

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**FINAL JURY INSTRUCTIONS**

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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 NO. 1**

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

## INSTRUCTION NO. 2

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 NO. 3

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 NO. 4

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. Statements, arguments, questions and comments by the lawyers are not evidence.
2. Anything that might have been said by jurors, the attorneys or the judge during the jury selection process is not evidence.
3. 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.
4. Testimony that I struck from the record, or told you to disregard, is not evidence and must not be considered.
5. Anything you saw or heard about this case outside the courtroom is not evidence.

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

## INSTRUCTION NO. 5

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 they have knowledge by means of their 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 NO. 6

The jurors are the sole judges of the weight and credibility of the testimony and the value to be given to the testimony of 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 NO. 7

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” and how you are to consider the testimony of certain witnesses.

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.

You have heard testimony about the character and reputation of Ashley Owens for truthfulness. You may consider this evidence only in deciding whether to believe the testimony of Ashley Owens and how much weight to give it.

## **INSTRUCTION NO. 8**

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 NO. 9

You will remember that certain summaries were admitted into evidence. You may use those summaries as evidence, even though the underlying documents and records are not here.

## INSTRUCTION NO. 10

You have heard testimony that the defendant made statements to others in this case.

It is for you to decide:

*First*, whether the defendant made the statements; and

*Second*, if so, how much weight you should give to them.

In making these two decisions, you should consider all of the evidence, including the circumstances under which the statements may have been made.

## INSTRUCTION NO. 11

The Indictment in this case charges the defendant in 39 counts with three different crimes.

In Counts 1 through 22, the Indictment charges that the defendant committed the crime of mail fraud. In Counts 23 through 33, the Indictment charges that the defendant committed the crime of aggravated identity theft. In Counts 34 through 39, the Indictment charges that the defendant committed the crime of money laundering.

The defendant has pleaded not guilty to each of these charges.

As I told you at the beginning of the trial, an indictment is simply an accusation. It is not evidence of anything. To the contrary, the defendant is presumed to be innocent. Thus the defendant, even though charged, begins the trial with no evidence against him. The presumption of innocence alone is sufficient to find the defendant not guilty and can be overcome only if the government proves, beyond a reasonable doubt, each element of the crime charged.

Keep in mind that each count charges a separate crime. You must consider each count separately, and return a separate verdict for each count.

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

## INSTRUCTION NO. 12

The crime of mail fraud, as charged in Counts 1 through 22 of the Indictment, has three essential elements, which are:

*One*, in late 2005 and continuing through in or about early 2007, the defendant voluntarily and intentionally devised a scheme to defraud Medicaid out of money by means of material false representations regarding claims for chiropractic services that were never performed;

*Two*, the defendant did so with the intent to defraud; and

*Three*, the defendant used, or caused to be used, the mail in furtherance of, or in an attempt to carry out, some essential step in the scheme, specifically:

(1) as to Count 1, the mailing of Health Insurance Claim Forms (Form CMS-1500) for Medicaid Beneficiaries, with Medicaid Identification Numbers ending in 56A, 09C, 73D or 87G, from Cedar Rapids, Iowa to Des Moines, Iowa, on or about October 27, 2006;

(2) as to Count 2, the mailing of Health Insurance Claim Forms (Form CMS-1500) for a Medicaid Beneficiary, with a Medicaid Identification Number ending in 11F, from Cedar Rapids, Iowa to Des Moines, Iowa, on or about October 31, 2006;

(3) as to Count 3, the mailing of Health Insurance Claim Forms (Form CMS-1500) for Medicaid Beneficiaries, with Medicaid Identification Numbers ending in 74F or 82H from Cedar Rapids, Iowa to Des Moines, Iowa, on or about November 3, 2006;

(4) as to Count 4, the mailing of Health Insurance Claim Forms (Form CMS-1500) for Medicaid Beneficiaries, with Medicaid Identification Numbers ending in 34J, 31I, 30A, 47B, 01G or 12J, from Cedar Rapids, Iowa to Des Moines, Iowa, on or about November 12-13, 2006;

(CONTINUED)

## INSTRUCTION NO. 12 (Cont'd)

(5) as to Count 5, the mailing of Health Insurance Claim Forms (Form CMS-1500) for Medicaid Beneficiaries, with Medicaid Identification Numbers ending in 504C, 56G, 81C or 47G, from Cedar Rapids, Iowa to Des Moines, Iowa, on or about November 19, 2006;

(6) as to Count 6, the mailing of Health Insurance Claim Forms (Form CMS-1500) for Medicaid Beneficiaries, with Medicaid Identification Numbers ending in 6946F, 9946F, 07E, 58B or 91J, from Cedar Rapids, Iowa to Des Moines, Iowa, on or about November 22, 2006;

(7) as to Count 7, the mailing of Health Insurance Claim Forms (Form CMS-1500) for Medicaid Beneficiaries, with Medicaid Identification Numbers ending in 10J, 93B, 06E, 53C or 02J, from Cedar Rapids, Iowa to Des Moines, Iowa, on or about December 1-2, 2006;

(8) as to Count 8, the mailing of Health Insurance Claim Forms (Form CMS-1500) for Medicaid Beneficiaries, with Medicaid Identification Numbers ending in 93F, 94D, 87F, 97F, 44D or 804C, from Cedar Rapids, Iowa to Des Moines, Iowa, on or about December 9-11, 2006;

(9) as to Count 9, the mailing of Health Insurance Claim Forms (Form CMS-1500) for Medicaid Beneficiaries, with Medicaid Identification Numbers ending in 11F or 34J, from Cedar Rapids, Iowa to Des Moines, Iowa, on or about December 30, 2006;

(10) as to Count 10, the mailing of Health Insurance Claim Forms (Form CMS-1500) for Medicaid Beneficiaries, with Medicaid Identification Numbers ending in 56A or 09C, from Cedar Rapids, Iowa to Des Moines, Iowa, on or about January 6-7, 2007;

(11) as to Count 11, the mailing of Health Insurance Claim Forms (Form CMS-1500) for Medicaid Beneficiaries, with Medicaid Identification Numbers ending in 44D, 02J or 804C, from Cedar Rapids, Iowa to Des Moines, Iowa, on or about January 14-16, 2007;

(CONTINUED)

**INSTRUCTION NO. 12 (Cont'd)**

(12) as to Count 12, the mailing of Medicaid Payment Check #0307849 in the amount of \$12,178.10, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about November 13, 2006;

(13) as to Count 13, the mailing of Medicaid Payment Check #0313546 in the amount of \$13,600.09, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about November 20, 2006;

(14) as to Count 14, the mailing of Medicaid Payment Check #0318014 in the amount of \$5,137.08, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about November 27, 2006;

(15) as to Count 15, the mailing of Medicaid Payment Check #0323199 in the amount of \$22,973.00, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about December 4, 2006;

(16) as to Count 16, the mailing of Medicaid Payment Check #0328405 in the amount of \$8,274.36, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about December 11, 2006;

(17) as to Count 17, the mailing of Medicaid Payment Check #0335461 in the amount of \$17,195.32, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about December 18, 2006;

(18) as to Count 18, the mailing of Medicaid Payment Check #0339811 in the amount of \$12,974.42, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about December 25, 2006;

(19) as to Count 19, the mailing of Medicaid Payment Check #0344025 in the amount of \$13,995.25, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about January 1, 2007;

(20) as to Count 20, the mailing of Medicaid Payment Check #0348195 in the amount of \$6,717.72, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about January 8, 2007;

**(CONTINUED)**

**INSTRUCTION NO. 12 (Cont'd)**

(21) as to Count 21, the mailing of Medicaid Payment Check #0359562 in the amount of \$10,453.74, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about January 22, 2007;

(22) as to Count 22, the mailing of Medicaid Payment Check #0364770 in the amount of \$19,865.72, from Fargo, North Dakota to Cedar Rapids, Iowa, on or about January 29, 2007.

If all of the essential elements have been proven beyond a reasonable doubt as to the count under consideration by you, then you must find the defendant guilty of the crime charged in the count under consideration by you; otherwise you must find the defendant not guilty of the crime charged in the count under consideration by you.

## INSTRUCTION NO. 13

With regard to Counts 1 through 22:

The phrase "scheme to defraud" includes any plan or course of action intended to deceive or cheat another out of money or property by employing material falsehoods, concealing material facts or omitting material facts. It also means the obtaining of money or property from another by means of material false representations or promises. A scheme to defraud need not be fraudulent on its face but must include some sort of fraudulent misrepresentation or promise reasonably calculated to deceive a reasonable person.

A statement or representation is "false" when it is untrue when made or effectively conceals or omits a material fact.

A fact, falsehood, representation or promise is "material" if it has a natural tendency to influence, or is capable of influencing, the decision of a reasonable person in deciding whether to engage or not to engage in a particular transaction. However, whether a fact, falsehood, representation or promise is "material" does not depend on whether the person was actually deceived.

To act with "intent to defraud" means to act knowingly and with the intent to deceive someone for the purpose of causing some financial loss to another or bringing about some financial gain to oneself.

With respect to false statements, the defendant must have known the statement was untrue when made or have made the statement with reckless indifference to its truth or falsity.

Each separate use of the mail in furtherance of the scheme to defraud constitutes a separate offense.

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**INSTRUCTION NO. 13 (Cont'd)**

It is not necessary that the government prove all of the details alleged in the Indictment concerning the precise nature and purpose of the scheme, that the content of the mail itself was false or fraudulent, that the alleged scheme actually succeeded in defrauding anyone, or that the use of the mail was intended as the specific or exclusive means of accomplishing the alleged fraud.

## **INSTRUCTION NO. 14**

To find the defendant guilty of mail fraud as alleged in Counts 1 through 22, it is not necessary that the use of the mail be contemplated or that the defendant do any actual mailing or specifically intend that the mail be used. It is sufficient if the mail was in fact used to carry out the scheme and the use of the mail by someone was reasonably foreseeable.

## INSTRUCTION NO. 15

The crime of aggravated identity theft as charged in counts 23 through 33 of the Indictment has four essential elements, which are:

- One,*
- (1) as to Count 23, on or about October 27, 2006, during and in relation to the offense alleged in Count 1;
  - (2) as to Count 24, on or about October 31, 2006, during and in relation to the offense alleged in Count 2;
  - (3) as to Count 25, on or about November 3, 2006, during and in relation to the offense alleged in Count 3;
  - (4) as to Count 26, on or about November 12, 2006, during and in relation to the offense alleged in Count 4;
  - (5) as to Count 27, on or about November 19, 2006, during and in relation to the offense alleged in Count 5;
  - (6) as to Count 28, on or about November 22, 2006, during and in relation to the offense alleged in Count 6;
  - (7) as to Count 29, on or about December 1, 2006, during and in relation to the offense alleged in Count 7;
  - (8) as to Count 30, on or about December 11, 2006, during and in relation to the offense alleged in Count 8;
  - (9) as to Count 31, on or about December 30, 2006, during and in relation to the offense alleged in Count 9;
  - (10) as to Count 32, on or about January 6, 2007, during and in relation to the offense alleged in Count 10;
  - (11) as to Count 33, on or about January 15, 2007, during and in relation to the offense alleged in Count 11;

(CONTINUED)

**INSTRUCTION NO. 15 (Cont'd)**

*Two*, the defendant knowingly used;

*Three*, without lawful authority;

*Four*, the means of identification, that is, the name, birth date, or Medicaid Identification Number, of another person:

- (1) as to Count 23, a person with the initials T.B. and a Medicaid Identification Number ending in 56A;
- (2) as to Count 24, a person with the initials C.B. and a Medicaid Identification Number ending in 11F;
- (3) as to Count 25, a person with the initials S.S. and a Medicaid Identification Number ending in 82H;
- (4) as to Count 26, a person with the initials M.G. and a Medicaid Identification Number ending in 31I;
- (5) as to Count 27, a person with the initials C.C. and a Medicaid Identification Number ending in 56G;
- (6) as to Count 28, a person with the initials M.W. and a Medicaid Identification Number ending in 07E;
- (7) as to Count 29, a person with the initials D.A. and a Medicaid Identification Number ending in 10J;
- (8) as to Count 30, a person with the initials T.S. and a Medicaid Identification Number ending in 93F;
- (9) as to Count 31, a person with the initials C.B. and a Medicaid Identification Number ending in 34J;
- (10) as to Count 32, a person with the initials T.B. and a Medicaid Identification Number ending in 09C;

**(CONTINUED)**

**INSTRUCTION NO. 15 (Cont'd)**

- (11) as to Count 33, a person with the initials C.A. and a Medicaid Identification Number ending in 02J.

If all of the essential elements have been proven beyond a reasonable doubt as to the count under consideration by you, then you must find the defendant guilty of the crime charged in the count under consideration by you; otherwise you must find the defendant not guilty of the crime charged in the count under consideration by you.

## **INSTRUCTION NO. 16**

You are instructed that the term "means of identification" includes any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual. The term includes any name, birth date or government-issued identification number.

## INSTRUCTION NO. 17

The crime of money laundering, as charged in Counts 34 through 39 of the Indictment, has four essential elements, which are:

*One,*

- (1) that as to Count 34, on or about November 28, 2006, the defendant voluntarily and intentionally conducted a financial transaction, that is, the withdrawing in cash of \$13,600.09 from Wells Fargo Bank, which in any way or degree affected interstate commerce;
- (2) that as to Count 35, on or about December 19, 2006, the defendant voluntarily and intentionally conducted a financial transaction, that is, the withdrawing in cash of \$8,274.36 from Wells Fargo Bank, which in any way or degree affected interstate commerce;
- (3) that as to Count 36, on or about December 28, 2006, the defendant voluntarily and intentionally conducted a financial transaction, that is, the withdrawing in cash of \$17,195.32 from Wells Fargo Bank, which in any way or degree affected interstate commerce;
- (4) that as to Count 37, on or about January 2, 2007, the defendant voluntarily and intentionally conducted a financial transaction, that is, the withdrawing in cash of \$12,974.42 from Wells Fargo Bank, which in any way or degree affected interstate commerce;
- (5) that as to Count 38, on or about January 10, 2007, the defendant voluntarily and intentionally conducted a financial transaction, that is, the withdrawing in cash of \$13,995.25 from Wells Fargo Bank, which in any way or degree affected interstate commerce;
- (6) that as to Count 39, on or about February 8, 2007, the defendant voluntarily and intentionally conducted a financial transaction, that is, the withdrawing in cash of \$19,865.72 from Wells Fargo Bank, which in any way or degree affected interstate commerce;

(CONTINUED)

**INSTRUCTION NO. 17 (Cont'd)**

*Two*, the defendant conducted the financial transaction with money that involved the proceeds of mail fraud;

*Three*, at the time the defendant conducted the financial transaction, the defendant knew the money represented the proceeds of some form of unlawful activity; and

*Four*, the defendant conducted the financial transaction knowing that the transaction was designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the proceeds of the mail fraud.

If all of the essential elements have been proven beyond a reasonable doubt as to the count under consideration by you, then you must find the defendant guilty of the crime charged in the count under consideration by you; otherwise you must find the defendant not guilty of the crime charged in the count under consideration by you.

## INSTRUCTION NO. 18

You are further instructed regarding the crimes charged in Counts 34 through 39 of the Indictment that the following definitions apply:

The term “conducted” includes initiating, concluding or participating in initiating or concluding a transaction.

The phrase “financial transaction” means a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, interstate or foreign commerce in any way or degree.

The term “transaction” means, with respect to a financial institution, a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means.

The term “interstate commerce” means commerce between any combination of states, territories, and possessions of the United States, including the District of Columbia.

The term “foreign commerce” means commerce between any state, territory or possession of the United States and a foreign country.

The term “commerce” includes, among other things, travel, trade, transportation and communication.

The term “funds” includes money.

The term “monetary instrument” means, among other things, coin or currency of the United States.

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## INSTRUCTION NO. 18 (Cont'd)

The term "financial institution" means, among other things, a bank insured by the Federal Deposit Insurance Corporation (FDIC); a commercial bank or trust company; a private banker; a credit union; or an issuer, redeemer, or cashier of travelers' checks, checks, money orders or similar instruments.

The phrase "knew the money represented the proceeds of some form of unlawful activity" means that the defendant knew the money involved in the transaction represented proceeds from some form, though not necessarily which form, of activity that constitutes a felony offense under state or federal law. Thus, the government need not prove that the defendant specifically knew that the money involved in the financial transaction represented the proceeds of the alleged mail fraud or any other specific offense; it need only prove that he knew it represented the proceeds of some form, though not necessarily which form, of a felony under state or federal law.

The government need not prove that all of the money involved in the transaction was the proceeds of the mail fraud. It is sufficient if the government proves that at least part of the money represented such proceeds.

## **INSTRUCTION NO. 19**

As to Counts 34 through 39, it is not necessary for the government to show that the transaction with a financial institution conducted by defendant, that is, with Wells Fargo Bank, affected interstate or foreign commerce. All that is necessary is that at the time of the alleged offense, Wells Fargo Bank was engaged in or had other activities which affected interstate or foreign commerce in any way or degree.

You may find that the transaction involved the use of a financial institution which engaged in or the activities of which affected interstate or foreign commerce in any way or degree if you find from the evidence beyond a reasonable doubt that Wells Fargo Bank had customers from outside the state of Iowa or conducted any business with any person or entity located outside the state of Iowa.

## INSTRUCTION NO. 20

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 said, it is entirely up to you to decide what facts to find from the evidence.

## INSTRUCTION NO. 21

One of the issues in the case is whether the defendant acted in good faith. Good faith is a complete defense to the charge of mail fraud if it is inconsistent with the element of intent to defraud.

Evidence that the defendant acted in good faith may be considered by you, together with all the other evidence, in determining whether or not the government has proven each of the required elements of the offense of mail fraud.

## INSTRUCTION NO. 22

You are here to determine whether the government has proven the guilt of the defendant for the charges in the Indictment beyond a reasonable doubt. You are not called upon to return a verdict of any other person.

So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the defendant for the crimes charged in the Indictment, you should so find, even though you may believe that one or more other unindicted persons are also guilty. But if any reasonable doubt remains in your minds after impartial consideration of all the evidence in the case, it is your duty to find the defendant not guilty.

## INSTRUCTION NO. 23

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

## INSTRUCTION NO. 24

The Indictment alleges that approximate amounts of money were involved in the crimes charged.

It is not necessary for the government to prove the exact or precise amounts of money alleged in the Indictment.

## INSTRUCTION NO. 25

The government is not required to prove that the defendant knew that his acts or omissions were unlawful. An act is done "knowingly" if the defendant is aware of the act and does not act through ignorance, mistake or accident. You may consider evidence of the defendant's words, acts or omissions, along with all the other evidence, in deciding whether the defendant acted knowingly.

## **INSTRUCTION NO. 26**

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 NO. 27

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 NO. 28

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 your verdicts—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 the 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.

*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.

(CONTINUED)

**INSTRUCTION NO. 28 (Cont'd)**

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

## INSTRUCTION NO. 29

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

You will take the Verdict Forms and Interrogatory Forms to the jury room, and when you have completed your deliberations and each of you has agreed to the answers to the Verdict Forms and Interrogatory Forms, your foreperson will fill out the Verdict Forms and Interrogatory Forms, 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 Verdict Forms and Interrogatory Forms in accord with the evidence and these instructions.

*April 8, 2009*

Date



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

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 1**

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We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
of the crime charged in Count 1 of the Indictment.

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Not Guilty/ Guilty

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 2**

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 2 of the Indictment.

Not Guilty/ Guilty

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 3**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 3 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 4**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 4 of the Indictment.

Not Guilty/ Guilty

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 5**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 5 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 6**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 6 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 7**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 7 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 8**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 8 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 9**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 9 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 10**

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We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 10 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 11**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 11 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 12**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 12 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 13**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 13 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 14**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 14 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 15**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 15 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 16**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 16 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 17**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 17 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 18**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 18 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 19**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 19 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 20**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 20 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 21**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 21 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 22**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 22 of the Indictment.

Not Guilty/ Guilty

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 23**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 23 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 23, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 24.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 23, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 23.

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 23

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 23, place a check mark (✓) next to the one following space that reflects the defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 23 was assigned to another person, specifically, a minor with the initials T.B., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 23 was assigned to another person, specifically, a minor with the initials T.B., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 24**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 24 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 24, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 25.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 24, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 24.

---

FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 24

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 24, place a check mark (✓) next to the one following space that reflects the defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 24 was assigned to another person, specifically, a minor with the initials C.B., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 24 was assigned to another person, specifically, a minor with the initials C.B., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 25**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 25 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 25, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 26.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 25, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 25.

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FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 25

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 25, place a check mark (✓) next to the one following space that reflects the defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 25 was assigned to another person, specifically, a minor with the initials S.S., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 25 was assigned to another person, specifically, a minor with the initials S.S., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 26**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 26 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 26, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 27.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 26, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 26.

---

FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 26

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 26, place a check mark (✓) next to the one following space that reflects the defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 26 was assigned to another person, specifically, a minor with the initials M.G., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 26 was assigned to another person, specifically, a minor with the initials M.G., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 27**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 27 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 27, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 28.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 27, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 27.

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 27

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 27, place a check mark (✓) next to the one following space that reflects the defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 27 was assigned to another person, specifically, a minor with the initials C.C., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 27 was assigned to another person, specifically, a minor with the initials C.C., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 28**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 28 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 28, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 29.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 28, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 28.

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 28

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 28, place a check mark (✓) next to the one following space that reflects the defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 28 was assigned to another person, specifically, a minor with the initials M.W., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 28 was assigned to another person, specifically, a minor with the initials M.W., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 29**

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 29 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 29, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 30.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 29, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 29.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 29

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 29, place a check mark (✓) next to the one following space that reflects the defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 29 was assigned to another person, specifically, a minor with the initials D.A., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 29 was assigned to another person, specifically, a minor with the initials D.A., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 30**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 30 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 30, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 31.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 30, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 30.

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 30

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 30, place a check mark (✓) next to the one following space that reflects the defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 30 was assigned to another person, specifically, a minor with the initials T.S., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 30 was assigned to another person, specifically, a minor with the initials T.S., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 31**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 31 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 31, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 32.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 31, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 31.

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 31

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 31, place a check mark (✓) next to the one following space that reflects defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 31 was assigned to another person, specifically, a minor with the initials C.B., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 31 was assigned to another person, specifically, a minor with the initials C.B., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 32**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 32 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 32, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 33.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 32, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 32.

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 32

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 32, place a check mark (✓) next to the one following space that reflects the defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 32 was assigned to another person, specifically, a minor with the initials T.B., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 32 was assigned to another person, specifically, a minor with the initials T.B., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 33**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 33 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Douglas P. Dvorak not guilty of Count 33, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then, go on to answer the Verdict Form for Count 34.

If you unanimously and beyond a reasonable doubt find the defendant, Douglas P. Dvorak, guilty of Count 33, have your foreperson write "guilty" in the above blank space, then sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 33.

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

INTERROGATORY FORM  
COUNT 33

In the event you unanimously found, beyond a reasonable doubt, the defendant Douglas P. Dvorak guilty of Count 33, place a check mark (✓) next to the one following space that reflects the defendant's knowledge:

We, the Jury

\_\_\_\_\_ unanimously find the defendant, Douglas P. Dvorak, did not know the personal information he used to commit the crime of aggravated identity theft as charged in Count 33 was assigned to another person, specifically, a minor with the initials C.A., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_ unanimously find, beyond a reasonable doubt, that the defendant, Douglas P. Dvorak, did know the personal information he used to commit the crime of aggravated identity theft as charged in Count 33 was assigned to another person, specifically, a minor with the initials C.A., at the time he used that person's information to commit the crime of aggravated identity theft.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 34**

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We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 34 of the Indictment.

Not Guilty/ Guilty

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 35**

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We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 35 of the Indictment.

Not Guilty/ Guilty

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 36**

---

We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 36 of the Indictment.

Not Guilty/ Guilty

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM**  
**COUNT 37**

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We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 37 of the Indictment.

Not Guilty/ Guilty

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 38**

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We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 38 of the Indictment.

Not Guilty/ Guilty

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DOUGLAS P. DVORAK,

Defendant.

No. 08-CR-54-LRR

**VERDICT FORM  
COUNT 39**

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We, the Jury, unanimously find the defendant, Douglas P. Dvorak,  
\_\_\_\_\_ of the crime charged in Count 39 of the Indictment.

Not Guilty/ Guilty

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FOREPERSON

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DATE