

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TONY HULSTEIN,

Defendant.

No. CR 09-4028-MWB

**INSTRUCTIONS  
TO THE JURY**

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## 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 Tony Hulstein with five offenses allegedly arising from dealing firearms without a license and one offense of making a false claim for property damages against the United States. An Indictment is simply an accusation—it is not evidence of anything. The defendant has pled not guilty, and he is presumed absolutely not guilty of each offense charged 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 the defendant's guilt on each offense charged 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 defendant Tony Hulstein, and not anyone else, is on trial. Also, the defendant is on trial *only* for the offenses charged against him in the Indictment, and not for anything else.

Remember that each count charges a separate crime. *Therefore, you must give separate consideration to each charge against the defendant and return a separate, unanimous verdict on each charge.*

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 the defendant is presumed to be absolutely not guilty.

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

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

- This burden never, ever shifts to the defendant to prove his innocence
- This burden means that the defendant does not have to call any witnesses, produce any evidence, cross-examine the prosecution's witnesses, or testify
- This burden means that, if the 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 the defendant not guilty of each 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 either the prosecution or the defendant, keeping in mind that the 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 the 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 the defendant guilty of that offense.

### ***Timing***

The Indictment alleges an approximate date for the charged offenses. The prosecution does not have to prove that an offense occurred on an exact date, only that the offense was committed on a date reasonably close to the date or time period alleged.

### ***Location***

You must decide whether the defendant’s conduct at issue in each offense occurred, at least in part, in the Northern District of Iowa. O’Brien County is in the Northern District of Iowa.

### ***Verdict Form***

A Verdict Form is attached to these Instructions.

- A Verdict Form is simply a written notice of your decision
- When you have reached a unanimous verdict, your foreperson will complete one copy of the Verdict Form by marking the appropriate blank or blanks for each question
- You will all sign that copy to indicate that you agree with the verdict and that it is unanimous
- Your foreperson will then bring the signed Verdict Form to the courtroom when it is time to announce your verdict

\* \* \*

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

**INSTRUCTION NO. 5 - COUNT 1: UNLICENSED DEALING  
IN FIREARMS**

**Count 1** of the Indictment charges defendant Hulstein with an offense that I have called “unlicensed dealing in firearms.” For you to find the defendant guilty of this offense, the prosecution must prove beyond a reasonable doubt *all* of the following elements against him:

***One*, at some time between about November 2004 and 2009, the defendant was a dealer in firearms.**

A “firearm” is any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive. A “dealer of firearms” is any person “engaged in the business of selling firearms” at wholesale or retail.

The defendant “engaged in the business of selling firearms” if

- he devoted time, attention, and labor to selling firearms, *and*
- he did so as a regular course of trade or business, *and*
- he did so primarily to earn a living and make money from the repetitive purchase and resale of firearms, as opposed to some other purpose, such as improving or disposing of a personal firearms collection

The prosecution does not have to prove that the defendant engaged in any particular number of sales of firearms or that selling firearms was the defendant’s sole or primary business.

The defendant did not “engage in the business of selling firearms” if

- he made only occasional sales, exchanges, or purchases of firearms, for the enhancement of a personal collection or for a hobby, *or*
- he sold all or part of his personal collection of firearms

***Two, at the time that the defendant was a dealer in firearms, he did not have a federal license to deal in firearms.***

Federal law prohibits anyone from dealing in firearms, until he has filed an application with and received a license to do so from the Attorney General.

***Three, the defendant willfully engaged in unlicensed dealing in firearms.***

The defendant acted “willfully” if he acted with knowledge that his unlicensed dealing in firearms was unlawful.

- In deciding whether the defendant acted willfully, you may consider whether his conduct was consistent or inconsistent with a good-faith belief that his unlicensed dealing in firearms was lawful

If the prosecution fails to prove all of the elements of the “unlicensed dealing in firearms” offense beyond a reasonable doubt as to defendant Hulstein, then you must find him not guilty of that offense.

**INSTRUCTION NO. 6 - COUNTS 2 THROUGH 5: INTERSTATE  
TRAVEL IN FURTHERANCE OF UNLICENSED  
DEALING IN FIREARMS**

Counts 2 through 5 of the Indictment charge separate offenses that I have called “interstate travel in furtherance of unlicensed dealing in firearms.” Each such Count charges that, on or about a certain date, Hulstein traveled from Iowa, or any other state, into either Texas or Michigan, with the intent to engage in unlicensed dealing in firearms, and acquired or attempted to acquire firearms in that state in furtherance of his unlicensed dealing in firearms. The following chart summarizes these charges:

<b>Count</b>	<b>Approximate Date</b>	<b>Travel From</b>	<b>To</b>
<b>2</b>	April 2, 2007	Iowa, or any other state	Texas
<b>3</b>	November 25, 2008	Iowa, or any other state	Michigan
<b>4</b>	December 16, 2008	Iowa, or any other state	Michigan
<b>5</b>	April 16, 2009	Iowa, or any other state	Michigan

For you to find the defendant guilty of such an offense, the prosecution must prove beyond a reasonable doubt *all* of the following elements against him as to that offense:

***One*, on or about the date alleged, the defendant traveled from one state to another.**

***Two*, the defendant did so with the intent to engage in unlicensed dealing in firearms.**

“Unlicensed dealing in firearms” was explained for you in Instruction No. 5.

***Three, the defendant acquired or attempted to acquire firearms in the other state.***

The defendant “attempted to acquire firearms” if he intended to acquire firearms and voluntarily and intentionally carried out some act that was a substantial step toward acquiring firearms.

***Four, the defendant’s acquisition or attempted acquisition of firearms was in furtherance of his unlicensed dealing in firearms.***

An act was done “in furtherance of his unlicensed dealing in firearms” if the act advanced or helped forward his unlicensed dealing in firearms. The defendant must have acquired or attempted to acquire the firearm with the intent to advance, assist, or help his unlicensed dealing in firearms; the conduct did not actually have to do so. You cannot find that this element is proved, unless you also find that the defendant engaged in unlicensed dealing in firearms, as explained in Instruction No. 5.

If the prosecution fails to prove all of the elements of “interstate travel in furtherance of unlicensed dealing in firearms” beyond a reasonable doubt as to a particular offense charged in **Counts 2** through **5** against defendant Hulstein, then you must find him not guilty of that offense.

**INSTRUCTION NO. 7 - DEFENSE TO COUNTS 1 THROUGH 5:  
RELIANCE ON A GOVERNMENT AGENT’S STATEMENT**

The defendant may assert a defense of “reliance on a government agent’s statement” to the charges in **Counts 1** through **5** involving his alleged unlicensed dealing in firearms. A defense of “reliance on a government agent’s statement” applies when an official assures a defendant that certain conduct is legal, and the defendant reasonably relies on that advice and continues or initiates the conduct.

The defendant must prove this defense “by the greater weight of the evidence.” This is a lesser standard than proof “beyond a reasonable doubt.”

- To prove something “by the greater weight of the evidence” means to prove that it is more likely true than not true
- To decide whether something has been proved “by the greater weight of the evidence,” consider all of the evidence on the subject and decide which evidence you believe

To prove his defense of “reliance on a government agent’s statement,” the defendant must prove the following by the greater weight of the evidence:

***One, a government agent assured the defendant that his specific unlicensed dealing in firearms was legal.***

The government agent must have made statements or acted in a way that could be reasonably understood by the defendant to mean that his unlicensed dealing in firearms was lawful.

***Two*, the agent's statement misled the defendant into believing that his conduct was legal.**

***Three*, the defendant reasonably relied on the government agent's statement when he initiated or continued his unlicensed dealing in firearms.**

The defendant did not reasonably rely on any assurance that his conduct was legal, if, for example, he was fully aware that his conduct was a crime, or repeatedly failed to comply with instructions to comply with the law or to stop his conduct, or continued his conduct, even after his misunderstanding of the legality of his conduct was exposed.

If the defendant has proved all of these elements by the greater weight of the evidence as to a particular firearm offense charged in **Counts 1** through **5** of the Indictment, then you cannot find him guilty of that offense.

**INSTRUCTION NO. 8 - COUNT 6: MAKING A FALSE  
CLAIM FOR PROPERTY DAMAGE  
AGAINST THE UNITED STATES**

**Count 6** of the Indictment charges an offense that I have called “making a false claim for property damage against the United States.” For you to find the defendant guilty of this offense, the prosecution must prove beyond a reasonable doubt *all* of the following elements against him:

***One***, the defendant made a claim to the office of Representative Steve King and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) against the ATF for damage on April 22, 2009, to a 2008 Dodge truck.

***Two***, the claim was and the defendant knew that it was false or fraudulent.

The prosecution does not have to prove that the claim was both false and fraudulent. However, for this element to be proved, you must unanimously agree on whether the claim was false, or fraudulent, or both.

- A claim was “false” if
  - any part of it was untrue when made, *and*
  - the defendant knew that it was untrue at the time that he made it or caused it to be made
- A claim was “fraudulent” if
  - the defendant knew that any part of it was untrue, *and*
  - the defendant made it or caused it to be made with the intent to deceive the

governmental agency to which it was submitted

The prosecution contends that the claim was false or fraudulent, because the ATF was not responsible for any damage done to the truck, the defendant knew that the ATF was not responsible for the damage, and the defendant intended to deceive the ATF into paying the claim.

***Three, the false or fraudulent matter was material to the ATF.***

The false or fraudulent matter in the claim was “material” if

- it had a natural tendency to influence the ATF, *or*
- was capable of influencing the ATF

The prosecution does not have to prove that the ATF was actually deceived.

If the prosecution fails to prove all of the elements of the “false claim of property damage” offense in **Count 6** beyond a reasonable doubt as to defendant Hulstein, then you must find him not guilty of that offense.

## **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 - 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
- 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 a public official or law enforcement officer.

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 the 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.

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

## **INSTRUCTION NO. 11 - RECORDED CONVERSATIONS**

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

- 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

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
- your own examination of the transcript in relation to what you hear on the recording

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

## **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 the defendant is guilty, say so
- If you are convinced that the prosecution has proved beyond a reasonable doubt that the 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 wins, 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:

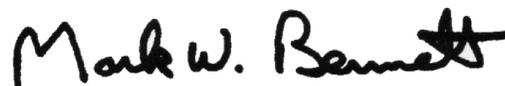
- Select a foreperson to preside over your discussions and to speak for you here in court.
- Do not consider punishment in any way in deciding whether the defendant is not guilty or guilty. If the defendant is guilty, I will decide what his sentence should be. However, in this case, if you find that the defendant is guilty of one or more of the offenses charged in **Counts 1** through **5** of the Indictment, you will be asked to make a further determination of whether or not certain property should be forfeited to the United States as part of the penalty for engaging in criminal activity. Therefore, if you find the defendant guilty of one or more of those offenses, we will have further proceedings on forfeiture after the verdict.
- 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 the defendant’s race, color, religious beliefs, national origin, or sex. You are not to return a verdict for or against the 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 27th day of February, 2012.



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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.

TONY HULSTEIN,

Defendant.

No. CR 09-4028-MWB

**VERDICT FORM**

As to defendant Tony Hulstein, we, the Jury, unanimously find as follows:

<b>COUNT 1: UNLICENSED DEALING IN FIREARMS</b>	<b>VERDICT</b>
On the “unlicensed dealing in firearms” offense, as charged in <b>Count 1</b> of the Indictment and explained in Instruction No. 5, please mark your verdict. <i>(Remember that you cannot find the defendant guilty of this offense if he has proved his “reliance on a government agent’s statement” defense, as explained in Instruction No. 7, to this offense.)</i>	<input type="checkbox"/> Not Guilty  <input type="checkbox"/> Guilty
<b>COUNT 2: INTERSTATE TRAVEL IN FURTHERANCE OF UNLICENSED DEALING IN FIREARMS</b>	<b>VERDICT</b>
On the “interstate travel in furtherance of unlicensed dealing in firearms” offense, on or about April 2, 2007, as charged in <b>Count 2</b> of the Indictment and explained in Instruction No. 6, please mark your verdict. <i>(Remember that you cannot find the defendant guilty of this offense if he has proved his “reliance on a government agent’s statement” defense, as explained in Instruction No. 7, to this offense.)</i>	<input type="checkbox"/> Not Guilty  <input type="checkbox"/> Guilty

<b>COUNT 3: INTERSTATE TRAVEL IN FURTHERANCE OF UNLICENSED DEALING IN FIREARMS</b>		<b>VERDICT</b>
<p>On the “interstate travel in furtherance of unlicensed dealing in firearms” offense, on or about November 25, 2008, as charged in <b>Count 3</b> of the Indictment and explained in Instruction No. 6, please mark your verdict. <i>(Remember that you cannot find the defendant guilty of this offense if he has proved his “reliance on a government agent’s statement” defense, as explained in Instruction No. 7, to this offense.)</i></p>		<p>___ Not Guilty</p> <p>___ Guilty</p>
<b>COUNT 4: INTERSTATE TRAVEL IN FURTHERANCE OF UNLICENSED DEALING IN FIREARMS</b>		<b>VERDICT</b>
<p>On the “interstate travel in furtherance of unlicensed dealing in firearms” offense, on or about December 16, 2008, as charged in <b>Count 4</b> of the Indictment and explained in Instruction No. 6, please mark your verdict. <i>(Remember that you cannot find the defendant guilty of this offense if he has proved his “reliance on a government agent’s statement” defense, as explained in Instruction No. 7, to this offense.)</i></p>		<p>___ Not Guilty</p> <p>___ Guilty</p>
<b>COUNT 5: INTERSTATE TRAVEL IN FURTHERANCE OF UNLICENSED DEALING IN FIREARMS</b>		<b>VERDICT</b>
<p>On the “interstate travel in furtherance of unlicensed dealing in firearms” offense, on or about April 16, 2009, as charged in <b>Count 5</b> of the Indictment and explained in Instruction No. 6, please mark your verdict. <i>(Remember that you cannot find the defendant guilty of this offense if he has proved his “reliance on a government agent’s statement” defense, as explained in Instruction No. 7, to this offense.)</i></p>		<p>___ Not Guilty</p> <p>___ Guilty</p>
<b>COUNT 6: MAKING A FALSE CLAIM FOR PROPERTY DAMAGE AGAINST THE UNITED STATES</b>		<b>VERDICT</b>
<b>Step 1: Verdict</b>	<p>On the “making a false claim for property damage against the United States” offense, as charged in <b>Count 6</b> of the Indictment and explained in Instruction No. 8, please mark your verdict.</p>	<p>___ Not Guilty</p> <p>___ Guilty</p>
<b>Step 2: False or fraudulent claim</b>	<p><i>If you found the defendant guilty of this offense, do you find that the claim was false, or fraudulent, or both?</i></p> <p>___ False</p> <p>___ Fraudulent</p> <p>___ Both false and fraudulent</p>	

**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