

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 UNITED STATES OF AMERICA,
5 Plaintiff,
6 v.
7 ,
8 Defendant.

Case No.

JURY INSTRUCTIONS

9 Members of the jury, now that you have heard all the evidence, it is my duty to instruct
10 you on the law applicable to this case. A copy of these instructions will be available in the jury
11 room for you to consult. You should take care to follow all of my instructions, because they are
12 all equally important. Do not follow some and ignore others. You should not infer from these
13 instructions, or from anything else I may have said or done, any suggestion as to what verdict you
14 should reach—that matter is entirely up to you.

15 It is your duty to weigh and to evaluate all the evidence received in the case and, in that
16 process, to decide the facts. It is also your duty to apply the law as I give it to you to the facts as
17 you find them, whether you agree with the law or not. You must decide the case solely on the
18 evidence and the law. Do not allow personal likes or dislikes, sympathy, prejudice, fear, or public
19 opinion to influence you. You should also not be influenced by any person’s race, color, religion,
20 national ancestry, or gender. You will recall that you took an oath promising to do so at the
21 beginning of the case.

22 You are here only to determine whether _____ is guilty or not guilty of the charges
23 in the Indictment. He is not on trial for any conduct or offense not charged in the Indictment. As
24 I said before trial, the Indictment is not in any sense evidence of the allegations it contains.

25 _____ has entered a plea of “not guilty” to the charges set forth in the Indictment. As I
26 explained to you during voir dire, the law presumes _____ is innocent unless and until the
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Jury Instructions

1 Government has proved each element of a charge beyond a reasonable doubt. The law does not
2 require a defendant to prove his innocence, nor to produce any evidence at all.

3 Your duty is to determine whether the Government has met its burden.
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Jury Instructions

1 **REASONABLE DOUBT – DEFINED**

2 I have told you that the Government must prove _____’s guilt beyond a reasonable
3 doubt. Proof beyond a reasonable doubt is proof that leaves you firmly convinced the defendant
4 is guilty. It is not required that the Government prove guilt beyond all possible doubt.

5 A reasonable doubt is a doubt based upon reason and common sense and is not based
6 purely on speculation. It may arise from a careful and impartial consideration of all the evidence,
7 or from lack of evidence.

8 If after a careful and impartial consideration with your fellow jurors of all the evidence,
9 you are not convinced beyond a reasonable doubt that _____ is guilty, it is your duty to find
10 him not guilty. On the other hand, if after a careful and impartial consideration with your fellow
11 jurors of all the evidence, you are convinced beyond a reasonable doubt that _____ is
12 guilty, it is your duty to find him guilty.

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Jury Instructions

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WHAT IS EVIDENCE

The evidence you are to consider in deciding what the facts are consists of:

- (1) the sworn testimony of any witness; and
- (2) the exhibits received in evidence; and
- (3) any facts to which the parties have agreed.

Jury Instructions

1 **DIRECT AND CIRCUMSTANTIAL EVIDENCE**

2 Evidence may be direct or circumstantial. Direct evidence is direct proof of a fact, such as
3 testimony by a witness about what that witness personally saw or heard or did. Circumstantial
4 evidence is indirect evidence, that is, it is proof of one or more facts from which you can find
5 another fact.

6 You are to consider both direct and circumstantial evidence. Either can be used to prove
7 any fact. The law makes no distinction between the weight to be given to either direct or
8 circumstantial evidence. It is for you to decide how much weight to give to any evidence.

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Jury Instructions

WHAT IS NOT EVIDENCE

In reaching your verdict, you may consider only the testimony and exhibits received in evidence, as well as any facts agreed to by the parties. The following things are not evidence and you may not consider them in deciding what the facts are:

(1) Questions, statements, objections, and arguments by the lawyers are not evidence.

The lawyers are not witnesses. Although you must consider a lawyer's questions to understand the answers of a witness, the lawyer's questions are not evidence. Similarly, what the lawyers have said in their opening statements, closing arguments, and at other times is intended to help you interpret the evidence, but it is not evidence. If the facts as you remember them differ from the way the lawyers state them, your memory of them controls.

(2) Any testimony that I have excluded, stricken, or instructed you to disregard is not evidence.

(3) Anything you may have seen or heard when the court was not in session is not evidence. You are to decide the case solely on the evidence received at the trial.

Jury Instructions

1 **WITNESS CREDIBILITY**

2 In deciding the facts in this case, you may have to decide which testimony to believe and
3 which testimony not to believe. You may choose to believe everything a witness says, or part of
4 it, or none of it.

5 In considering the testimony of any witness, you may take into account:

- 6 (1) the witness's opportunity and ability to see or hear or know the things testified to;
- 7 (2) the witness's memory;
- 8 (3) the witness's manner while testifying;
- 9 (4) the witness's interest in the outcome of the case, if any;
- 10 (5) the witness's bias or prejudice, if any;
- 11 (6) whether other evidence contradicted the witness's testimony;
- 12 (7) the reasonableness of the witness's testimony in light of all the evidence; and
- 13 (8) any other factors that bear on believability.

14 The weight of the evidence as to a fact does not necessarily depend on the number of
15 witnesses who testify about it. What is important is how believable each witness was, and how
16 much weight you think their testimony deserves.

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Jury Instructions

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STATEMENTS BY DEFENDANT

You have heard testimony that the defendant made statements. It is for you to decide (1) whether the defendant made any of the statements, and (2) if so, how much weight to give them. In making those decisions, you should consider all the evidence about the statements, including the circumstances under which the defendant may have made them.

Jury Instructions

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STIPULATIONS OF FACT

The parties have agreed to certain facts that have been stated to you. You should therefore treat these facts as having been proved.

1 **INSERT CASE-SPECIFIC INSTRUCTIONS**

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7 **CLOSING INSTRUCTIONS**

8 When you begin your deliberations, elect one member of the jury as your foreperson.
9 Your foreperson will preside over the deliberations and speak for you here in court.

10 You will then discuss the case with your fellow jurors to reach an agreement, if you can.
11 Your verdict, whether guilty or not guilty, must be unanimous.

12 Each of you must decide the case for yourself, but you should do so only after you have
13 considered all the evidence, and discussed it fully with your fellow jurors, listening to their views.

14 Do not be afraid to change your opinion if the discussion persuades you that you should.
15 But do not come to a decision simply because other jurors think it is right.

16 It is important that you attempt to reach a unanimous verdict, but only if each of you can
17 do so after making your own conscientious decision. Do not change an honest belief about the
18 weight and effect of the evidence simply to reach a unanimous verdict.

19 Some of you have taken notes during the trial. Whether or not you took notes, you should
20 rely on your own memory of what was said. Notes are only to assist your memory. You should
21 not be overly influenced by your notes or those of your fellow jurors.

22 The punishment the law provides for this crime is for the Court to decide. You must not
23 consider punishment in deciding whether the Government has proved its case against the
24 defendant beyond a reasonable doubt.

25 A verdict form has been prepared for you. After you have reached unanimous agreement
26 on a verdict, your foreperson should complete the verdict form according to your deliberations,
27 sign and date it, and advise the bailiff that you are ready to return to the courtroom.

Jury Instructions

1 If during your deliberations you need to communicate with me, you may send a note
2 through the bailiff, signed by any one or more of you. No member of the jury should ever attempt
3 to communicate with me except by a signed writing. I will respond to the jury concerning the
4 case only in writing or here in open court. If you send me a question, I will consult with the
5 lawyers before answering it, which may take some time. You should continue your deliberations
6 while waiting for the answer to any question.

7 Remember that you are not to tell anyone—including me—how the jury stands,
8 numerically or otherwise, on any question submitted to you, including the question of _____'s
9 guilt, until after you have reached a unanimous verdict or have been discharged.

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11 Dated: January ____, 2018.

12 _____
13 ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE
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