

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WILLIAM B. AOSSEY, JR.,

Defendant.

No. 14-CR-116-LRR

SUPPLEMENTAL JURY

INSTRUCTIONS

Ladies and Gentlemen of the Jury:

You have just heard all the evidence that the government and the defendant wish to present with respect to the forfeiture allegations in this case. It is now your duty to determine whether the property the government has identified is subject to forfeiture under the applicable law.

SUPPLEMENTAL INSTRUCTION NO. 1

Your previous determination that the defendant is guilty of wire fraud is binding on this part of the proceedings, and you must not discuss or determine anew whether he is guilty or not guilty of wire fraud.

What will ultimately happen to any of the property at issue is exclusively a matter for the court to decide. You should not consider what might happen to the property in making your determination. You should also not concern yourself with any claims of ownership that other persons may have to the property. The interests that other persons may have in the property will be taken into account by the court at a later time. Your only concern is to determine whether the property is subject to forfeiture in connection with the wire fraud that you have found the defendant guilty of committing.

Other than the burden of proof, all of the instructions previously given to you concerning your consideration of the evidence, the credibility or believability of the witnesses, your duty to deliberate together and the necessity of unanimous verdicts, will all continue to apply during your deliberations concerning the forfeiture claims.

SUPPLEMENTAL INSTRUCTION NO. 2

As I explained to you earlier, it is your role to determine whether the government has met its burden to establish that the property at issue is subject to forfeiture by a “preponderance of the evidence.” This is different from the standard that applied to the defendant’s guilt or innocence. At that stage of the case, the government was required to meet its burden “beyond a reasonable doubt.” At this forfeiture stage, however, the government has the burden to prove that the property is subject to forfeiture by a “preponderance of the evidence.” Preponderance of the evidence is a lesser standard than proof beyond a reasonable doubt.

“Preponderance of the evidence” means that the government has to produce evidence which, considered in light of all of the facts, leads you to believe that what the government claims is more likely true than not true. If you find this burden has been met, you must find the property is subject to forfeiture. If, however, you find that the burden has not been met, then you must find the property is not subject to forfeiture.

You will decide whether the government has met its burden by considering all of the evidence and argument on the subject and deciding which evidence and argument you believe. Each party is entitled to the benefit of all evidence received, regardless of who offered the evidence.

SUPPLEMENTAL INSTRUCTION NO. 3

Property is subject to forfeiture if the government proves by a preponderance of the evidence that the property constitutes, or was derived from, proceeds the defendant obtained directly or indirectly as the result of the wire fraud. The term “proceeds” is not limited to “profits”; rather, the “proceeds” of an offense includes any property that was obtained, directly or indirectly, as a result of the offense.

The government has alleged that each of the items at issue is subject to forfeiture under wire fraud. You must therefore consider whether each asset is subject to forfeiture in connection with the wire fraud. In deciding the forfeiture questions, you may consider all of the evidence presented in the trial of the criminal charges and any additional evidence presented in the forfeiture proceedings.

SUPPLEMENTAL INSTRUCTION NO. 4

A Special Verdict Form has been prepared for your use. With respect to each item of property, you are asked to determine unanimously whether the specified property is subject to forfeiture under each count of conviction.

If you find that any given property is, in fact, subject to forfeiture under more than one count, you need not be concerned that the government will receive forfeited property twice. Rather, you must indicate on the Special Verdict Form all bases on which you find any given property is subject to forfeiture. I will consider any issue of multiple grounds for forfeiture when I impose the sentence.

SUPPLEMENTAL INSTRUCTION NO. 5

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

First, the foreperson you have previously selected will preside over your discussions on the forfeiture questions and will 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 each of your special verdicts 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 your special verdicts.

Third, you may not consider in any way the consequences of your forfeiture decision in deciding whether to allow the forfeiture of any item of property.

Fourth, if you need to communicate with me during your deliberations, you may send a note to me through the 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 on any forfeiture question.

(CONTINUED)

SUPPLEMENTAL INSTRUCTION NO. 5 (Cont'd)

Fifth, your special verdicts must be based solely on the evidence and on the law which I have given to you in my instructions. Therefore, you must return a separate, unanimous determination on whether each item of property in question is subject to forfeiture. Nothing I have said or done is intended to suggest what your special verdicts might be—that is entirely for you to decide.

Attached to these instructions you will find the Special Verdict Form. This is simply the written notice of the decisions that you reach. The answers to the Special Verdict Form must be the unanimous decisions of the Jury.

You will take the Special Verdict Form to the jury room, and when you have completed your deliberations and each of you has agreed to the answers, your foreperson will fill out the Special Verdict Form, sign and date them and advise the 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 the Special Verdict Form in accord with the evidence and these instructions.

July 13, 2015
Date

Linda R. Reade
Linda R. Reade, Chief Judge
United States District Court
Northern District of Iowa