

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGEL AMAYA and JAVIER
AMAYA,

Defendants.

No. CR 11-4065-MWB

**INSTRUCTIONS
TO THE JURY**

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VERDICT FORM

INSTRUCTION NO. 1 - INTRODUCTION

Congratulations on your selection as a juror! These Instructions are to help you better understand the trial and your role in it.

In an Indictment, a Grand Jury has charged defendant Angel Amaya with a “drug conspiracy” and defendants Angel Amaya and Javier Amaya with a “money laundering conspiracy.” An Indictment is simply an accusation—it is not evidence of anything. Each defendant has pled not guilty to the crime or crimes charged against him, and each is presumed absolutely not guilty of a charged offense unless and until the prosecution proves his guilt on that offense beyond a reasonable doubt.

You must decide during your deliberations whether or not the prosecution has proved each defendant’s guilt on a charged offense beyond a reasonable doubt. In making your decision, you are the sole judges of the facts. You must not decide this case based on personal likes or dislikes, generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, your individual evaluation of that evidence, your reason and common sense, and these Instructions. Do not take anything that I have said or done or that I may say or do as indicating what I think of the evidence or what I think your verdict should be.

Remember, only defendants Angel Amaya and Javier Amaya, and not anyone else, are on trial. Also, each defendant is on trial *only* for the offense or offenses charged against him in the Indictment, and not for anything else.

Remember that each count charges a separate crime. Also, each defendant is entitled to have the charge or charges against him considered separately, based solely on the evidence that applies to him. *Therefore, you must give separate consideration to each charge against each defendant and return a separate, unanimous verdict on each charge against each defendant.*

Please remember that this case is important to the parties and to the fair administration of justice. Therefore, please be patient, consider all of the evidence, and do not be in a hurry to reach a verdict just to be finished with the case.

INSTRUCTION NO. 2 - PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF

The presumption of innocence means that each defendant is presumed to be absolutely not guilty.

- This presumption means that you must put aside all suspicion that might arise from a defendant's arrest, the charges, or the fact that he is here in court
- This presumption remains with each defendant throughout the trial
- This presumption is enough, alone, for you to find a defendant not guilty, unless the prosecution proves, beyond a reasonable doubt, all of the elements of an offense charged against him

The burden is always on the prosecution to prove guilt beyond a reasonable doubt.

- This burden never, ever shifts to a defendant to prove his innocence
- This burden means that a defendant does not have to call any witnesses, produce any evidence, cross-examine the prosecution's witnesses, or testify
- This burden means that, if a defendant does not testify, you must not consider that fact in any way, or even discuss it, in arriving at your verdict

- This burden means that you must find a defendant not guilty of an offense charged against him, unless the prosecution proves beyond a reasonable doubt that he has committed each and every element of that offense

INSTRUCTION NO. 3 - REASONABLE DOUBT

A reasonable doubt is a doubt based upon reason and common sense.

- A reasonable doubt may arise from evidence produced by the prosecution or either defendant, keeping in mind that a defendant never, ever has the burden or duty to call any witnesses or to produce any evidence
- A reasonable doubt may arise from the prosecution's lack of evidence

The prosecution must prove each defendant's guilt beyond a reasonable doubt.

- Proof beyond a reasonable doubt requires careful and impartial consideration of all of the evidence in the case before making a decision
- Proof beyond a reasonable doubt is proof so convincing that you would be willing to rely and act on it in the most important of your own affairs

The prosecution's burden is heavy, but it does not require proof beyond all doubt.

INSTRUCTION NO. 4 - OTHER IMPORTANT TERMS

Before I turn to specific instructions on the offenses charged in this case, I will explain some important terms.

Elements

Each offense charged consists of “elements,” which are the parts of the offense. The prosecution must prove beyond a reasonable doubt all of the elements of an offense for you to find a defendant guilty of that offense.

Timing

The Indictment alleges an approximate date or period of time for each charged offense. The prosecution does not have to prove that an offense occurred on an exact date, only that the offense occurred at a time that was reasonably within the time period alleged for that offense in the Indictment.

Location

You must decide whether any act, by any co-conspirator, in furtherance of the conspiracy in question, occurred in the Northern District of Iowa. The act in furtherance of the conspiracy in this District does not have to be by a defendant. Sioux City and Woodbury County are in the Northern District of Iowa.

Illegal Drugs

Methamphetamine, cocaine, and marijuana are all illegal drugs under federal law, so I will call them “illegal drugs” in these Instructions.

* * *

I will now give you the “elements” instructions on the charged offenses. The “elements” themselves are set out in **bold**.

**INSTRUCTION NO. 5 - ELEMENTS OF A
CONSPIRACY OFFENSE**

Count 1 of the Indictment charges Angel Amaya with a “drug conspiracy” offense. **Count 2** of the Indictment charges Angel Amaya and Javier Amaya with a “money laundering conspiracy” offense. For you to find a defendant guilty of a “conspiracy” offense, the prosecution must prove beyond a reasonable doubt *all* of the following three elements against that defendant:

One, at some time during the period of the conspiracy, in the Northern District of Iowa, two or more persons reached an agreement or understanding to commit one or more of the alleged objectives of the conspiracy.

A conspiracy is an agreement of two or more persons to commit a crime. That crime is the “objective” of the conspiracy. The period and “objectives” of the “drug conspiracy” alleged in **Count 1** of the Indictment are set out in Instruction No. 6. The period and “objectives” of the “money laundering conspiracy” alleged in **Count 2** of the Indictment are set out in Instruction No. 8.

For this element to be proved,

- The defendant may, but does not have to be, one of the original conspirators
- The crime that the conspirators agreed to commit does not actually have to be committed
- The agreement does not have to be written or formal
- The agreement does not have to involve every detail of the conspiracy

Two, the defendant voluntarily and intentionally joined in the agreement or understanding.

The defendant must have joined in the agreement at any time during its existence. The defendant may have joined the agreement even if he agreed to play only a minor role in it.

The defendant does not have to do any of the following to join the agreement:

- join the agreement at the same time as all of the other conspirators
- know all of the details of the conspiracy, such as the names, identities, or locations of all of the other members, or
- conspire with every other member of the conspiracy

On the other hand, each of the following, alone, is not enough to show that a person joined the agreement:

- evidence that a person was merely present at the scene of an event
- evidence that a person merely acted in the same way as others
- evidence that a person merely associated with others
- evidence that a person was friends with or met socially with individuals involved in the conspiracy
- evidence that a person who had no knowledge of a conspiracy acted in a way that advanced an objective of the conspiracy
- evidence that a person merely knew of the existence of a conspiracy

- evidence that a person merely knew that an objective of the conspiracy was being considered or attempted, or
- evidence that a person merely approved of the objectives of the conspiracy

Rather, the prosecution must prove that the person had some degree of knowing involvement in the conspiracy.

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

Without knowledge of the purpose of the conspiracy, the defendant cannot be guilty of the conspiracy offense, even if his acts furthered the conspiracy. The prosecution does not have to prove that the defendant knew that what he did was unlawful.

If the prosecution fails to prove all of these elements beyond a reasonable doubt as to a particular defendant, on a particular “conspiracy” offense, then you must find that defendant not guilty of that “conspiracy” offense.

**INSTRUCTION NO. 6 - COUNT 1: THE DRUG
CONSPIRACY OFFENSE**

“Period” of the “drug conspiracy”

Count 1 of the Indictment charges that defendant Angel Amaya engaged in a “drug conspiracy,” with others, from a date unknown, but prior to April 2009.

“Objectives” of the “drug conspiracy”

Count 1 alleges that the “objectives” of the “drug conspiracy” were to possess with intent to distribute methamphetamine, cocaine, and marijuana. The prosecution does not have to prove that the conspirators agreed to possess with intent to distribute all three illegal drugs, only one or more of them.

To help you decide this, you should consider the elements of that crime. The elements of “possession with intent to distribute” are the following:

- A person possessed the illegal drug in question.

A person possessed something if both of the following are true:

- the person knew about it, and
- the person had physical control over it or had the power and the intention to control it

More than one person may have possessed something at the same time.

- The person knew that he was, or intended to be, in possession of an illegal drug.

- The person intended to distribute some or all of the illegal drug to another person.

A person “distributed” an illegal drug if the person transferred possession of the illegal drug to another person. The prosecution does not have to prove that the illegal drug was “sold” or that money or anything of value changed hands.

If you find any of the following, you may, but are not required to, find that the person possessed an illegal drug “with intent to distribute”:

- drug purity, suggesting that the illegal drug was intended to be “cut” or diluted before distribution, if the evidence shows that the person was aware of such purity
- the presence of firearms, cash, packaging material, or other distribution paraphernalia
- possession of a large quantity of the illegal drug in excess of what an individual user would consume

**INSTRUCTION NO. 7 - COUNT 1: QUANTITY OF DRUGS
INVOLVED IN THE DRUG CONSPIRACY OFFENSE**

If you find defendant Angel Amaya guilty of the “drug conspiracy” offense in **Count 1**, and you find that the conspiracy involved methamphetamine or cocaine, then you must determine beyond a reasonable doubt the drug quantity for which Angel Amaya can be held responsible. You do not need to determine the quantity of any marijuana involved in the “drug conspiracy,” even if you find it involved marijuana.

A defendant guilty of the “drug conspiracy” in **Count 1** is responsible for:

- any illegal drugs that he actually possessed with intent to distribute or agreed to possess with intent to distribute during the course of the conspiracy
- any illegal drugs that fellow conspirators actually possessed with intent to distribute or agreed to possess with intent to distribute during the conspiracy that were reasonably foreseeable as a necessary or natural consequence of the conspiracy

Do not double count any quantities of illegal drugs, just because more than one co-conspirator was involved in possessing with intent to distribute that particular quantity of the illegal drug. Instead, you must determine the amount of the illegal drug involved in the conspiracy for which Angel Amaya can be held responsible.

If you find that the “drug conspiracy” involved methamphetamine, then you must indicate in the Verdict Form whether Angel Amaya can be held responsible for

500 grams or more, 50 grams or more but less than 500 grams, or less than 50 grams of methamphetamine.

If you find that the “drug conspiracy” involved cocaine, then you must indicate in the Verdict Form whether Angel Amaya can be held responsible for 500 grams or more, or less than 500 grams of cocaine.

The following conversion table may be helpful:

POUNDS/ OUNCES	GRAMS
1 lb.	453.6 g. (0.4536 kilogram)
2.2 lb.	1,000 g. (1 kilogram)
1 oz.	28.34 g. (0.028 kilogram)

At the end of your deliberations, if you have found defendant Angel Amaya guilty of the “drug conspiracy” offense in **Count I**, you will check the appropriate blank in the Verdict Form to indicate the quantity of any methamphetamine or cocaine involved in the “drug conspiracy” for which you find that he is responsible.

**INSTRUCTION NO. 8 - COUNT 2: THE MONEY
LAUNDERING CONSPIRACY OFFENSE**

“Period” of the “money laundering conspiracy”

Count 2 of the Indictment charges that defendants Angel Amaya and Javier Amaya engaged in a “money laundering conspiracy,” with others, from a date unknown, but prior to January 2011.

“Objectives” of the “money laundering conspiracy”

Count 2 of the Indictment alleges that the “objectives” of the “money laundering conspiracy” were the following:

- 1) to promote the carrying on of the drug conspiracy
- 2) to conceal the proceeds of the drug conspiracy, and
- 3) to avoid transaction reporting requirements under federal law.

The prosecution does not have to prove that the conspirators agreed to commit all three “objectives,” only that they agreed to commit one or more of them.

To help you decide whether a particular “money laundering” offense was an “objective” of this conspiracy, you should consider the elements of that crime. All three “money laundering” offenses identified as “objectives” of this conspiracy have the same first three elements, which the prosecution would have to prove beyond a reasonable doubt:

- On or about the date alleged, a person conducted or attempted to conduct a financial transaction that, in any way or degree, affected interstate commerce.

The “financial transaction” must have “affected interstate commerce”

- A transaction “affected interstate commerce” if it involved travel, trade, transportation, communication, or the movement of funds, by wire or other means, across state lines, or use of a financial institution that does business across state lines
 - The prosecution does not have to show that the person intended or anticipated an effect on interstate commerce, but
 - the prosecution must show that interstate commerce was affected as a natural and probable consequence of the person’s actions.
- The person conducted or attempted to conduct the financial transaction with money that involved the proceeds of the “drug conspiracy” charged in **Count 1**.

“Proceeds”

- are any property, or any interest in property, that someone acquires as a result of possessing with intent to distribute illegal drugs
- can be any kind of property, including money
- do not have to be traced to a particular drug transaction, but must be proved beyond a reasonable doubt to be the result of the unlawful possession with intent to distribute illegal drugs generally

- do not all have to be the result of possessing with intent to distribute illegal drugs, but must be, at least in part, property that resulted from such activity.
- At the time the person conducted or attempted to conduct the financial transaction, the person knew that the money represented the proceeds of some form of unlawful activity.

The fourth element of each “money laundering” offense identified as an “objective” of this conspiracy is different. I will now explain the fourth element for each alleged “objective.”

Objective #1: Money laundering to promote the carrying on of the drug conspiracy

To prove this objective, the prosecution would have to prove the following element, in addition to the first three elements set out above:

- The person conducted or attempted to conduct the financial transaction with the intent to promote the carrying on of the “drug conspiracy” in **Count 1.**

This element does not require proof that the person intended to commit the “drug conspiracy” offense himself.

Objective #2: Money laundering to conceal the proceeds of the drug conspiracy

To prove this objective, the prosecution would have to prove the following element, in addition to the first three elements set out above:

- The person conducted or attempted to conduct 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 “drug conspiracy” charged in **Count 1**.

You may find that a person knew that the transaction was designed for one or more of the listed purposes, if

- the circumstances show that the person was aware of a high probability that this was so, or
- if you find that the person deliberately closed his or her eyes to what would otherwise have been obvious to that person

Objective #3: Money laundering to avoid transaction reporting requirements

To prove this objective, the prosecution would have to prove the following element, in addition to the first three elements set out above:

- The person conducted or attempted to conduct the financial transaction knowing that the transaction was designed in whole or in part to avoid a transaction reporting requirement under federal law.

Transaction reporting requirements under federal law require financial institutions to file a report of each deposit, withdrawal, exchange of

currency, or other payment or transfer, by, through, or to such financial institution which involves a transaction in currency of more than \$10,000.

You may find that a person knew that the transaction was designed in whole or in part to avoid a transaction reporting requirement under federal law, if

- the circumstances show that the person was aware of a high probability that this was so, or
- if you find that the person deliberately closed his or her eyes to what would otherwise have been obvious to that person

INSTRUCTION NO. 9 - DEFINITION OF EVIDENCE

Evidence is the following:

- testimony
- exhibits admitted into evidence, but exhibits are not necessarily more important than any other evidence, just because they are shown to you
- stipulations, which are agreements between the parties that certain facts are true; you must treat stipulated facts as having been proved

The following are not evidence:

- testimony that I tell you to disregard
- exhibits that are not admitted into evidence
- statements, arguments, questions, and comments by the lawyers
- objections and rulings on objections
- anything that you see or hear about this case outside the courtroom

You may have heard of “direct” or “circumstantial” evidence.

- “Direct” evidence is direct proof of a fact. An example is testimony by a witness about what that witness personally saw or heard or did.
- “Circumstantial” evidence is proof of one or more facts from which you could find another fact. An example is testimony that a witness

personally saw a broken window and a brick on the floor from which you could find that the brick broke the window.

- You should consider both kinds of evidence, because the law makes no distinction between their weight. The weight to be given any evidence, whether it is “direct” or “circumstantial,” is for you to decide.

Some evidence may be admitted only for a limited purpose.

- I will tell you if that happens
- I will instruct you on the purposes for which the evidence can and cannot be used

INSTRUCTION NO. 10 - RECORDED CONVERSATIONS

As part of the evidence in this case, you may hear one or more recordings of conversations.

- They may be wholly or partly in English or Spanish
- They were legally recorded
- Consider them just like any other evidence

The recordings may be accompanied by typed transcripts. A transcript is not evidence, what you hear is evidence. A transcript is only

- to help you follow the conversation as you listen
- to help you keep track of the speakers
- to help you consider the content of a conversation
 - You must decide whether a translation of a conversation or part of a conversation in Spanish is accurate
 - Consider any evidence concerning the translator's knowledge, training, and experience
 - Also consider the nature of the conversation and the reasonableness of the translation in light of all the evidence in the case
 - Do not rely, in any way, on any knowledge you may have of Spanish; instead, consider the evidence introduced in the trial

Differences in meaning between what you hear in a recording and read in a transcript may be caused by such things as the inflection in a speaker's voice. It is entirely for you to decide whether a transcript correctly or incorrectly reflects the conversation or identity of the speakers. You must make that decision based on the following:

- what you hear about the preparation of the transcript and any translation
- your own examination of the transcript in relation to what you hear on the recording

You should disregard any part of a transcript or translation that you find is incorrect or unreliable.

INSTRUCTION NO. 11 - TESTIMONY OF WITNESSES

You may believe all of what any witness says, only part of it, or none of it.

In evaluating a witness's testimony, consider the following:

- the witness's
 - intelligence
 - memory
 - opportunity to have seen and heard what happened
 - motives for testifying
 - interest in the outcome of the case
 - manner while testifying
 - drug or alcohol use or addiction, if any
- the reasonableness of the witness's testimony
- any differences between what the witness says now and said earlier
- any inconsistencies between the witness's testimony and any other evidence that you believe
- whether any inconsistencies are the result of seeing or hearing things differently, actually forgetting things, or innocent mistakes or are, instead, the result of lies or phony memory lapses, and
- any other factors that you find bear on believability or credibility

You should not give any more or less weight to a witness's testimony just because the witness is one of the following:

- a public official or law enforcement officer
- an expert

You may give any witness's opinion whatever weight you think it deserves, but you should consider the following:

- the reasons and perceptions on which the opinion is based
- any reason that the witness may be biased, and
- all of the other evidence in the case

If a defendant testifies, you should judge his testimony in the same way that you judge the testimony of any other witness.

You may hear evidence that a witness has been convicted of a crime. You may use that evidence only to help you decide whether or not to believe that witness and how much weight to give that witness's testimony.

You must consider the testimony of the following witnesses with greater caution and care:

- A witness testifying pursuant to a plea agreement
 - The plea agreement may be a "cooperation" plea agreement that provides that the prosecution may recommend a less severe sentence if the prosecutor believes that the witness has provided "substantial assistance"
 - The court cannot reduce a sentence for "substantial assistance" unless the prosecution asks the court to do so, but if the prosecution does ask, the court decides if and how much to reduce the witness's sentence
- A witness testifying about participation in a charged crime.

In considering the testimony of such witnesses, it is up to you to decide

- how much weight you think their testimony deserves
- whether or not their testimony has been influenced by the plea agreement or by a desire to please the prosecutor and to strike a good bargain

It is your exclusive right to give any witness's testimony whatever weight you think it deserves.

INSTRUCTION NO. 12 - OBJECTIONS

The lawyers may make objections and motions during the trial that I must rule upon.

- If I sustain an objection to a question before it is answered, do not draw any inferences or conclusions from the question itself
- Do not hold it against a lawyer or a party that a lawyer has made an objection, because lawyers have a duty to object to testimony or other evidence that they believe is not properly admissible

INSTRUCTION NO. 13 - BENCH CONFERENCES

During the trial it may be necessary for me to talk with the lawyers out of your hearing.

- I may hold a bench conference while you are in the courtroom or call a recess
- These conferences are to decide how certain evidence is to be treated, to avoid confusion and error, and to save your valuable time, so please be patient
- We will do our best to keep such conferences short and infrequent

INSTRUCTION NO. 14 - NOTE-TAKING

You are allowed to take notes during the trial if you want to.

- Be sure that your note-taking does not interfere with listening to and considering all the evidence
- Your notes are not necessarily more reliable than your memory or another juror's notes or memory
- Do not discuss your notes with anyone before you begin your deliberations
- Leave your notes on your chair during recesses and at the end of the day
- At the end of trial, you may take your notes with you or leave them to be destroyed
- No one else will ever be allowed to read your notes, unless you let them

If you choose not to take notes, remember that it is your own individual responsibility to listen carefully to the evidence.

An official court reporter is making a record of the trial, but her transcripts will not be available for your use during your deliberations.

INSTRUCTION NO. 15 - CONDUCT OF JURORS DURING TRIAL

You must decide this case *solely* on the evidence and your own observations, experiences, reason, common sense, and the law in these Instructions. You must also keep to yourself any information that you learn in court until it is time to discuss this case with your fellow jurors during deliberations.

To ensure fairness, you must obey the following rules:

- Do not talk among yourselves about this case, or about anyone involved with it, until you go to the jury room to decide on your verdict
- Do not talk with anyone else about this case, or about anyone involved with it, until the trial is over
- When you are outside the courtroom, do not let anyone ask you about or tell you anything about this case, anyone involved with it, any news story, rumor, or gossip about it, until the trial is over. If someone should try to talk to you about this case during the trial, please report it to me.
- During the trial, you should not talk to any of the parties, lawyers, or witnesses—even to pass the time of day—so that there is no reason to be suspicious about your fairness. The lawyers, parties, and witnesses are not supposed to talk to you, either.
- You may need to tell your family, friends, teachers, co-workers, or employer about your participation in this trial, so that you can tell them

when you must be in court and warn them not to ask you or talk to you about the case. However, do not provide any information to anyone by any means about this case until after I have accepted your verdict. That means do not talk face-to-face or use any electronic device or media, such as the telephone, a cell or smart phone, Blackberry, PDA, computer, the Internet, any Internet service, any text or instant messaging service, any Internet chat room, blog, or website such as Facebook, MySpace, YouTube, or Twitter, to communicate to anyone any information about this case until I accept your verdict.

- Do not do any research—on the Internet, in libraries, in the newspapers, or in any other way—or make any investigation about this case, the law, or the people involved on your own
- Do not visit or view any place discussed in this case and do not use Internet maps or Google Earth or any other program or device to search for or to view any place discussed in the testimony
- Do not read any news stories or articles, in print, on the Internet, or in any “blog,” about this case, or about anyone involved with it, or listen to any radio or television reports about it or about anyone involved with it, or let anyone tell you anything about any such news reports. I assure you that when you have heard all the evidence, you will know more about this case than anyone will learn through the news media—and it will be more accurate.

- Do not make up your mind during the trial about what the verdict should be. Keep an open mind until you have had a chance to discuss the evidence with other jurors during deliberations.
- Do not decide the case based on “implicit biases.” As we discussed in jury selection, everyone, including me, has feelings, assumptions, perceptions, fears, and stereotypes, that is, “implicit biases,” that we may not be aware of. These hidden thoughts can impact what we see and hear, how we remember what we see and hear, and how we make important decisions. Because you are making very important decisions in this case, I strongly encourage you to evaluate the evidence carefully and to resist jumping to conclusions based on personal likes or dislikes, generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, your individual evaluation of that evidence, your reason and common sense, and these instructions. Our system of justice is counting on you to render a fair decision based on the evidence, not on biases.
- If, at any time during the trial, you have a problem that you would like to bring to my attention, or if you feel ill or need to go to the restroom, please send a note to the Court Security Officer (CSO), who will give it to me. I want you to be comfortable, so please do not hesitate to tell us about any problem.

I will read the remaining two Instructions at the end of the evidence.

INSTRUCTION NO. 16 - DUTY TO DELIBERATE

A verdict must represent the careful and impartial judgment of each of you. However, before you make that judgment, you must consult with one another and try to reach agreement, if you can do so consistent with your individual judgment.

- If you are convinced that the prosecution has not proved beyond a reasonable doubt that a defendant is guilty, say so
- If you are convinced that the prosecution has proved beyond a reasonable doubt that a defendant is guilty, say so
- Don't give up your honest beliefs just because others think differently or because you simply want to be finished with the case
- On the other hand, do not hesitate to re-examine your own views and to change your opinion, if you are convinced that it is wrong
- You can only reach a unanimous verdict if you discuss your views openly and frankly, with proper regard for the opinions of others, and with a willingness to re-examine your own views
- Remember that you are not advocates, but judges of the facts, so your sole interest is to seek the truth from the evidence
- The question is never who wins or loses the case, because society always win, whatever your verdict, when you return a just verdict based solely on the evidence, reason, your common sense, and these instructions

- You must consider all of the evidence bearing on each question before you
- Take all the time that you feel is necessary
- Remember that this case is important to the parties and to the fair administration of justice, so do not be in a hurry to reach a verdict just to be finished with the case

INSTRUCTION NO. 17 - DUTY DURING DELIBERATIONS

You must follow certain rules while conducting your deliberations and returning your verdict:

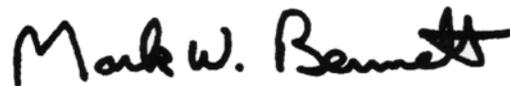
- Select a foreperson to preside over your discussions and to speak for you here in court
- Do not consider punishment in any way in deciding whether a defendant is not guilty or guilty. If a defendant is guilty, I will decide what his sentence should be
- Communicate with me by sending me a note through a Court Security Officer (CSO). The note must be signed by one or more of you. Remember that you should not tell anyone, including me, how your votes stand. I will respond as soon as possible, either in writing or orally in open court
- Base your verdict solely on the evidence, reason, your common sense, and these instructions. Again, nothing I have said or done was intended to suggest what your verdict should be—that is entirely for you to decide
- Reach your verdict without discrimination. In reaching your verdict, you must not consider a defendant's race, color, religious beliefs, national origin, or sex. You are not to return a verdict for or against a defendant unless you would return the same verdict without regard to his race, color, religious beliefs, national origin, or sex. To emphasize

the importance of this requirement, the verdict form contains a certification statement. Each of you should carefully read that statement, then sign your name in the appropriate place in the signature block, if the statement accurately reflects how you reached your verdict.

- Complete the Verdict Form. The foreperson must bring the signed verdict form to the courtroom when it is time to announce your verdict.
- When you have reached a verdict, the foreperson will advise the CSO that you are ready to return to the courtroom.

Good luck with your deliberations.

DATED this 29th day of May, 2012.



MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGEL AMAYA and JAVIER
AMAYA,

Defendants.

No. CR 11-4065-MWB

VERDICT FORM

I. DEFENDANT ANGEL AMAYA

As to defendant Angel Amaya, we, the Jury, unanimously find as follows:

COUNT 1: THE DRUG CONSPIRACY		VERDICT
Step 1: Verdict	On the “drug conspiracy” offense in Count 1 of the Indictment and explained in Instruction Nos. 5 and 6, please mark your verdict. <i>(If you find the defendant “not guilty” of this offense, do not answer the questions in Steps 2 and 3. Instead, go on to consider your verdict on Count 2.)</i>	<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty
Step 2: “Objectives” of the “Drug Conspiracy”	<i>If you found the defendant “guilty” of the “drug conspiracy” offense in Count 1 of the Indictment, please indicate which one or more illegal drugs the conspirators agreed to possess with intent to distribute, as “objectives” of the “drug conspiracy.” (“Objectives” of the “drug conspiracy” were explained in Instruction No. 6.)</i>	
	<input type="checkbox"/> methamphetamine	
	<input type="checkbox"/> cocaine	
	<input type="checkbox"/> marijuana	

Step 3: Quantity of Methamphetamine and Cocaine	If you found the defendant “guilty” of the “drug conspiracy” offense in Count 1 of the Indictment, please indicate the quantity of any methamphetamine or cocaine involved in the conspiracy for which the defendant can be held responsible. (<i>Quantity of illegal drugs is explained in Instruction No. 7.</i>)		
	___ methamphetamine		
	___ 500 grams or more	___ 50 grams or more	___ less than 50 grams
	___ cocaine		
	___ 500 grams or more	___ less than 500 grams	
COUNT 2: MONEY LAUNDERING CONSPIRACY		VERDICT	
Step 1: Verdict	On the “money laundering conspiracy” offense in Count 2 of the Indictment and explained in Instruction Nos. 5 and 8, please mark your verdict. (<i>If you find the defendant “not guilty” of this offense, do not answer the question in Step 2. Instead, go on to consider your verdict on the charge against defendant Javier Amaya.</i>)		___ Not Guilty ___ Guilty
Step 2: “Objectives” of the “Money Laundering Conspiracy”	If you found the defendant “guilty” of the “money laundering conspiracy” offense in Count 2 of the Indictment, please indicate which one or more money laundering offenses the conspirators agreed to commit as “objectives” of the “money laundering conspiracy.” (<i>“Objectives” of the “money laundering conspiracy” were explained in Instruction No. 8.</i>)		
	___ to promote the carrying on of the drug conspiracy		
	___ to conceal proceeds of the drug conspiracy		
	___ to avoid transaction reporting requirements under federal law		

CERTIFICATION

By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant was not involved in reaching his or her individual decision, and that the individual juror would have returned the same verdict for or against the defendant on the charged offense regardless of the race, color, religious beliefs, national origin, or sex of the defendant.

Date

Foreperson

Juror

II. JAVIER AMAYA

As to defendant Javier Amaya, we, the Jury, unanimously find as follows:

COUNT 2: MONEY LAUNDERING CONSPIRACY	
Step 1: Verdict	On the “money laundering conspiracy” offense in Count 2 of the Indictment and explained in Instruction Nos. 5 and 8, please mark your verdict. <i>(If you find the defendant “not guilty” of this offense, do not answer the question in Step 2. Instead, notify the Court Security Officer (CSO) that you have reached a verdict.)</i>
Step 2: “Objectives” of the “Money Laundering Conspiracy”	<i>If you found the defendant “guilty” of the “money laundering conspiracy” offense in Count 2 of the Indictment, please indicate which one or more money laundering offenses the conspirators agreed to commit as “objectives” of the “money laundering conspiracy.” (“Objectives” of the “money laundering conspiracy” were explained in Instruction No. 8.)</i>
	_____ to promote the carrying on of the drug conspiracy
	_____ to conceal proceeds of the drug conspiracy
	_____ to avoid transaction reporting requirements under federal law
CERTIFICATION	
By signing below, each juror certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant was not involved in reaching his or her individual decision, and that the individual juror would have returned the same verdict for or against the defendant on the charged offense regardless of the race, color, religious beliefs, national origin, or sex of the defendant.	

Date

Foreperson

Juror

Juror

Juror

Juror

Juror

Juror

Juror

Juror

Juror

Juror

Juror

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANGEL AMAYA and JAVIER
AMAYA,

Defendants.

No. CR 11-4065-MWB

**SUPPLEMENTAL INSTRUCTION
TO THE JURY**

**SUPPLEMENTAL INSTRUCTION NO. 17 - SINGLE
OR MULTIPLE CONSPIRACIES**

In **Count 1**, the Indictment charges that defendant Angel Amaya was a member of one single conspiracy to commit the crime of possession with intent to distribute illegal drugs.

You have heard evidence that there may have been three (or more) separate conspiracies—one between Eduardo Deanda (and others in South Sioux City, Nebraska) to distribute illegal drugs, or another conspiracy involving Shawn Forbes (and others in Colorado) to distribute illegal drugs, or another involving Didier Cancino-Torres to distribute illegal drugs in Sioux City, Iowa.

The prosecution must convince you beyond a reasonable doubt that defendant Angel Amaya was a member of the conspiracy charged in the Indictment. If the prosecution fails to prove that the conspiracy charged in **Count 1** of the Indictment existed and that it included defendant Angel Amaya, then you must find defendant Angel Amaya not guilty of the conspiracy charged in **Count 1**.

