 2003.

(C) Count Five charges that defendant John Doe _____ on _____, 2002.

(D) Count Six charges that defendant John Doe _____ on _____, 2002.

(E) Count Seven charges that defendant John Doe _____ on _____, 2002.

(F) Count Eight charges that defendant John Doe _____ on _____, 2002..

(3) For you to find a defendant guilty of the crime of _____ as alleged in Counts two, three, five, six, seven, and eight of the indictment, you must be convinced that the government has proved each and every one of the following elements beyond a reasonable doubt:

(A) First, _____;

- (B) Second, _____;
- (C) Third, _____;
- (D) Fourth, _____;
- (E) Fifth, _____.

(2) The term “_____” means _____.

(3) The term “_____” means _____.

(4) If you are convinced that the government has proved all of the elements with respect to a particular count of the indictment, say so by returning a guilty verdict of that Count as to the respective defendant. If you have a reasonable doubt about any of these elements, then you must find the respective defendant not guilty of that count of the indictment.

(1) For you to find a defendant guilty of _____, it is not necessary for you to find that he personally committed the crime. You may also find him guilty if he intentionally helped or encouraged someone else to commit the crime. A person who does this is called an aider and abettor.

(2) But for you to find a defendant guilty of _____ as an aider and abettor, you must be convinced that the government has proved each and every one of the following elements beyond a reasonable doubt:

(A) First, that the crime of _____ was committed;

(B) Second, that the defendant helped to commit the crime or encouraged someone else to commit the crime; and

(C) Third, that the defendant intended to help commit or encourage the crime.

(3) Proof that the defendant may have known about the crime, even if he was there when it was committed, is not enough for you to find him guilty. You can consider this in deciding whether the government has proved that he was an aider and abettor, but without more it is not enough.

(4) What the government must prove is that the defendant did something to help or encourage the crime with the intent that the crime be committed.

(5) If you are convinced that the government has proved all of these elements, say so by returning a guilty verdict on this charge. If you have a reasonable doubt about any one

of these elements, then you cannot find the defendant guilty of _____ as an aider and abettor.

(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.*

(1) *Merely being present at the scene of a crime or merely knowing that a crime is being committed or is about to be committed is not sufficient conduct to find that the defendant committed that crime.*

(2) *In order to find the defendant guilty of the crime, the government must prove beyond a reasonable doubt that in addition to being present or knowing about the crime charged in the indictment, the defendant knowingly associated himself with the crime charged in some way as a participant – someone who wanted the crime to be committed – not as a mere spectator.*

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

(2) The indictment charges that some of the crimes happened “on or about” some date. The government does not have to prove that the crime happened on that exact date. But the government must prove that the crime happened reasonably close to that date.

(1) *That concludes the part of my instructions explaining the elements of the crime.*

Next I will explain the defendant(s)' positions.

(2) *The defendant John Doe says that he*

(3) *The defendant Bob Roe says that he. . . .*

That concludes the part of my instructions explaining the elements of the crime *and the defendant(s)' positions*. Next I will explain some rules that you must use in considering some of the testimony and evidence.

(1) *A defendant has an absolute right not to testify or present evidence. The fact that the defendant in this case 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 his innocence.*

-or-

(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's testimony.*

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

(1) *You have heard that before this trial the defendant was convicted of a crime.*

(2) *This earlier conviction was brought to your attention only as one way of helping you decide how believable his testimony was. You cannot use it for any other purpose. It is not evidence that he is guilty of the crime that he is on trial for now.*

(1) *You have heard the testimony of _____, who gave testimony in the form of an opinion. Such witness may have special knowledge or experience that allows the witness to give an opinion based on facts furnished to that witness by others.*

(2) *You may but do not have to accept the witness's opinion. In deciding how much weight to give it, you should consider the witness's qualifications and how he reached his conclusions. Also consider the other factors discussed in these instructions for weighing the credibility of witnesses.*

(3) *Remember that you alone decide how much of a witness's testimony to believe, and how much weight it deserves.*

(1) You have heard the testimony of _____ and _____. You have also heard that before this trial they were convicted of crimes.

(2) These earlier convictions were brought to your attention only as one way of helping you decide how believable the witnesses' testimony was. Do not use them for any other purpose. It is not evidence of anything else.

(1) *You have heard the testimony of _____ and _____. You have also heard that they were involved in the same crimes that the defendants are charged with committing. You should consider their testimony with more caution than the testimony of other witnesses.*

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

(3) *The fact that they have pleaded guilty to a crime is not evidence that either of the defendants is guilty, and you cannot consider this against a defendant in any way.*

(1) *You have heard the testimony of of _____ and _____. You have also heard that the government has promised them lenient treatment or recommendations for a reduced charge or sentence, or that they would not be charged with certain crimes in exchange for their testimony against the defendant.*

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

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

(1) *You have heard the testimony of _____ and _____. You have also heard that they were using drugs during the time that they testified about, and that the government has promised them that they will not be prosecuted for certain crimes in exchange for their testimony.*

(2) *It is permissible for the government to make such a promise. But you should consider their testimony with more caution than the testimony of other witnesses. An addict may have a constant need for drugs, and for money to buy drugs, and may also have a greater fear of imprisonment because his or her supply of drugs may be cut off. Think about these things and consider whether their 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 his or her testimony beyond a reasonable doubt.*

It has been brought out that an attorney or a representative of an attorney has talked with various witnesses. There is nothing wrong with an attorney or a representative of an attorney talking with a witness for the purpose of learning what the witness knows about the case and what testimony the witness will give.

(1) *You have heard the testimony of several witnesses who have identified one or the other defendant as the person who was involved in _____ . You should carefully consider whether this identification was accurate and reliable.*

(2) *In deciding this, you should especially consider if the witness had a good opportunity to see the person at that time. For example, consider the visibility, the distance, whether the witness had known or seen the person before, and how long the witness had to see the person.*

(3) *You should also consider the circumstances of the earlier identification that occurred outside of court. For example, consider how that earlier identification was conducted, and how much time passed after the alleged crime before the identification was made.*

(4) *You may take into account any occasions in which the witness failed to make an identification of defendant, or made an identification that was inconsistent with his identification at trial.*

(5) *Consider all these things carefully in determining whether the identification was accurate and reliable.*

(6) *Remember that the government has the burden of proving beyond a reasonable doubt that the defendant was the person who committed the crime charged.*

You have heard testimony from witnesses who are police officers or agents. That testimony is to be judged by the same standards you use to evaluate the testimony of any other witness.

The law does not require any party to call as witnesses all persons who may have been present at any time or place involved in the case, or who may appear to have some knowledge of the matters in issue at this trial. Nor does the law require any party to produce as exhibits all papers and things mentioned in the evidence in the case.

That concludes the part of my instructions explaining the rules for considering some of the testimony and evidence. Now we will hear the closing arguments of the attorneys and Mr. Doe. Please pay attention to the arguments, but remember that the closing arguments are not evidence but are only intended to assist you in understanding the evidence and the theory of each party. You must base your decision only on the evidence.

(1) Now let me finish up 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 send the exhibits into the jury room with you, so you do not have to send a note requesting them.

(5) One more thing about messages. Do not ever write down or tell anyone 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.

(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; do not consult or visit the Internet; and do not visit any of the places that were mentioned during the trial.

(3) During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, Blackberry, or computer; the Internet, any Internet service, or any text or instant messaging service; or any Internet chat room, blog, or website such as Facebook, My Space, LinkedIn, YouTube, or Twitter, to communicate to anyone any information about this case or to conduct any research about this case until I accept your verdict.

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

Some of you have taken notes during the trial. Whether or not you took notes, you should not be influenced by the notes of another juror, but you should rely on your own memory of what was said. Notes are only an aid to recollection and are not entitled to any greater weight than actual recollection or the impression of each juror as to what the evidence actually is.

- (1) Your verdict, whether it is guilty or not guilty, must be unanimous.
- (2) To find a defendant guilty of a charge in the indictment, every one of you must agree that the government has overcome the presumption of innocence with evidence that proves the defendant's guilt beyond a reasonable doubt as to that charge.
- (3) To find a defendant not guilty, 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 respective count and with respect to each defendant.

(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(s) guilty beyond a reasonable doubt.

(1) If you decide that the government has proved a 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 a defendant guilty beyond a reasonable doubt.

(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 a 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, put the date on it, and return it to me.

Remember that the defendant(s) are only on trial for the particular crimes charged in the indictment. Your job is limited to deciding whether the government has proved the crimes charged.

Let me finish up 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 in any way. You decide for yourselves if the government has proved a defendant guilty beyond a reasonable doubt.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number ##-#####
Honorable David M. Lawson

JOHN DOE,

Defendant.

_____ /

Verdict Form

As to Count 1 of the indictment, we, the jury, by unanimous verdict, find the defendant, John

Doe:

_____ Not guilty.

_____ Guilty of conspiracy to commit the crime of _____, in violation
of federal law.

As to Count 2 of the indictment, we, the jury, by unanimous verdict, find the defendant, John

Doe:

_____ Not guilty.

_____ Guilty of _____, in violation of federal law.

, Foreperson
(Print name under signature)

Dated: February ___, 2011

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number ##-#####
Honorable David M. Lawson

BOB ROE,

Defendant.

_____ /

Verdict Form

As to Count 1 of the indictment, we, the jury, by unanimous verdict, find the defendant, Bob

Roe:

_____ Not guilty.

_____ Guilty of conspiracy to commit the crime of _____, in violation of federal law.

As to Count 3 of the indictment, we, the jury, by unanimous verdict, find the defendant, Bob

Roe:

_____ Not guilty.

_____ Guilty of _____, in violation of federal law.

, Foreperson
(Print name under signature)

Dated: February ___, 2011