

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SADIK SEFERI and
NICOLE TIPTON,

Defendants.

No. CR 06-0028-LRR

FINAL JURY INSTRUCTIONS

Ladies and Gentlemen of the Jury:

The instructions I gave you at the beginning of the trial and during the trial remain in effect. I will now give you some additional instructions.

You must, of course, continue to follow the instructions I gave you earlier, as well as those I give you now. You must not single out some instructions and ignore others, because all are important. This is true even though some of those I gave you at the beginning of and during trial are not repeated here.

The instructions I am about to give you now are in writing and will be available to you in the jury room. I emphasize, however, that this does not mean they are more important than my earlier instructions. Again, all instructions, whenever given and whether in writing or not, must be followed.

INSTRUCTION NUMBER _____

In considering these instructions, attach no importance or significance whatsoever to the order in which they are given.

INSTRUCTION NUMBER _____

Neither in these instructions nor in any ruling, action or remark that I have made during this trial have I intended to give any opinion or suggestion as to what the facts are or what your verdicts should be.

INSTRUCTION NUMBER _____

It is your duty to find from the evidence what the facts are. You will then apply the law, as I give it to you, to those facts. You must follow my instructions on the law, even if you thought the law was different or should be different.

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

INSTRUCTION NUMBER _____

I have mentioned the word “evidence.” The “evidence” in this case consists of the following: the testimony of the witnesses and the documents and other things received as exhibits.

You may use reason and common sense to draw deductions or conclusions from facts which have been established by the evidence in the case.

Certain things are not evidence. I shall list those things again for you now:

1. Anything that might have been said by jurors or the attorneys during the jury selection process is not evidence.
2. The fact that interpreters were used in this trial is not evidence.
3. Statements, arguments, questions and comments by the lawyers are not evidence.
4. Objections are not evidence. The parties have a right to object when they believe something is improper. You should not be influenced by the objection. If I sustained an objection to a question, you must ignore the question and must not try to guess what the answer might have been.
5. Testimony that I struck from the record, or told you to disregard, is not evidence and must not be considered.
6. Anything you saw or heard about this case outside the courtroom is not evidence.

During the trial, some documents were referred to but they were not admitted into evidence and, therefore, those documents will not be available to you in the jury room during deliberations.

INSTRUCTION NUMBER _____

There are two types of evidence from which a jury may properly find the truth as to the facts of a case: direct evidence and circumstantial evidence. Direct evidence is the evidence of the witness to a fact or facts of which he or she has knowledge by means of his or her senses. The other is circumstantial evidence—the proof of a chain of circumstances pointing to the existence or nonexistence of certain facts. The law makes no distinction between direct and circumstantial evidence. You should give all evidence the weight and value you believe it is entitled to receive.

INSTRUCTION NUMBER _____

The jurors are the sole judges of the weight and credibility of the testimony and the value to be given to each witness who has testified in this case. In deciding what the facts are, you may have to decide what testimony you believe and what testimony you do not believe. You may believe all of what a witness said, or only part of it or none of it.

In deciding what testimony to believe, consider the witness's intelligence, the opportunity the witness had to have seen or heard the things testified about, the witness's memory, any motives that witness may have for testifying a certain way, the manner of the witness while testifying, whether that witness said something different at an earlier time, the general reasonableness of the testimony and the extent to which the testimony is consistent with any evidence that you believe.

In deciding whether or not to believe a witness, keep in mind that people sometimes hear or see things differently and sometimes forget things. You need to consider, therefore, whether a contradiction is an innocent misrecollection or lapse of memory or an intentional falsehood, and that may depend on whether it has to do with an important fact or only a small detail.

INSTRUCTION NUMBER _____

In a previous instruction, I instructed you generally on the credibility of witnesses. I now give you this further instruction on how the credibility of a witness can be “impeached.”

A witness may be discredited or impeached by contradictory evidence; by showing that the witness testified falsely concerning a material matter; by showing the witness has a motive to be untruthful; or by evidence that at some other time the witness has said or done something, or has failed to say or do something, that is inconsistent with the witness’s present testimony.

INSTRUCTION NUMBER _____

As you know, there are two defendants on trial here: Sadik Seferi and Nicole Tipton. Each defendant is entitled to have his or her case decided solely on the evidence which applies to him or her. Some of the evidence in this case is limited under the rules of evidence to one of the defendants and cannot be considered against the other.

INSTRUCTION NUMBER _____

You have heard testimony that the defendants made statements to law enforcement officers in this case. It is for you to decide: (1) whether the defendant under consideration by you made the statements and (2) if so, how much weight you should give them. In making these two decisions, you should consider all of the evidence, including the circumstances under which the statements were made.

INSTRUCTION NUMBER _____

You have heard testimony from persons described as experts. A person who, by knowledge, skill, training, education or experience, has become an expert in some field may state his opinions on matters in that field and may also state the reasons for his opinion.

Expert testimony should be considered just like any other testimony. You may accept or reject it, and give it as much weight as you think it deserves, considering the witness's education and experience, the soundness of the reasons given for the opinion, the acceptability of the methods used and all the other evidence in the case.

INSTRUCTION NUMBER _____

Exhibits have been admitted into evidence and are to be considered along with all of the other evidence to assist you in reaching your verdicts. You are not to tamper with the exhibits or their contents, and each exhibit should be returned into open court, along with your verdicts, in the same condition as it was received by you.

INSTRUCTION NUMBER _____

The Indictment in this case charges Sadik Seferi and Nicole Tipton in Counts 1, 2 and 3. Each count charges a separate offense.

Under Count 1, the Indictment charges that between about October 2005 and February 2006, Sadik Seferi and Nicole Tipton knowingly and in reckless disregard of the fact that one or more illegal aliens had come to, entered and remained in the United States in violation of law, did conceal, harbor and shield from detection, and attempt to conceal, harbor and shield from detection, such aliens in a building located at 1504 Second Avenue, Apartment 14, Vinton, Iowa.

Under Count 2, the Indictment charges that between about October 2005 and February 2006, Sadik Seferi and Nicole Tipton, as owners of The Galley Restaurant, in Vinton, Iowa, did knowingly and unlawfully engage in a pattern and practice of hiring for employment individuals who were unauthorized aliens.

Under Count 3, the Indictment charges that between about October 2005 and March 2006, Sadik Seferi and Nicole Tipton did knowingly and unlawfully combine, conspire, confederate and agree with each other and other persons known and unknown to: (1) harbor illegal aliens; and (2) knowingly hire illegal aliens. In furtherance of this conspiracy, the conspirators committed one or more of the following overt acts:

1. Sadik Seferi and Nicole Tipton hired Felipe R-V, an undocumented alien from Mexico present in the United States without having been admitted or paroled by an Immigration Officer at a designated Port of Entry into the United States. R-V was a juvenile and was not in possession of documentation allowing him to reside or

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INSTRUCTION NUMBER ____ (Cont'd)

work in the United States. Neither Sadik Seferi nor Nicole Tipton obtained the required documentation to hire R-V, and Sadik Seferi and Nicole Tipton failed to complete any document reflecting their compliance with immigration law. Sadik Seferi and Nicole Tipton paid Felipe R-V cash in exchange for his work in The Galley Restaurant.

2. Sadik Seferi and Nicole Tipton hired Jairo Chigo-Chigo, an undocumented alien from Mexico present in the United States without having been admitted or paroled by an Immigration Officer at a designated Port of Entry into the United States. Chigo-Chigo was not in possession of documentation allowing him to reside or work in the United States. Neither Sadik Seferi nor Nicole Tipton obtained the required documentation to hire Chigo-Chigo, and Sadik Seferi and Nicole Tipton failed to complete any document reflecting their compliance with immigration law. Sadik Seferi and Nicole Tipton paid Chigo-Chigo cash for his work at The Galley Restaurant.

3. Sadik Seferi and Nicole Tipton hired Sinaca Colin-Santiago, an undocumented alien from Mexico present in the United States without having been admitted or paroled by an Immigration Officer at a designated Port of Entry into the United States. Colin-Santiago was not in possession of documentation allowing him to reside or work in the United States. Neither Sadik Seferi nor Nicole Tipton

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INSTRUCTION NUMBER ____ (Cont'd)

obtained the required documentation to hire Colin-Santiago, and Sadik Seferi and Nicole Tipton failed to complete any document reflecting their compliance with immigration law. Sadik Seferi and Nicole Tipton paid Colin-Santiago cash for his work at The Galley Restaurant.

4. Nicole Tipton rented Apartment 14 at 1504 Second Avenue, Vinton, Iowa, to give the illegal aliens employed by The Galley Restaurant a place to live.

5. Nicole Tipton kept the utilities for Apartment 14, 1504 Second Avenue, Vinton, Iowa, in her name.

6. The illegal aliens employed by the restaurant were paid cash for their wages by Nicole Tipton and Sadik Seferi. There was no withholding for taxes of any kind from the wages of illegal aliens.

7. The United States citizens and properly documented employees were paid by check by Nicole Tipton and Sadik Seferi and had taxes withheld from their wages.

8. On October 12, 2005, Nicole Tipton reported the employees of The Galley Restaurant to the State of Iowa and paid the employer's contribution for unemployment insurance. Nicole Tipton falsely did not list any of the illegal alien employees who were paid cash in this report.

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INSTRUCTION NUMBER ____ (Cont'd)

9. On December 29, 2005, Nicole Tipton reported the employees of The Galley Restaurant to the State of Iowa and paid the employer's contribution for unemployment insurance. Nicole Tipton falsely did not list any of the illegal alien employees who were paid in cash in this report.

Each defendant has pled not guilty to each crime with which he or she is charged. As I told you at the beginning of trial, an Indictment is simply an accusation. It is not evidence of anything. To the contrary, the defendants are presumed to be innocent. Thus the defendants, even though charged, begin the trial with no evidence against them. The presumption of innocence alone is sufficient to find the defendants not guilty and can be overcome only if the government proves, beyond a reasonable doubt, each essential element of the crimes charged.

Keep in mind that you must give separate consideration to the evidence about each individual defendant. Each defendant is entitled to be treated separately, and you must return a separate verdict for each defendant. Also keep in mind that you must consider, separately, each crime charged against each individual defendant, and must return a separate verdict for each of those crimes charged.

There is no burden upon the defendants to prove that they are innocent. Accordingly, the fact that the defendants did not testify must not be considered by you in any way, or even discussed, in arriving at your verdicts.

INSTRUCTION NUMBER _____

Count 1 of the Indictment charges Sadik Seferi and Nicole Tipton with concealing, harboring or shielding from detection one or more illegal aliens and attempting to conceal, harbor or shield from detection one or more illegal aliens. Sadik Seferi and Nicole Tipton may be found guilty of this offense under one of the two following alternatives: (1) concealing, harboring or shielding from detection one or more illegal aliens and/or (2) attempting to conceal, harbor or shield from detection one or more illegal aliens.

***First Alternative: Concealing, Harboring or
Shielding from Detection One or More Illegal Aliens***

The offense of concealing, harboring or shielding from detection one or more illegal aliens has three essential elements, which are:

- One,* an alien came to, entered or remained in the United States in violation of the law;
- Two,* between about October 2005 and February 2006, the defendant under consideration by you concealed, harbored or shielded from detection the alien in the building located at 1504 Second Avenue, Vinton, Iowa; and
- Three,* the defendant under consideration by you knew or recklessly disregarded the fact that the alien came to, entered or remained in the United States in violation of the law.

To find the defendant under consideration by you guilty of concealing, harboring or shielding from detection an alien, the government must prove all of these essential elements beyond a reasonable doubt. If the government failed to prove any essential

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd)

element beyond a reasonable doubt, then you must find the defendant under consideration by you not guilty of the crime charged under this alternative in Count 1.

Second Alternative: Attempting to Conceal, Harbor or Shield from Detection One or More Illegal Aliens

The defendant under consideration by you may be found guilty of concealing, harboring or shielding from detection one or more illegal aliens, even if he or she attempts, but does not succeed, in concealing, harboring or shielding from detection illegal aliens. For you to find the defendant guilty of attempting to conceal, harbor or shield from detection one or more illegal aliens, the government must prove each of the four following essential elements beyond a reasonable doubt:

- One,* an alien came to, entered or remained in the United States in violation of the law;
- Two,* between about October 2005 and February 2006, the defendant under consideration by you intended to conceal, harbor or shield from detection the alien in the building located at 1504 Second Avenue, Vinton, Iowa;
- Three,* the defendant under consideration by you took a substantial step toward concealing, harboring or shielding from detection the alien; and
- Four,* the defendant under consideration by you knew or recklessly disregarded the fact that the alien came to, entered or remained in the United States in violation of the law.

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INSTRUCTION NUMBER _____ (Cont'd)

To find the defendant under consideration by you guilty of attempting to conceal, harbor or shield from detection one or more illegal aliens, the government must prove all of these essential elements beyond a reasonable doubt. If the government failed to prove any essential element beyond a reasonable doubt, then you must find the defendant under consideration by you not guilty of the crime charged under this alternative of Count 1.

INSTRUCTION NUMBER _____

An “alien” is a person who is not a citizen or national of the United States.

The term “harboring” means any conduct tending to substantially facilitate an alien’s remaining in the United States illegally, including, but not limited to giving shelter, providing housing, providing employment and providing rides to a place of employment.

The term “shielding from detection” includes any conduct which prevents immigration officials from identifying, locating or apprehending an alien.

The term “conceal” means any conduct which impedes the ability of immigration officials from identifying, locating or apprehending an alien.

INSTRUCTION NUMBER _____

Count 2 of the Indictment charges Sadik Seferi and Nicole Tipton with engaging in a pattern or practice of hiring aliens who are not authorized to work in the United States. This crime has three elements, which are:

- One,* between about October 2005 and February 2006, the defendant under consideration by you hired or recruited an alien for employment at The Galley Restaurant in Vinton, Iowa;
- Two,* the defendant under consideration by you knew the alien was an unauthorized alien; and
- Three,* the defendant under consideration by you engaged in a pattern and practice of such hiring.

To find the defendant under consideration by you guilty of hiring an alien who is not authorized to work in the United States, the government must prove all of these essential elements beyond a reasonable doubt. If the government failed to prove any essential element beyond a reasonable doubt, then you must find the defendant under consideration by you not guilty of the crime charged in Count 2.

INSTRUCTION NUMBER _____

An “unauthorized alien” means an alien who at the time was not lawfully admitted to the United States for permanent residence or who was not specifically authorized to work in the United States by the Attorney General or the Secretary of Homeland Security.

If someone is allowed into the United States for reasons other than lawful permanent residence, including temporary employment, the documents authorizing entry or stay conspicuously show the authorized duration, type of employment or employer.

INSTRUCTION NUMBER _____

Count 3 of the Indictment charges Sadik Seferi and Nicole Tipton with conspiracy to harbor or hire illegal aliens. This crime has four essential elements, which are:

- One,* between about October 2005 and March 2006, two or more persons reached an agreement or came to an understanding to harbor illegal aliens or knowingly hire illegal aliens.
- Two,* the defendant under consideration by you voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached or at some later time while it was still in effect;
- Three,* at the time the defendant under consideration by you joined the agreement or understanding, he or she knew the purpose of the agreement or understanding; and
- Four,* while the agreement or understanding was in effect, a person or persons who had joined in the agreement knowingly committed one or more overt act.

To find the defendant under consideration by you guilty of conspiracy, the government must prove all of these essential elements beyond a reasonable doubt. If the government failed to prove any essential element beyond a reasonable doubt, then you must find the defendant under consideration by you not guilty of the crime charged in Count 3.

INSTRUCTION NUMBER _____

In considering whether the government has met its burden of proving the offense of conspiracy as alleged in Count 3 of the Indictment, you are further instructed as follows:

The government must prove that the defendant under consideration by you reached an agreement or understanding with at least one other person. It makes no difference whether that person is a defendant or named in the Indictment.

The “agreement or understanding” need not be an express or formal agreement, be in writing or cover all the details of how it is to be carried out. Nor is it necessary that members have directly stated between themselves the details or purpose of the scheme.

You should understand that merely being present at the scene of an event, or merely acting in the same way as others or merely associating with others, does not prove that a person has joined in an agreement or understanding. A person who has no knowledge of a conspiracy but who happens to act in a way which advances some purpose of one, does not thereby become a member.

But a person may join in an agreement or understanding, as required by this element, without knowing all the details of the agreement or understanding and without knowing who all the other members are. Further, it is not necessary that a person agree to play any particular part in carrying out the agreement or understanding. A person may become a member of a conspiracy even if that person agrees to play only a minor part in the conspiracy, as long as that person has an understanding of the unlawful nature of the plan and voluntarily and intentionally joins in it.

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INSTRUCTION NUMBER ____ (Cont'd)

You must decide, after considering all of the evidence, whether the conspiracy alleged in the Indictment existed. If you find that the alleged conspiracy did exist, you must also decide whether the defendant under consideration by you voluntarily and intentionally joined the conspiracy, either at the time it was first formed or at some later time while it was still in effect. In making that decision, you must consider only evidence of that defendant's own actions and statements. You may not consider actions and pretrial statements of others except to the extent that pretrial statements of others describe something that had been said or done by that defendant.

INSTRUCTION NUMBER _____

If you find beyond a reasonable doubt that a conspiracy existed and that the defendant under consideration by you was one of its members, then you may consider acts knowingly done and statements knowingly made by that defendant's co-conspirators during the existence of the conspiracy and in furtherance of it as evidence pertaining to that defendant even though they were done or made in the absence of and without the knowledge of that defendant. This includes acts done or statements made before that defendant joined the conspiracy, because a person who knowingly, voluntarily and intentionally joins an existing conspiracy is responsible for all of the conduct of the co-conspirators from the beginning of the conspiracy.

Acts and statements which are made before the conspiracy began or after it ended are admissible only against the person making them and should not be considered by you against any other defendant.

INSTRUCTION NUMBER _____

Count 3 of the Indictment charges Sadik Seferi and Nicole Tipton with conspiracy to harbor illegal aliens and to knowingly hire illegal aliens. Earlier in these instructions, I defined the elements of the offense of harboring illegal aliens and knowingly hiring illegal aliens. You may use those definitions in considering whether the defendants conspired to harbor illegal aliens and to knowingly hire illegal aliens, keeping in mind that the charges in Count 3 charge a conspiracy to harbor illegal aliens and to knowingly hire illegal aliens and not that the harboring illegal aliens or knowingly hiring illegal aliens was committed.

INSTRUCTION NUMBER _____

It is not necessary that the act done in furtherance of the conspiracy be in itself unlawful. It may be perfectly innocent in itself.

It is not necessary that the defendant under consideration by you have personally committed the act, known about it or witnessed it. It makes no difference which of the conspirators did the act. This is because a conspiracy is a kind of “partnership” so that under the law each member is an agent or partner of every other member and each member is bound by or responsible for the acts of every other member done to further their scheme.

It is not necessary that the government prove, beyond a reasonable doubt, that more than one act was done in furtherance of the conspiracy. It is sufficient if the government proves beyond a reasonable doubt one such act; but in that event, in order to return a verdict of guilty, you must unanimously agree upon which act was done.

INSTRUCTION NUMBER _____

It is not necessary for the government to prove that the conspirators actually succeeded in accomplishing their unlawful plan.

INSTRUCTION NUMBER _____

The Indictment charges a conspiracy to commit two separate crimes or offenses. It is not necessary for the government to prove a conspiracy to commit both of those offenses. It would be sufficient if the government proves beyond a reasonable doubt a conspiracy to commit one of those offenses; but, in that event, in order to return a verdict of guilty, you must unanimously agree upon which of the two offenses was the subject of the conspiracy. If you cannot agree in that manner, you must find the defendant under consideration by you not guilty. In this case, you must decide which of the offenses, if any, each defendant conspired to and record your unanimous verdict on the form provided.

INSTRUCTION NUMBER _____

Intent may be proven by circumstantial evidence. It rarely can be established by other means. While witnesses may see or hear and thus be able to give direct evidence of what a person does or fails to do, there can be no eyewitness account of the state of mind with which the acts were done or omitted. But what a defendant does or fails to do may indicate intent or lack of intent to commit an offense.

You may consider it reasonable to draw the inference and find that a person intends the natural and probable consequences of acts knowingly done, but you are not required to do so. As I have previously mentioned, it is entirely up to you to decide what facts to find from the evidence.

INSTRUCTION NUMBER _____

A reasonable doubt is a doubt based upon reason and common sense, and not the mere possibility of innocence. A reasonable doubt is the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it. However, proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

INSTRUCTION NUMBER _____

An act is done “knowingly” if the defendant under consideration by you realized what he or she was doing and did not act through ignorance, mistake or accident. The government is not required to prove that the defendant under consideration by you knew that his or her acts or omissions were unlawful. You may consider the evidence of the defendant’s acts and words, along with all other evidence, in deciding whether the defendant under consideration by you acted knowingly.

You may find that the defendant under consideration by you acted knowingly if you find beyond a reasonable doubt that the defendant under consideration by you was aware of a high probability that he or she was harboring or hiring illegal aliens and that the defendant under consideration by you deliberately avoided learning the truth. The element of knowledge may be inferred if the defendant under consideration by you deliberately closed his or her eyes to what would otherwise have been obvious to him or her. A showing of negligence, mistake or carelessness is not sufficient to support a finding of knowledge.

INSTRUCTION NUMBER _____

Intent or knowledge may be proved like anything else. You may consider any statements made and acts done by the defendant under consideration by you, and all the facts and circumstances in evidence which may aid in a determination of that defendant's knowledge or intent.

You may, but are not required to, infer that a person intends the natural and probable consequences of acts knowingly done or knowingly omitted.

INSTRUCTION NUMBER _____

You will note the Indictment charges that offenses were committed “between about” certain dates. The government need not prove with certainty the exact date or the exact time period of an offense charged. It is sufficient if the evidence established that an offense occurred within a reasonable time of the date or period of time alleged in the Indictment.

INSTRUCTION NUMBER _____

Throughout the trial, you have been permitted to take notes. Your notes should be used only as memory aids, and you should not give your notes precedence over your independent recollection of the evidence.

In any conflict between your notes, a fellow juror's notes and your memory, your memory must prevail. Remember that notes sometimes contain the mental impressions of the note taker and can be used only to help you recollect what the testimony was. At the conclusion of your deliberations, your notes should be left in the jury room for destruction.

INSTRUCTION NUMBER _____

In conducting your deliberations and returning your verdicts, there are certain rules you must follow. I shall list those rules for you now.

First, when you go to the jury room, you must select one of your members as your foreperson. That person will preside over your discussions and speak for you here in court.

Second, it is your duty, as jurors, to discuss this case with one another in the jury room. You should try to reach an agreement if you can do so without violence to individual judgment, because a verdict—whether guilty or not guilty—must be unanimous.

Each of you must make your own conscientious decision, but only after you have considered all the evidence, discussed it fully with your fellow jurors and listened to the views of your fellow jurors.

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

Third, if a defendant is found guilty, the sentence to be imposed is my responsibility. You may not consider punishment in any way in deciding whether the government has proved its case beyond a reasonable doubt.

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INSTRUCTION NUMBER _____ (Cont'd)

Fourth, if you need to communicate with me during your deliberations, you may send a note to me through the marshal or court security officer, signed by one or more jurors. I will respond as soon as possible either in writing or orally in open court. Remember that you should not tell anyone—including me—how your votes stand numerically.

Finally, your verdicts must be based solely on the evidence and on the law which I have given to you in my instructions. Each verdict, whether guilty or not guilty, must be unanimous. Nothing I have said or done is intended to suggest what your verdicts should be—that is entirely for you to decide.

INSTRUCTION NUMBER _____

Attached to these instructions you will find Verdict Forms. These Verdict Forms are simply the written notice of the decisions that you reach in this case. The answers to these Verdict Forms must be the unanimous decisions of the jury.

You will take the Verdict Forms to the jury room, and when you have completed your deliberations and each of you has agreed on answers to the Verdict Forms, your foreperson will fill them out, sign and date them and advise the marshal or court security officer that you are ready to return to the courtroom.

Finally, members of the jury, take this case and give it your most careful consideration, and then without fear or favor, prejudice or bias of any kind, return such verdicts as accord with the evidence and these instructions.

DATE

**LINDA R. READE
JUDGE, U. S. DISTRICT COURT**

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SADIK SEFERI and
NICOLE TIPTON,

Defendants.

No. CR 06-0028-LRR

**VERDICT FORM COUNT 1 -
SADIK SEFERI**

We, the Jury, find the defendant, Sadik Seferi, _____ of the crime of
concealing, harboring and/or shielding from detection and/or attempting to conceal, harbor
and/or shield from detection, one or more illegal aliens as charged in Count 1 of the
Indictment.
Not Guilty / Guilty

Note: If you unanimously find Sadik Seferi guilty of Count 1,
have your foreperson write “guilty” in the above blank space,
sign and date this Verdict Form.

If you unanimously find Sadik Seferi not guilty of Count 1,
have your foreperson write “not guilty” in the above blank
space, sign and date this Verdict Form.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SADIK SEFERI and
NICOLE TIPTON,

Defendants.

No. CR 06-0028-LRR

**VERDICT FORM COUNT 1 -
NICOLE TIPTON**

We, the Jury, find the defendant, Nicole Tipton, _____ of the crime of
concealing, harboring and/or shielding from detection and/or attempting to conceal, harbor
and/or shield from detection, one or more illegal aliens as charged in Count 1 of the
Indictment.
Not Guilty / Guilty

Note: If you unanimously find Nicole Tipton guilty of Count 1, have your foreperson write "guilty" in the above blank space, sign and date this Verdict Form.

If you unanimously find Nicole Tipton not guilty of Count 1, have your foreperson write "not guilty" in the above blank space, sign and date this Verdict Form.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SADIK SEFERI and
NICOLE TIPTON,

Defendants.

No. CR 06-0028-LRR

**VERDICT FORM COUNT 2 -
SADIK SEFERI**

We, the Jury, find the defendant, Sadik Seferi, _____ of the crime of
engaging in a pattern and practice of hiring for employment individuals who were illegal
aliens as charged in Count 2 of the Indictment.
Not Guilty / Guilty

Note: If you unanimously find Sadik Seferi guilty of Count 2,
have your foreperson write "guilty" in the above blank space,
sign and date this Verdict Form.

If you unanimously find Sadik Seferi not guilty of Count 2,
have your foreperson write "not guilty" in the above blank
space, sign and date this Verdict Form.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SADIK SEFERI and
NICOLE TIPTON,

Defendants.

No. CR 06-0028-LRR

**VERDICT FORM COUNT 2 -
NICOLE TIPTON**

We, the Jury, find the defendant, Nicole Tipton, _____ of the crime of
Not Guilty / Guilty
engaging in a pattern and practice of hiring for employment individuals who were illegal
aliens as charged in Count 2 of the Indictment.

Note: If you unanimously find Nicole Tipton guilty of Count 2, have your foreperson write "guilty" in the above blank space, sign and date this Verdict Form.

If you unanimously find Nicole Tipton not guilty of Count 2, have your foreperson write "not guilty" in the above blank space, sign and date this Verdict Form.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SADIK SEFERI and
NICOLE TIPTON,

Defendants.

No. CR 06-0028-LRR

**VERDICT FORM COUNT 3 -
SADIK SEFERI**

We, the Jury, find the defendant, Sadik Seferi, _____ of the crime of
conspiracy to harbor illegal aliens and/or to knowingly hire illegal aliens as charged in
Count 3 of the Indictment.
Not Guilty / Guilty

Note: If you unanimously find Sadik Seferi guilty of Count 3,
have your foreperson write “guilty” in the above blank space,
sign and date this Verdict Form.

If you unanimously find Sadik Seferi not guilty of Count 3,
have your foreperson write “not guilty” in the above blank
space, sign and date this Verdict Form.

If you found Sadik Seferi guilty of conspiracy as charged in Count 3 of the Indictment, please answer Questions 1 and 2:

Question 1: Put a (✓) mark before the offense(s) that you unanimously find beyond a reasonable doubt to be the object(s) of the conspiracy in Count 3 of the Indictment.

_____ Harboring one or more illegal aliens

_____ Hiring one or more illegal aliens

Question 2: Put a (✓) mark before the offense(s) that you unanimously find beyond a reasonable doubt to be the overt act(s) committed in furtherance of the conspiracy in Count 3 of the Indictment.

_____ Sadik Seferi and Nicole Tipton hired Felipe R-V, an undocumented alien from Mexico present in the United States without having been admitted or paroled by an Immigration Officer at a designated Port of Entry into the United States. R-V was a juvenile and was not in possession of documentation allowing him to reside or work in the United States. Neither Sadik Seferi nor Nicole Tipton obtained the required documentation to hire R-V, and Sadik Seferi and Nicole Tipton failed to complete any document reflecting their compliance with immigration law. Sadik Seferi and Nicole Tipton paid Felipe R-V cash in exchange for his work in The Galley Restaurant.

_____ Sadik Seferi and Nicole Tipton hired Jairo Chigo-Chigo, an undocumented alien from Mexico present in the United States without having been admitted or paroled by an Immigration Officer at a designated Port of Entry into the United States. Chigo-Chigo was not in possession of documentation allowing him to reside or work in the United States. Neither Sadik Seferi nor Nicole Tipton obtained the required documentation to hire Chigo-Chigo, and Sadik Seferi and Nicole Tipton failed to complete any document reflecting their compliance with immigration law. Sadik Seferi and Nicole Tipton paid Chigo-Chigo cash for his work at The Galley Restaurant.

_____ Sadik Seferi and Nicole Tipton hired Sinaca Colin-Santiago, an undocumented alien from Mexico present in the United States without having been admitted or paroled by an Immigration Officer at a designated Port of Entry into the United States. Colin-Santiago was not in possession of documentation allowing him to reside or work in the United States. Neither Sadik Seferi nor Nicole Tipton obtained the required documentation to hire Colin-Santiago, and Sadik Seferi and Nicole Tipton failed to complete any document reflecting their compliance with immigration law. Sadik Seferi and Nicole Tipton paid Colin-Santiago cash for his work at The Galley Restaurant.

_____ Nicole Tipton rented Apartment 14 at 1504 Second Avenue, Vinton, Iowa, to give the illegal aliens employed by The Galley Restaurant a place to live.

_____ Nicole Tipton kept the utilities for Apartment 14, 1504 Second Avenue, Vinton, Iowa, in her name.

_____ The illegal aliens employed by the restaurant were paid cash for their wages by Nicole Tipton and Sadik Seferi. There was no withholding for taxes of any kind from the wages of illegal aliens.

_____ The United States citizens and properly documented employees were paid by check by Nicole Tipton and Sadik Seferi and had taxes withheld from their wages.

_____ On October 12, 2005, Nicole Tipton reported the employees of The Galley Restaurant to the State of Iowa and paid the employer's contribution

for unemployment insurance. Nicole Tipton falsely did not list any of the illegal alien employees who were paid cash in this report.

_____ On December 29, 2005, Nicole Tipton reported the employees of The Galley Restaurant to the State of Iowa and paid the employer's contribution for unemployment insurance. Nicole Tipton falsely did not list any of the illegal alien employees who were paid in cash in this report.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SADIK SEFERI and
NICOLE TIPTON,

Defendants.

No. CR 06-0028-LRR

**VERDICT FORM COUNT 3 -
NICOLE TIPTON**

We, the Jury, find the defendant, Nicole Tipton, _____ of the crime of
Not Guilty / Guilty
conspiracy to harbor illegal aliens and/or to knowingly hire illegal aliens as charged in
Count 3 of the Indictment.

Note: If you unanimously find Nicole Tipton guilty of Count 3, have your foreperson write “guilty” in the above blank space, sign and date this Verdict Form.

If you unanimously find Nicole Tipton not guilty of Count 3, have your foreperson write “not guilty” in the above blank space, sign and date this Verdict Form.

If you found Nicole Tipton guilty of conspiracy as charged in Count 3 of the Indictment, please answer Questions 1 and 2:

Question 1: Put a (✓) mark before the offense(s) that you unanimously find beyond a reasonable doubt to be the object(s) of the conspiracy in Count 3 of the Indictment.

_____ Harboring one or more illegal aliens

_____ Hiring one or more illegal aliens

Question 2: Put a (✓) mark before the offense(s) that you unanimously find beyond a reasonable doubt to be the overt act(s) committed in furtherance of the conspiracy in Count 3 of the Indictment.

_____ Sadik Seferi and Nicole Tipton hired Felipe R-V, an undocumented alien from Mexico present in the United States without having been admitted or paroled by an Immigration Officer at a designated Port of Entry into the United States. R-V was a juvenile and was not in possession of documentation allowing him to reside or work in the United States. Neither Sadik Seferi nor Nicole Tipton obtained the required documentation to hire R-V, and Sadik Seferi and Nicole Tipton failed to complete any document reflecting their compliance with immigration law. Sadik Seferi and Nicole Tipton paid Felipe R-V cash in exchange for his work in The Galley Restaurant.

_____ Sadik Seferi and Nicole Tipton hired Jairo Chigo-Chigo, an undocumented alien from Mexico present in the United States without having been admitted or paroled by an Immigration Officer at a designated Port of Entry into the United States. Chigo-Chigo was not in possession of documentation allowing him to reside or work in the United States. Neither Sadik Seferi nor Nicole Tipton obtained the required documentation to hire Chigo-Chigo, and Sadik Seferi and Nicole Tipton failed to complete any document reflecting their compliance with immigration law. Sadik Seferi and Nicole Tipton paid Chigo-Chigo cash for his work at The Galley Restaurant.

_____ Sadik Seferi and Nicole Tipton hired Sinaca Colin-Santiago, an undocumented alien from Mexico present in the United States without having been admitted or paroled by an Immigration Officer at a designated Port of Entry into the United States. Colin-Santiago was not in possession of documentation allowing him to reside or work in the United States. Neither Sadik Seferi nor Nicole Tipton obtained the required documentation to hire Colin-Santiago, and Sadik Seferi and Nicole Tipton failed to complete any document reflecting their compliance with immigration law. Sadik Seferi and Nicole Tipton paid Colin-Santiago cash for his work at The Galley Restaurant.

_____ Nicole Tipton rented Apartment 14 at 1504 Second Avenue, Vinton, Iowa, to give the illegal aliens employed by The Galley Restaurant a place to live.

_____ Nicole Tipton kept the utilities for Apartment 14, 1504 Second Avenue, Vinton, Iowa, in her name.

_____ The illegal aliens employed by the restaurant were paid cash for their wages by Nicole Tipton and Sadik Seferi. There was no withholding for taxes of any kind from the wages of illegal aliens.

_____ The United States citizens and properly documented employees were paid by check by Nicole Tipton and Sadik Seferi and had taxes withheld from their wages.

_____ On October 12, 2005, Nicole Tipton reported the employees of The Galley Restaurant to the State of Iowa and paid the employer's contribution

for unemployment insurance. Nicole Tipton falsely did not list any of the illegal alien employees who were paid cash in this report.

_____ On December 29, 2005, Nicole Tipton reported the employees of The Galley Restaurant to the State of Iowa and paid the employer's contribution for unemployment insurance. Nicole Tipton falsely did not list any of the illegal alien employees who were paid in cash in this report.

FOREPERSON

DATE