

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID NEVE,

Defendant.

No. 10-CR-2044-LRR

**SUPPLEMENTAL JURY
INSTRUCTIONS**

Members of the Jury:

Having reached your verdicts on Counts 1 through 5 of the Indictment, you now have one more task to perform.

SUPPLEMENTAL INSTRUCTION NO. 1

You must next decide whether certain property identified in the Indictment is subject to forfeiture by the defendant to the United States. Forfeiture means the defendant loses any ownership or interest he has or claims to have in the property, as a part of the penalty for engaging in criminal activity.

You need not concern yourself with any other person's interest in the property. I will take care of such claims. Your only concern is with the defendant's interest in the property.

SUPPLEMENTAL INSTRUCTION NO. 2

The government alleges that \$104,734 in currency and firearms and ammunition listed in the Indictment should be forfeited because they were derived from the proceeds of the defendant's drug offenses and/or they were used or intended to be used by the defendant to facilitate the commission of the drug offenses charged in Counts 1 through 3 of the Indictment.

You must determine what property, if any, is subject to forfeiture.

SUPPLEMENTAL INSTRUCTION NO. 3

Property is subject to forfeiture if the government has proved, by the greater weight of the evidence, that:

One, the property under consideration by you constituted or was derived from any proceeds the defendant obtained, directly or indirectly, as a result of the offenses of which he has been found guilty, *or*

Two, the property under consideration by you was used or was intended to be used, in any manner or part, to commit or to facilitate the commission of an offense of which the defendant has been found guilty.

SUPPLEMENTAL INSTRUCTION NO. 4

With regard to Supplemental Instruction No. 3, paragraph 1, property “derived” from the proceeds of drug crimes includes any property obtained, directly or indirectly, using money or any other source of wealth gained as a result of having participated in the drug crimes.

With regard to Supplemental Instruction No. 3, paragraph 2, property which “facilitates” the commission of drug crimes includes property which makes the commission of the violations easier or is used to assist in the commission of the crime.

You may, but are not required to, find that the property is subject to forfeiture if the government has proved by the greater weight of the evidence that:

a. such property was acquired by the defendant during the period that the defendant was committing the offenses of which he has been found guilty or within a reasonable time after the commission of those offenses, *and*

b. there was no likely source for such property other than the offenses for which the defendant has been found guilty.

SUPPLEMENTAL INSTRUCTION NO. 5

To prove something by the greater weight of the evidence is to prove that it is more likely true than not true. The decision is made by considering all of the evidence on the subject and deciding which evidence you believe. Each party is entitled to the benefit of all evidence received, regardless of who offered the evidence. Greater weight of the evidence is a lesser standard than proof beyond a reasonable doubt.

SUPPLEMENTAL INSTRUCTION NO. 6

A Special Verdict Form has been prepared for your use. With respect to each property, you are asked to determine unanimously whether it is to be forfeited to the United States.

You may answer by simply putting an "X" or a check mark in the space provided next to the words "yes" or "no." The foreperson must then sign and date the special verdict form.

Ynda D. Wade
1-21-11

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID NEVE,

Defendant.

No. 10-CR-2044-LRR

SPECIAL VERDICT FORM

We, the Jury, unanimously find by the greater weight of the evidence that the following property is subject to forfeiture:

(1) Approximately \$104,734.00 in United States Currency:

YES NO

(2) a Mossberg and Sons, model 185K-A 20 gauge shotgun, and 2 rounds in magazine, Federal brand ammunition;

YES NO

(3) a New England Firearm, Topper Model, S/N NG360779 20 gauge shotgun, 1 round in chamber, 20 gauge Federal brand ammunition;

YES NO

(4) Ithaca rifle, .22 caliber lever action, M-49, S/N 490431161, 1 round .22 caliber Remington brand ammunition;

YES NO

(5) S & W revolver .38 caliber six shot, S/N 77129, with 6 rounds of Winchester brand ammunition;

YES NO

(6) Ruger Pistol, 9 mm, P-95 DC, S/N 313-33315, with magazine with ammunition;

YES NO

(7) Marlin lever action rifle, 30-30 caliber, S/N 21159 62 1, with 7 rounds Winchester brand ammunition;

YES NO

(8) New Haven shotgun Mossberg, Model 185D-c, bolt action shotgun, 20 gauge, 3 rounds of 20 gauge Federal brand ammunition;

YES NO

(9) Remington rifle, model 550, .22 caliber, 14 rounds;

YES NO

(10) Springfield Sterns model 87-A .22 caliber short receiver, PAT 2094577, with .22 caliber ammunition in chamber - 15 rounds ammunition;

YES NO

(11) Made in Germany rifle, .22 caliber GSG-5, S/N A335365, with magazine, with .22 Federal brand ammunition;

YES NO

(12) Browning pistol .25 caliber, S/N 45683, with magazine and 1 in chamber, 5 rounds .25 caliber;

YES NO

(13) Range model pistol (rusty);

YES NO

(14) Iver Johnson 5 shot revolver, marked 8331, with 5 rounds of R-P brand ammunition;

YES NO

(15) Winchester shotgun, model 1897, S/N 72646, with 6 rounds ammunition;

YES NO

(16) Winchester rifle model 67 .22 caliber bolt action;

YES NO

(17) Remington rifle, .25 caliber, S/N 13301;

YES NO

(18) H & K .32 caliber 6 shot, with 4 rounds of W-W brand ammunition;

YES NO

(19) Springfield, model 1903, bolt action, S/N 871687, with 5 rounds marked SL;

YES NO

(20) Winchester, 12 gauge pump shotgun, model 12-12 gauge S/N 373946;

YES NO

(21) 12 gauge Ithaca shotgun pump, S/N 622967-4, with 5 rounds 12 gauge Federal brand ammunition;

YES NO

(22) Winchester, model 1300, 12 gauge; S/N L2308347, with 5 rounds 12 gauge ammunition (4 Federal brand & 1 Brenneke brand);

YES NO

(23) MAC-90, 7.62X39, S/N 34415, with loaded short magazine with Wolf brand ammunition;

YES NO

(24) Combat Exchange rifle 7.62X, N/S 21004592P, with loaded magazine;

YES NO

(25) Springfield single shot rifle, break open with wood stock, S/N 57499; Sturm Ruger & Co. Rifle, model 10/22, .22 caliber; S/N 234-68312, with 9 rounds of ammunition marked C;

YES NO

(26) Jennings pistol by Bryco Arms, Model Bryco 59, 9 mm caliber, S/N 0618258.

YES NO

(27) eight .22 caliber rounds - 250 Remington brand ammunition (in green box);

YES NO

(28) several rounds of 6.5x55 ammunition (in ammunition box);

YES NO

(29) 4 boxes Wolf brand ammunition and 40 rounds of R-P 9 mm Luger ammunition;

YES NO

(30) ammunition on flatbed truck;

YES NO

(31) 9 mm rounds FC Luger Meadstamp ammunition;

YES NO

(32) Eagle 2230 .22 caliber hi-capacity magazine;

YES NO

(33) nine rounds of Blazer brand ammunition;

YES NO

(34) American Eagle 9 mm ammunition inside box;

YES NO

(35) Blazer brand .22 caliber ammunition;

YES NO

(36) Monark Ammunition inside box;

YES NO

(37) .22 caliber magazines with ammunition;

YES NO

(38) .22 caliber magazine with ammunition;

YES NO

(39) NEF .22 caliber handgun - unloaded, serial #NK001647;

YES NO

(40) Smith & Wesson, .32 caliber handgun, loaded, S/N 518;

YES NO

(41) Springfield .22 caliber rifle loaded;

YES NO

(42) miscellaneous ammunition (in five-gallon bucket);

YES NO

(43) .22 caliber rifle - loaded;

YES NO

(44) Ruger .22 caliber rifle - loaded, S/N 236-59047;

YES NO

(45) JC Higgins .22 caliber rifle, S/N 10319770;

YES NO

(46) Winchester 16 gauge shotgun;

YES NO

(47) Remington Rand .45 caliber barrel, with extra barrel wired;

YES NO

(48) Noble .410 gauge shotgun;

YES NO

(49) Pardner 12 gauge shotgun, S/N AY508603;

YES NO

(50) Mossberg 16 gauge shotgun, model #190;

YES NO

(51) 30-06 rifle, S/N 37985;

YES NO

(52) Winchester 12 gauge shotgun, S/N L1363628;

YES NO

(53) Remington brand 16 gauge ammunition;

YES NO

(54) magazines for .223 ammunition;

YES NO

