

STANDARD CRIMINAL
PRELIMINARY INSTRUCTIONS TO JURY
PRIOR TO BEGINNING OF TRIAL

Judge James P. Jones

Ladies and gentlemen of the jury, before we begin the trial, I would like to tell you about what will be happening. I want to describe how the trial will be conducted and explain what we will be doing—you, the lawyers for both sides, and I. At the end of the trial I will give you more detailed guidance on how you are to go about reaching your decision. But now I simply want to explain how the trial will proceed.

This criminal case has been brought by the United States government. I will sometimes refer to the government as the prosecution.

The defendant(s) (has/have) been charged by the government with violation(s) of federal law. The charge(s) against the defendant(s) (is/are) contained in the indictment. The indictment is simply the description of the charge(s) made by the government against the defendant(s); it is not evidence of anything. The defendant(s) pleaded not guilty to the charge(s) and deny(ies) committing the offenses. The defendant(s) (is/are) presumed innocent and may not be found guilty unless all of you unanimously find that the government has proved guilt beyond a reasonable doubt. [The defendants are being tried together. But you will have to give separate consideration to the case against each defendant. Each is entitled to your separate consideration.]

The first step in the trial will be the opening statements. The government in its opening statement will tell you about the evidence which it intends to put before you, so that you will have an idea of what the government's case is going to be.

Just as the indictment is not evidence, neither is the opening statement evidence. Its purpose is only to help you understand what the evidence will be and what the government will try to prove.

After the government's opening statement, the defense attorney(s) may make opening statement. At this point in the trial, no evidence has been offered by either side.

Next the government will offer evidence that it says will support the charges against the defendants. The government's evidence in this case will consist of the testimony of witnesses as well as documents and exhibits.

After the government's evidence, the defense may make an opening statement and present evidence in the defendant(s) behalf, but is not required to do so. I remind you that the a defendant is presumed innocent and the government must prove guilt beyond a reasonable doubt. The defendant(s) (do/does) not have to prove (his/her/their) innocence.

The only persons who may ask questions of witnesses are the lawyers and myself. You are not permitted to ask questions of witnesses.

After you have heard all the evidence on both sides, the government and the defense will each be given time for their final arguments. I just told you that the opening statements by the lawyers are not evidence. The same applies to the closing arguments. They are not evidence either. In their closing arguments the lawyers for the government and the defense will be attempting to summarize their cases and help you understand the evidence that was presented.

The final part of the trial occurs when I instruct you about the rules of law which you are to use in reaching your verdict. After hearing my instructions, you will leave the courtroom together to make your decision. Your deliberations will be secret. You will never have to explain your verdict to anyone.

If you want to take notes during the course of the trial you may do so. However, it is difficult to take detailed notes and pay attention to what the witnesses are saying at the same time. If you do take notes, be sure that your taking of notes does not interfere with listening to and considering all the evidence. Also, if you take notes, do not discuss them with other jurors before you begin your

deliberations at the end of the case. Do not take the notes with you at the end of the day. Be sure to leave them in the jury room.

Whether or not you choose to take notes, remember it is your own individual responsibility to listen carefully to the evidence. You cannot give this responsibility to someone who is taking notes. We depend on the judgment of all members of the jury. Your notes are for your own individual benefit.

You will notice that we do have an official court reporter making a record of the trial. However, we will not have typewritten transcripts of this record available for use in reaching your decision in this case.

Now that I have described the trial itself, let me explain the jobs that you and I are to perform during the trial. I will decide which rules of law apply to this case. I will decide this in response to questions raised by the attorneys as we go along and also in the final instructions given to you after the evidence and arguments are completed. You will decide whether the government has proved, beyond a reasonable doubt, that the defendants or any of them have committed the crimes charged.

In particular, the defendant has been charged with [describe].

If you find a defendant guilty, it will then be my job to decide what punishment should be imposed. In considering the evidence and arguments that will be given during the trial, you should not guess about the punishment. It should not enter into your consideration or discussions at any time.

During the course of the trial, you should not talk with any witness, or with the defendants, or with any of the lawyers in the case. Please don't talk with them about any subject at all. In addition, during the course of the trial you should not talk about the case with anyone else—not your

family, not your friends, not the people you work with. Of course, this means that you are not to send or receive messages with anyone about the case on the computer or other device.

Also, you should not discuss this case among yourselves until I have instructed you on the law and you have gone to the jury room to make your decision at the end of the trial. It is important that you wait until all the evidence is received and you have heard my instructions on rules of law before you deliberate among yourselves.

Let me add that during the course of the trial you will receive all the evidence you properly may consider to decide the case. Because of this, you should not attempt to gather any information on your own which you think might be helpful. Do not engage in any outside reading on this case, do not attempt to visit any places mentioned in the case, and do not in any other way try to learn about the case outside the courtroom.

Now that the trial has begun you must not read about it in the newspapers or watch or listen to television, radio, or Internet reports of what is happening here. Do not do any research or make any investigations on your own about any matter involved in the case. By way of examples, this means you must not read from a dictionary or a textbook or an encyclopedia or go on the Internet for information about the case.

The reason for these rules, as I'm certain you will understand, is that your decision in this case must be made solely on the evidence presented at the trial.

At times during the trial, a lawyer may make an objection to a question asked by another lawyer, or to an answer by a witness. This simply means that the lawyer is requesting that I make a decision on a particular rule of law. Do not draw any conclusion from such objections or from my rulings on the objections. These only relate to the legal questions that I must determine and should

not influence your thinking. If I sustain an objection to a question, the witness may not answer it. Do not attempt to guess what answer might have been given had I allowed the question to be answered. Similarly, if I tell you not to consider a particular statement, you should put that statement out of your mind, and you may not refer to that statement in your later deliberations.

During the course of the trial I may ask a question of a witness. If I do, that does not indicate I have any opinion about the facts in the case.