

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
KEYBOARD() DIVISION**

UNITED STATES OF AMERICA,		
Plaintiff,		
v.		CR
KEYBOARD()		
Defendant		

**JURY PRELIMINARY INSTRUCTIONS
CRIMINAL**

Ladies and Gentlemen of the jury, will you please rise and raise your right hands to be sworn. The answer to the oath is “I do.”

Ladies and Gentlemen, I am sure that the first thing on your mind is “How long am I going to be here?” We anticipate that his case will take **KEYBOARD()** days to try, then you will decide, and thereafter you will be released from jury service.

We operate on the following schedule:

1. We start at 9:00 a.m. and we adjourn at about 5:00 p.m.;
2. We take a lunch break from about 12:00 noon to 1:30 p.m.;
3. We take a coffee break mid-morning and mid-afternoon.

All of these times are approximate. If it would break the flow of testimony for us to recess at a particular time, we will either delay or accelerate our recess in order to preserve the continuity of testimony.

Now that you have been sworn, I will give you some **Preliminary Instructions** to guide you in your participation in the trial.

[Transcripts Not Available. You should pay close attention to the testimony because it will be necessary for you to rely upon your memory concerning what the testimony was. Although, as you can see, the Court Reporter is making stenographic notes recording everything that is said, typewritten transcripts will not be prepared in time for your use during your deliberations and you should not expect to receive them.

Exhibits Will Be Available. On the other hand, any exhibits admitted in evidence during the trial will be available to you for detailed study, if you wish, during your deliberations. So, if an exhibit is received in evidence but is not fully read or shown to you at the time, don't be concerned because you will get to see and study it later during your deliberations.]

Note taking - Permitted.

If you would like to take notes during the trial you may do so. On the other

hand, of course, you are not required to take notes if you do not want to. That will be left up to you, individually.

If you do decide to take notes, be careful not to get so involved in note taking that you become distracted from the ongoing proceedings. Also, your notes should be used only as aids to your memory; and if your memory should later differ from your notes, you should rely upon your memory and not your notes.

If you do not take notes, you should rely upon your own independent recollection or memory of what the testimony was, and you should not be unduly influenced by the notes of other Jurors. Notes are not entitled to any greater weight than the recollection or impression of each Juror concerning what the testimony was.

Notebooks will be collected at the end of each trial day, and returned to you when trial resumes. During breaks, you should leave your notebooks in your chairs.

DUTY OF JURY

Your duty is to find from the evidence what the facts are. You, and you alone, are the judges of the facts. You will then have to apply to those facts to the law as I will explain it to you. You must follow that law whether you agree with it or not.

Your duty will also involve determining the credibility of the witnesses. You must decide which witnesses to believe, which witnesses not to believe, and how much of any witness' testimony to accept or reject. I will give you some guidelines for determining the credibility of witnesses at the end of the case. For now, know that you should use your common sense and good judgment to evaluate the credibility of each witness.

You should keep an open mind about the case until you have heard all the evidence and are instructed about all of the law you are to follow. At the close of the case, your job will be to return a fair and impartial verdict based only on the evidence presented in court and the law as I explain it to you.

Nothing I may say or do during the course of the trial is intended to indicate, or should be taken by you as indicating what your verdict should be.

EVIDENCE

The evidence from which you will find the facts will consist of the testimony of witnesses, documents and other things received into the record as exhibits, and any facts the lawyers agree or stipulate to, or that I may instruct you to find.

Certain things are not evidence and must not be considered by you. I

will list them for you now.

1. Statements, arguments, and questions by lawyers are not evidence.
2. Objections to questions are not evidence. Lawyers have an obligation to their clients to make an objection when they believe evidence being offered is improper under the Rules of Evidence. Counsel are not trying to hide relevant information from you. The law requires that we play by certain rules that are designed to insure a fair trial. You should not be influenced by the objection or by my ruling on it.
 - * If the objection is sustained, ignore the question.
 - * If it's overruled, treat the answer like any other.
 - * If you are instructed that some item of evidence is received for a limited purpose only, you must follow that instruction.
3. Testimony that I have excluded or told you to disregard is not evidence and must not be considered.
4. Anything you may have seen or heard outside the courtroom is

not evidence and must be disregarded. You are to decide the case solely on the evidence presented here in the courtroom.

There are two kinds of evidence: Direct and Circumstantial.

* Direct evidence is direct proof of a fact, such as testimony of a fact from a witness.

*Circumstantial evidence is proof of facts from which you may infer or conclude that other facts exist.

I will give you further instructions on these as well as other matters at the end of the case, but have in mind that you may consider both kinds of evidence.

RULES FOR CRIMINAL CASES

As you know, this is a criminal case. You must remember three basic rules about a criminal case.

First, the defendant is presumed innocent until proven guilty. The indictment against the defendant brought by the government is only an accusation, nothing more. It is not proof of guilt or anything else. The defendant therefore starts out with a clean slate.

Second, the burden of proof is on the government until the very end of

the case. The defendant has no burden to prove his innocence, or to present any evidence, or to testify. Because the defendant has the right to remain silent, the law prohibits you in arriving at your verdict from considering that the defendant may not have testified.

Third, the government must prove the defendant's guilt beyond a reasonable doubt. I will give you further instructions on this point later, but bear in mind that in this respect a criminal case is different from a civil case.

SUMMARY OF APPLICABLE LAW

In this case, the defendant is charged with *ENTER INDICTMENT*

I will give you detailed instructions on the law at the end of the case, and those instructions will control your deliberations and decision. But to help you follow the evidence, I will now give you a brief summary of the elements of the offense(s) that the government must prove to make its case.

[Insert Summary Here.]

CONDUCT OF THE JURY

Now, a few words about your conduct as jurors.

You have taken an oath which states you are going to decide this case based on the evidence and evidence alone. Let me discuss this with you at this time.

* First of all, we do not desire that you decide whom you like and whom you dislike and try to decide the case accordingly. Trial is not a popularity contest.

* Therefore, you will not have any contact with any participants--that means anybody related to the case – lawyers, parties or witnesses. You may say “Good morning!” or “Good afternoon!” as you pass them in the hall; you may say nothing further. You will certainly not accept from nor extend to anybody related to the case any favors, however, slight.

When you get home this evening, you will probably be asked by your family if you were selected to serve on a jury. Of course, you may tell them that you are serving on a jury, but you are not to tell them anything concerning the nature of the case for, if you do, they might make a comment that has no relevance whatsoever to this particular case but that could affect your thinking in this matter. You are not to discuss the case with anyone

until after you have heard all of the evidence.

Do not discuss this case with anyone. Do not tell anyone you are serving as a juror on this case.

Additionally, you are not to discuss this case with other members of the jury until after you have heard all of the evidence, retire to the jury deliberation room and all of you are present and I have instructed you to reach your verdict.

Do not email other members of the jury panel until you are released from jury duty. Do not post anything about this case on Facebook, Twitter or any social network, or on any blog. Just keep everything about this case to yourself until you have been released from jury duty.

After the case is over, you will be released from that instruction and then you will be free to discuss the case in as much or as little detail as you want to with anybody you wish, including the attorneys.

You are not to make any private investigation concerning this case. You are not to talk to your own lawyer, or anybody you think would have expert knowledge. Simply listen to the case as presented to you in court and make up your minds based upon the evidence and the evidence alone.

You should keep an open mind about the case and not make up your mind until you have heard all of the evidence, been instructed on all of the law, and begin deliberating with your fellow jurors.

[This case has and will receive attention by the media. We ask that you take steps to avoid news reports about the case. Stay away from internet blogs or talk radio programs where the case may be discussed. Remember that you will know more about the relevant facts of this case than could possibly be reported in sound bites or short articles.]

If you have any problems during the course of the trial, please let a member of the staff know. Should you be delayed arriving at the courtroom in the morning for any reason whatsoever, you must give the court a call. The court's telephone number is written on the board in the jury room. Please make a note of it.

If at any time you cannot hear, please signal me by putting your hand to your ear or otherwise letting me know immediately so that I can correct that problem for you.

When you return from each break, you are to go to the jury room next to the courtroom. One of the staff will come to get you at the end of each

break when the trial is ready to continue.

No smoking is permitted in the building, the courtroom or the jury deliberation room. If you desire to smoke, you will be free to do so outside of the courthouse during your breaks.

COURSE OF THE TRIAL

The trial will now begin.

* First, the government will make an opening statement, which is simply an outline to help you understand the evidence as it comes in.

* Next, the defendant's attorney(s) may but does/do not have to make an opening statement.

* Opening statements are neither evidence nor arguments.

Ladies and Gentlemen of the jury, I hope that you will enjoy your jury service with us. We are going to try this case as quickly as possible, consistent with justice.