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

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-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 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, including the defendant, the documents and other things received as exhibits and the facts that have been stipulated—that is, formally agreed to by the parties.

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.

Finally, if you were instructed that some evidence was received for a limited purpose only, you must follow that instruction.

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, including the defendant, 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.

INSTRUCTION NO. 8

You have also heard "other acts" evidence that the defendant was previously convicted of a drug offense. You may not use this "other acts" evidence to decide whether the defendant carried out the acts involved in the crimes charged in the Indictment. In order to consider "other acts" evidence at all, you must first unanimously find, beyond a reasonable doubt, based on the rest of the evidence introduced, that the defendant carried out the acts involved in the crimes charged in the Indictment. If you make this finding, then you may consider the "other acts" evidence to decide the defendant's intent, knowledge, and the absence of mistake or accident. "Other acts" evidence must be proven by a preponderance of the evidence; that is, you must find that the evidence is more likely true than not true. This is a lower standard of proof than proof beyond a reasonable doubt. If you find that this evidence is proven by a preponderance of the evidence, you should give it the weight and value you believe it is entitled to receive. If you find that it is not proven by a preponderance of the evidence, then you must disregard such evidence.

Remember, even if you find that the defendant may have committed other acts in the past, this is not evidence that he committed such an act in this case. You may not convict a person simply because you believe he may have committed other acts in the past. The defendant is on trial only for the crimes charged, and you may consider the evidence of "other acts" only on the issues of his intent, knowledge, and the absence of mistake or accident.

INSTRUCTION NO. 9

You should judge the testimony of the defendant in the same manner as you judge the testimony of any other witness.

INSTRUCTION NO. 10

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 or her opinions on matters in that field and may also state the reasons for his or her 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 NO. 11

You have heard testimony that the defendant made statements to law enforcement officers 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. 12

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. 13

You have heard tape recordings of conversations. These conversations were legally recorded, and you may consider the recordings just like any other evidence. You were also provided with transcripts of these conversations. You were permitted to have the transcripts for the limited purpose of helping you follow the conversations as you listened to the recordings, and also to help you keep track of the speakers. Differences in meaning between what you heard in the recordings and read in the transcripts may have been caused by such things as the inflection in a speaker's voice. It is what you heard, however, and not what you read, that is the evidence.

You are specifically instructed that whether the transcripts correctly or incorrectly reflect the conversations or the identities of the speakers is entirely for you to decide based upon what you have heard here about the preparation of the transcripts, and upon your own examination of the transcripts in relation to what you heard on the recordings. If you decide that the transcripts are in any respect incorrect or unreliable, you should disregard them to that extent.

INSTRUCTION NO. 14

The Indictment in this case charges the defendant with five separate offenses.

In Count 1, the Indictment charges that, between about September 2008 and October 9, 2008, in the Northern District of Iowa, defendants Edward Frank Brewer and Rosina Orlantha Rhodes, did knowingly and unlawfully combine, conspire, confederate and agree with each other, and with others known and unknown to the grand jury, to distribute 50 grams or more of a mixture or substance containing a detectable amount of cocaine base, commonly called "crack cocaine," a Schedule II controlled substance.

In Count 2, the Indictment charges that, on or about September 19, 2008, defendant Edward Frank Brewer, knowingly and intentionally distributed approximately 13.2 grams of a mixture or substance containing a detectable amount of cocaine base, commonly called "crack cocaine," a Schedule II controlled substance.

In Count 3, the Indictment charges that, on or about September 23, 2008, defendant Edward Frank Brewer knowingly and intentionally distributed approximately 27.0 grams of a mixture or substance containing a detectable amount of cocaine base, commonly called "crack cocaine," a Schedule II controlled substance.

In Count 4, the Indictment charges that, on or about September 30, 2008, defendant Edward Frank Brewer, knowingly and intentionally distributed approximately 27.4 grams of a mixture or substance containing a detectable about of cocaine base, commonly called "crack cocaine," a Schedule II controlled substance.

In Count 5, the Indictment charges that, on or about October 9, 2008, the defendant Edward Frank Brewer, knowingly and intentionally possessed with intent to distribute approximately 83.4 grams of a mixture or substance containing a detectable amount of cocaine base, commonly called "crack cocaine," a Schedule II controlled substance.

(CONTINUED)

INSTRUCTION NO. 14 (Cont'd)

The defendant has pleaded not guilty to these crimes.

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.

There is no burden upon a defendant to prove that he is innocent.

INSTRUCTION NO. 15

Count 1 of the Indictment charges the defendant with conspiring to distribute cocaine base. This offense has three essential elements, which are:

One, between about September 2008 and October 9, 2008, two or more persons reached an agreement or came to an understanding to distribute a mixture or substance containing a detectable amount of cocaine base;

Two, the defendant 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; and

Three, at the time the defendant joined the agreement or understanding, he knew the purpose of the agreement or understanding.

If all of these elements have been proven beyond a reasonable doubt as to the defendant, then you must find the defendant guilty of conspiracy to distribute cocaine base; otherwise you must find the defendant not guilty of this crime.

INSTRUCTION NO. 16

As to Count 1, the government is not required to prove that the conspiracy existed during the entire period of time alleged in the Indictment, or that the defendant was a member of the conspiracy for the entire period of time alleged in the Indictment. What the evidence must show is that a conspiracy existed, and that the defendant joined in the conspiracy at some time during the period alleged in the Indictment.

INSTRUCTION NO. 17

As to Count 1, the quantity of controlled substance involved in the agreement or understanding includes the controlled substances the defendant possessed for personal use or distributed or agreed to distribute. The quantity also includes the controlled substances fellow conspirators distributed or agreed to distribute, if you find that those distributions or agreement to distribute were a necessary consequence of the agreement or understanding and were reasonably foreseeable by the defendant.

INSTRUCTION NO. 18

With regard to the object of Count 1 of the Indictment, you are instructed that the crime of distributing a substance containing a detectable amount of cocaine base has two essential elements which are:

One, on or about a particular date an individual intentionally transferred a mixture or substance containing a detectable amount of cocaine base to another person; and

Two, at the time of the transfer, the individual knew that it was a controlled substance, namely, a mixture or substance containing a detectable amount of cocaine base.

INSTRUCTION NO. 19

In considering whether the government has met its burden of proving the offense of conspiracy as alleged in Count 1 of the Indictment, you are further instructed as follows:

The government must prove that the defendant 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. You do not have to find that all of the persons charged were members of the conspiracy.

The "agreement or understanding" need not be an express or formal agreement or be in writing or cover all the details of how it is to be carried out. Nor is it necessary that the 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.

(CONTINUED)

INSTRUCTION NO. 19 (Cont'd)

You must decide, after considering all of the evidence, whether the conspiracy alleged in Count 1 of the Indictment existed. If you find that the alleged conspiracy did exist, you must also decide whether the defendant 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 the 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 the defendant.

It is not necessary for the government to prove that the conspirators actually succeeded.

INSTRUCTION NO. 20

Counts 2, 3, and 4 of the Indictment charge the defendant with distribution of a mixture or substance containing a detectable amount of cocaine base. This offense has two essential elements, which are:

> *One*, on or about September 19, 2008 (Count 2), September 23, 2008 (Count 3), or September 30, 2008 (Count 4), the defendant intentionally transferred a mixture or substance containing a detectable amount of cocaine base to another person; and
>
> *Two*, at the time of the transfer, the defendant knew it was a controlled substance, namely, a mixture or substance containing a detectable amount of cocaine base.

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 that count; otherwise, you must find the defendant not guilty of the count under consideration by you.

INSTRUCTION NO. 21

The term "distribute" means to deliver a controlled substance to the possession of another person. The term "deliver" means the actual or attempted transfer of a controlled substance to the possession of another person. No consideration for the delivery need exist, and it is not necessary that money or anything of value change hands. The law is directed at the act of "distribution" of a controlled substance and does not concern itself with any need for a "sale" to occur.

INSTRUCTION NO. 22

Count 5 of the Indictment charges the defendant with possession of a mixture or substance containing a detectable amount of cocaine base with intent to distribute. This offense has three essential elements, which are:

One, on or about October 9, 2008, the defendant was in possession of a mixture or substance containing a detectable amount of cocaine base;

Two, the defendant knew he was in possession of the mixture or substance containing a detectable amount of cocaine base; and

Three, the defendant intended to distribute some or all of the mixture or substance containing a detectable amount of cocaine base to another person.

If all of the essential elements have been proven beyond a reasonable doubt as to Count 5, then you must find the defendant guilty of Count 5; otherwise, you must find the defendant not guilty of Count 5.

INSTRUCTION NO. 23

"Possession" is an element of the offense charged in Count 5. The law recognizes several kinds of possession. A person may have actual possession or constructive possession. A person may have sole or joint possession.

A person who knowingly has direct physical control over a thing, at a given time is then in actual possession of it.

A person who, although not in actual possession, has both the power and intention at a given time to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it.

If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint.

Whenever the word "possession" has been used in these instructions, it includes "actual" as well as "constructive" possession and also "sole" as well as "joint" possession.

INSTRUCTION NO. 24

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. 25

In determining whether the defendant is guilty of the offenses charged in Counts 1, 2, 3, 4 or 5, the government is not required to prove that the amount or quantity of controlled substances was as charged in the Indictment. The government need only prove beyond a reasonable doubt that there was some measurable amount of a controlled substance involved.

If you find the defendant guilty of the offense charged in Count 1, you will need to determine whether the mixture or substance containing a detectable amount of cocaine base involved in the conspiracy was (1) 50 grams or more; (2) 5 grams or more, but less than 50 grams; or (3) less than 5 grams.

If you find the defendant guilty of the offenses charged in Counts 2, 3, or 4, you will need to determine whether the mixture or substance containing a detectable amount of cocaine base involved in Count 2, 3, or 4 was: (1) 5 grams or more, but less than 50 grams; or (2) less than 5 grams.

If you find the defendant Edward Frank Brewer guilty of the offense charged in Count 5, you will need to determine whether the mixture or substance containing a detectable amount of cocaine base involved in Count 5 was: (1) 50 grams or more; (2) 5 grams or more, but less than 50 grams; or (3) less than 5 grams.

For your information, one ounce equals 28.35 grams.

The burden of proof is on the government to establish quantity beyond a reasonable doubt.

INSTRUCTION NO. 26

You are instructed as a matter of law that a mixture or substance containing a detectable amount of cocaine base is a Schedule II controlled substance. You are instructed that "crack cocaine" and "a mixture or substance containing a detectable amount of cocaine base" refer to the same substance. You must ascertain whether or not the substance in question as to Counts 1, 2, 3, 4 and 5 was a mixture or substance containing a detectable amount of cocaine base. In so doing, you may consider all the evidence in the case which may aid in the determination of that issue.

INSTRUCTION NO. 27

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. 28

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. 29

You will note that the Indictment charges that the offense was committed "on or 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. 30

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. 31

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. 31 (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. 32

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

January 28, 2009
DATE

Linda R. Reade
LINDA R. READE
CHIEF JUDGE, U.S. 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. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-LRR **VERDICT FORM** **COUNT 1**

We, the Jury, unanimously find the defendant, Edward Frank Brewer, _____ of the crime charged in Count 1 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Edward Frank Brewer, not guilty of the above crime, 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 2.

If you unanimously and beyond a reasonable doubt find the defendant, Edward Frank Brewer, guilty of the above crime, 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 1.

_____
FOREPERSON

_____
DATE

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

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-LRR **INTERROGATORY FORM FOR COUNT 1**

If you found the defendant Edward Frank Brewer guilty of Count 1, please answer the following question, then have your foreperson sign and date this Interrogatory Form.

Question: In the event you unanimously found, beyond a reasonable doubt, the defendant Edward Frank Brewer guilty of Count 1, answer this Question by placing a check mark (✓) on the one following space that reflects the quantity of cocaine base involved in the conspiracy.

___ Less than 5 grams of a mixture or substance containing a detectable amount of cocaine base

___ More than 5 grams, but less than 50 grams, of a mixture or substance containing a detectable amount of cocaine base

___ 50 grams or more of a mixture or substance containing a detectable amount of cocaine base

_____
FOREPERSON

_____
DATE

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

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-LRR **VERDICT FORM** **COUNT 2**

We, the Jury, unanimously find the defendant, Edward Frank Brewer, _____ of the crime charged in Count 2 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Edward Frank Brewer, not guilty of the above crime, 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 3.

If you unanimously and beyond a reasonable doubt find the defendant, Edward Frank Brewer, guilty of the above crime, 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 2.

_____
FOREPERSON

_____
DATE

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

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-LRR **INTERROGATORY FORM FOR COUNT 2**

If you found the defendant Edward Frank Brewer guilty of Count 2, please answer the following question, then have your foreperson sign and date this Interrogatory Form.

Question: In the event you unanimously found, beyond a reasonable doubt, the defendant Edward Frank Brewer guilty of Count 2, answer this Question by placing a check mark (✓) on the one following space that reflects the quantity of cocaine base involved in the distribution.

___ Less than 5 grams of a mixture or substance containing a detectable amount of cocaine base

___ 5 grams or more but less than 50 grams of a mixture or substance containing a detectable amount of cocaine base

_____
FOREPERSON

_____
DATE

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

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-LRR **VERDICT FORM** **COUNT 3**

We, the Jury, unanimously find the defendant, Edward Frank Brewer, _____ of the crime charged in Count 3 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Edward Frank Brewer, not guilty of the above crime, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. Then go on to the complete the Verdict Form for Count 4.

If you unanimously and beyond a reasonable doubt find the defendant, Edward Frank Brewer, guilty of the above crime, 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 3.

_____
FOREPERSON

_____
DATE

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

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-LRR **INTERROGATORY FORM FOR COUNT 3**

If you found the defendant Edward Frank Brewer guilty of Count 3, please answer the following question, then have your foreperson sign and date this Interrogatory Form.

Question: In the event you unanimously found, beyond a reasonable doubt, the defendant Edward Frank Brewer guilty of Count 3, answer this Question by placing a check mark (✓) on the one following space that reflects the quantity of cocaine base involved in the distribution.

___ Less than 5 grams of a mixture or substance containing a detectable amount of cocaine base

___ 5 grams or more but less than 50 grams of a mixture or substance containing a detectable amount of cocaine base

_____
FOREPERSON

_____
DATE

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

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-LRR **VERDICT FORM** **COUNT 4**

We, the Jury, unanimously find the defendant, Edward Frank Brewer, _____ of the crime charged in Count 4 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Edward Frank Brewer, not guilty of the above crime, 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 5.

If you unanimously and beyond a reasonable doubt find the defendant, Edward Frank Brewer, guilty of the above crime, 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 4.

_____
FOREPERSON

_____
DATE

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

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-LRR **INTERROGATORY FORM FOR COUNT 4**

If you found the defendant Edward Frank Brewer guilty of Count 4, please answer the following question, then have your foreperson sign and date this Interrogatory Form.

Question: In the event you unanimously found, beyond a reasonable doubt, the defendant Edward Frank Brewer guilty of Count 4, answer this Question by placing a check mark (✓) on the one following space that reflects the quantity of cocaine base involved in the distribution.

___ Less than 5 grams of a mixture or substance containing a detectable amount of cocaine base

___ 5 grams or more but less than 50 grams of a mixture or substance containing a detectable amount of cocaine base

_____
FOREPERSON

_____
DATE

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

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-LRR **VERDICT FORM** **COUNT 5**

We, the Jury, unanimously find the defendant, Edward Frank Brewer, _____ of the crime charged in Count 5 of the Indictment.

Not Guilty/ Guilty

Note: If you unanimously find the defendant, Edward Frank Brewer, not guilty of the above crime, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form.

If you unanimously and beyond a reasonable doubt find the defendant, Edward Frank Brewer, guilty of the above crime, 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 5.

_____
FOREPERSON

_____
DATE

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

UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD FRANK BREWER, Defendant.	No. 08-CR-67-LRR **INTERROGATORY FORM FOR COUNT 5**

If you found the defendant Edward Frank Brewer guilty of Count 5, please answer the following question, then have your foreperson sign and date this Interrogatory Form.

Question: In the event you unanimously found, beyond a reasonable doubt, the defendant Edward Frank Brewer guilty of Count 5, answer this Question by placing a check mark (✓) on the one following space that reflects the quantity of cocaine base involved in Count 5.

___ Less than 5 grams of a mixture or substance containing a detectable amount of cocaine base

___ More than 5 grams, but less than 50 grams, of a mixture or substance containing a detectable amount of cocaine base

___ 50 grams or more of a mixture or substance containing a detectable amount of cocaine base

_____
FOREPERSON

_____
DATE