

STANDARD CRIMINAL  
FINAL JURY INSTRUCTIONS

Judge James P. Jones

Instruction No. \_\_\_\_\_

1 Ladies and gentlemen of the jury, I'm going to give you final instructions now, since you will  
2 soon leave the courtroom to begin your deliberations. I will send a written copy of these instructions  
3 with you.

4 As I told you earlier, the Government has accused the defendant(s) of committing certain  
5 crimes. This is only a charge. In order for you to find a defendant guilty, you must be convinced  
6 beyond a reasonable doubt that a defendant committed the crime as charged. If you are not  
7 convinced beyond a reasonable doubt that a defendant committed the crime as charged, you must  
8 find a defendant not guilty of that crime.

9 During the course of the trial, you received all the evidence you may properly consider to  
10 decide the case. Your decision in the case must be made solely on the evidence presented at the  
11 trial. You should consider all the evidence that was presented to you.

12 Do not allow sympathy or prejudice to influence you. The law demands of you a just verdict,  
13 unaffected by anything except the evidence, your common sense, and the law as I give it to you.

14 At times during the trial you saw lawyers make objections to questions asked by other  
15 lawyers, and to answers by witnesses. This simply means that the lawyers were requesting that I  
16 make a decision on a particular rule of law. Do not draw any conclusion from such objections, or  
17 from my rulings on the objections. These are only related to the legal questions I had to determine,  
18 and should not influence your thinking. When I sustained an objection to a question the witness was  
19 not allowed to answer it. Do not attempt to guess what answer might have been given had I allowed  
20 the question to be answered. Similarly, when I told you not to consider a particular statement, you  
21 were told to put that statement out of your mind, and you may not refer to that statement in your

1     deliberations. Neither in these instructions nor in any ruling, action or remark that I have made  
2     during the course of this trial have I intended to give any opinion or suggestion as to what your  
3     verdict should be. During this trial, I have occasionally asked questions of witnesses in order to  
4     bring out facts not then fully covered in testimony. Do not assume that I hold any opinion on the  
5     matter to which my questions are related.

Instruction No. \_\_\_\_\_

1           It is my job to decide what rules of law apply to this case. I've explained some of these rules  
2 to you during the course of the trial, and I will explain others of them to you before you go to the jury  
3 room. This is my job, it is not the job of the lawyers. So, while the lawyers may have commented  
4 during the trial on some of these rules, you are to be guided only by what I say about them. You  
5 must follow all the rules as I explain them to you. You may not follow some and ignore others.  
6 Even if you disagree or don't understand the reasons for some of the rules, you are bound to follow  
7 them.

Instruction No. \_\_\_\_\_

1           If you decide that the Government has proved beyond a reasonable doubt that the  
2 defendant(s) (is/are) guilty, it will also be my job to decide what the punishment will be. You  
3 should not try to guess what the punishment might be. It should not enter into your consideration  
4 or discussions at any time.

Instruction No. \_\_\_\_\_

- 1           The decision you reach in the jury room, whether guilty or not guilty, must be unanimous.
- 2           You must all agree. Your deliberations will be secret. You will never have to explain your verdict
- 3           to anyone.

Instruction No. \_\_\_\_\_

1           The law presumes a defendant to be innocent of a crime. Thus, a defendant, although  
2 accused, begins the trial with a clean slate. That is to say with no evidence against (him/her), and  
3 the law permits nothing but legal evidence presented before the jury to be considered in support of  
4 any charge against a defendant. So, the presumption of innocence alone is sufficient to acquit a  
5 defendant unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt from all  
6 the evidence in the case. This presumption of innocence is an abiding presumption that goes with  
7 the defendant throughout the entire case and applies at every stage. As I have said many times, the  
8 Government has the burden of proving a defendant's guilt beyond a reasonable doubt. Some of  
9 you may have served as jurors in civil cases where you were told that it was only necessary to prove  
10 that a fact is more likely true than not. In criminal cases the Government's proof must be more  
11 powerful than that; it must be beyond a reasonable doubt.

Instruction No. \_\_\_\_\_

1           Remember that a defendant has an absolute right not to testify or offer evidence. The fact  
2 that a defendant did not testify should not be considered by you in any way, or even discussed in your  
3 deliberations. I remind you that it is up to the Government to prove a defendant guilty beyond a  
4 reasonable doubt. It is not up to a defendant to prove that (he/she) is not guilty.

1           There are two types of evidence which are generally presented during a trial -- direct evidence  
2           and circumstantial evidence. Direct evidence is the testimony of a person who asserts or claims to  
3           have actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain  
4           of facts and circumstances indicating the existence of a fact. The law makes no distinction between  
5           the weight or value to be given to either direct or circumstantial evidence. Nor is a greater degree  
6           of certainty required of circumstantial evidence than of direct evidence.

7           While you should consider only the evidence in the case, you are permitted to draw such  
8           reasonable inferences from the testimony and exhibits as you feel are justified in the light of common  
9           experience. In other words, you may make deductions and reach conclusions which reason and  
10          common sense lead you to draw from the facts which have been established by the evidence in the  
11          case.

1           An important part of your job will be making judgments about the testimony of the witnesses  
2 who testified in this case. You should decide whether you believe what each person had to say, and  
3 how important that testimony was. In making that decision I suggest that you ask yourself a few  
4 questions. Did the person impress you as honest? Did he or she have any particular reason not to  
5 tell the truth? Did he or she have a personal interest in the outcome of the case? Did the witness  
6 seem to have a good memory? Did the witness have the opportunity and ability to observe accurately  
7 the things he or she testified about? Did he or she appear to understand the questions clearly and  
8 answer them directly? Did the witnesses' testimony differ from the testimony of other witnesses?  
9       These are a few of the considerations that will help you determine the accuracy of what each witness  
10 said. The testimony of a witness may be discredited, or as we sometimes say, impeached by  
11 showing that he or she previously made statements which are different than or inconsistent with his  
12 testimony here in court. The earlier inconsistent or contradictory statements are admissible only to  
13 discredit or impeach the credibility of the witness and not to establish the truth of these earlier  
14 statements made somewhere other than here during this trial. It is your job to determine the  
15 credibility, if any, to be given the testimony of a witness who has made prior inconsistent or  
16 contradictory statements. If a person is shown to have knowingly testified falsely concerning any  
17 important or material matter, you obviously have a right to distrust the testimony of such individual  
18 concerning other matters. You may reject all of the testimony of that witness, or give it such weight  
19 or credibility as you may think it deserves. Inconsistencies or discrepancies in the testimony of a  
20 witness or between the testimony of different witnesses may or may not cause you to disbelieve or

1     discredit such testimony. Two or more persons witnessing an incident or transaction may simply  
2     see or hear it differently. Innocent misrecollection, like failure of recollection, is not an uncommon  
3     experience. In weighing the effect of a discrepancy, however, always consider whether it pertains  
4     to a matter of importance, or an insignificant detail, and consider whether the discrepancy results  
5     from innocent error or from intentional falsehood.

Instruction No. \_\_\_\_\_

- 1 Prior conviction of a crime that is a felony is one of the circumstances you may consider in
- 2 determining the credibility of a witness.

1           During this trial, you have heard evidence of acts of the defendant(s) (name or names) which  
2 may be similar to those charged in the indictment, but which were committed on other occasions.  
3 You must not consider any of this evidence in deciding if the defendant(s) committed the acts  
4 charged in the indictment. You may, however, consider this evidence for other, very limited  
5 purposes.

6           If you find beyond a reasonable doubt from other evidence in this case that the defendant(s)  
7 did commit the acts charged in the indictment, then you may consider evidence of the similar acts  
8 allegedly committed on other occasions to determine:

- 9           (1)    whether the defendant(s) had the state of mind or intent necessary to commit the  
10                crimes charged in the indictment;
- 11           (2)    whether the defendant(s) had a motive or the opportunity to commit the acts charged  
12                in the indictment; or
- 13           (3)    whether the defendant(s) committed the acts charged in the indictment knowingly  
14                and not by accident or mistake.

15           These are the limited purposes for which any evidence of other similar acts may be  
16 considered.

Instruction No. \_\_\_\_\_

1            In a moment I'm going to give you a verdict form and go over that with you. That form will  
2 indicate to you which charges are involved in this case. It is important that you give separate  
3 consideration to each crime charged against (the/each) defendant.

Instruction No. \_\_\_\_\_

1           During the trial items were received into evidence as exhibits. Any or all of these exhibits  
2 will be sent into the jury room if you request. Examine the exhibits if you think it would help you  
3 in your deliberations.

Instruction No. \_\_\_\_\_

1 The crime(s) charged in this case (is/are) as follows:

Instruction No. \_\_\_\_\_

1           It is your duty as jurors to talk with one another and to deliberate in the jury room. You  
2 should try to reach an agreement if you can. Each of you must decide the case for yourself, but only  
3 after consideration of the evidence with the other members of the jury. While this is going on, do  
4 not hesitate to re-examine your own opinions and change your mind if you are convinced that you  
5 were wrong. But do not give up your honest beliefs solely because the others think differently, or  
6 merely to get the case over with. In a very real way you are judges, judges of the facts. Your only  
7 interest is to determine whether the Government has proved the defendant guilty beyond a reasonable  
8 doubt.

9           When you go to the jury room to begin considering the evidence in this case, you should first  
10 select one of the members of the jury to act as your foreperson. This person will help to guide your  
11 discussions in the jury room. Once you are there, if you need to communicate with me, the  
12 foreperson will send a written message to me. However, don't ever tell me how you stand as to your  
13 verdict, numerically or otherwise. As I mentioned several times, the decision you reach must be  
14 unanimous, you must all agree.

15           Remember that during your deliberations you must not communicate with anyone else  
16 outside of the jury about the case. You must not use any electronic device, including cell phones,  
17 the Internet, a blog, website, or other method to communicate about the case or conduct any research.

18           I will send with you to a jury room a copy of my instructions and a verdict form. The verdict  
19 form is simply a means for you to announce your verdict. I will also send to the jury room with you  
20 a copy of the indictment. And again, I remind you that the indictment is not evidence of anything.

1 It is simply a charge. And when you have reached a decision, and the verdict form is completed,  
2 you should have the foreperson sign the verdict form at the end and tell the Bailiff you are ready to  
3 return to the courtroom.