

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY LEE RAPLINGER,

Defendant.

No. 05-CR-49-LRR

**FINAL JURY INSTRUCTIONS**

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Ladies and Gentlemen of the Jury:

The instructions I gave you at the beginning of the trial and during the trial remain in effect. I will now give you some additional instructions.

You must, of course, continue to follow the instructions I gave you earlier, as well as those I give you now. You must not single out some instructions and ignore others, because all are important. This is true even though some of those I gave you at the beginning of and during trial are not repeated here.

The instructions I am about to give you now are in writing and will be available to you in the jury room. I emphasize, however, that this does not mean they are more important than my earlier instructions. Again, all instructions, whenever given and whether in writing or not, must be followed.

## **INSTRUCTION NUMBER**

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

## **INSTRUCTION NUMBER**

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 NUMBER**

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 NUMBER**

I have mentioned the word “evidence.” The “evidence” in this case consists of the following: the testimony of the witnesses and the documents and other things received as exhibits.

You may use reason and common sense to draw deductions or conclusions from facts which have been established by the evidence in the case.

Certain things are not evidence. I shall list those things again for you now:

1. Statements, arguments, questions and comments by the lawyers are not evidence.
2. Anything that might have been said by jurors or the attorneys 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.

## **INSTRUCTION NUMBER**

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 NUMBER**

The jurors are the sole judges of the weight and credibility of the testimony and the value to be given to 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 NUMBER**

In a previous instruction, I instructed you generally on the credibility of witnesses. I now give you this further instruction on how the credibility of a witness can be “impeached” and how you are to consider the testimony of certain witnesses.

A witness may be discredited or impeached by contradictory evidence; by showing that the witness testified falsely concerning a material matter; by showing the witness has a motive to be untruthful; or by evidence that at some other time the witness has said or done something, or has failed to say or do something, that is inconsistent with the witness’s present testimony.

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

## INSTRUCTION NUMBER

You have heard testimony that the defendant made statements to certain witnesses 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 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 NUMBER**

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 NUMBER**

The Indictment in this case charges the defendant with three offenses.

Count 1 of the Indictment charges that the defendant sexually exploited, attempted to sexually exploit and aided and abetted the sexual exploitation of a minor. Count 2 of the Indictment charges that the defendant knowingly distributed and attempted to distribute child pornography. Count 3 of the Indictment charges that the defendant knowingly possessed and attempted to possess child pornography.

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

As I told you at the beginning of 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 a defendant not guilty and can be overcome only if the government proves, beyond a reasonable doubt, each essential element of the crimes charged.

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

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

## INSTRUCTION NUMBER

Count 1 of the Indictment charges the defendant with sexual exploitation of a minor. You may find the defendant guilty of Count 1 under one of the following alternative theories: (1) sexually exploiting a minor; (2) attempting to sexually exploit a minor; or (3) aiding and abetting the sexual exploitation of a minor.

### *Alternative I - Sexually Exploiting a Minor*

The offense of sexually exploiting a minor has three essential elements, which are:

- One,* in or about late 2004, the defendant used, persuaded or induced a minor to engage in sexually explicit conduct;
- Two,* the defendant voluntarily and intentionally did this for the purpose of producing a visual depiction of such conduct; and
- Three,* either:
- (A) the visual depiction was produced using a camera which had previously been transported in interstate or foreign commerce; or
  - (B) the defendant knew or had reason to know that the visual depiction would be transported in interstate commerce; or
  - (C) the visual depiction was actually transported in interstate commerce.

If all of the essential elements have been proved beyond a reasonable doubt as to this alternative of Count 1, then you must find the defendant guilty under this alternative

**(CONTINUED)**

**INSTRUCTION NUMBER (Cont'd)**

of the crime charged in Count 1; otherwise you must find the defendant not guilty under this alternative of the crime charged in Count 1.

***Alternative II - Attempting to Sexually Exploit a Minor***

The offense of attempting to sexually exploit a minor has two essential elements, which are:

*One,* in or about late 2004, the defendant intended to sexually exploit a minor; and

*Two,* the defendant voluntarily and intentionally carried out some act which was a substantial step toward sexually exploiting a minor.

A substantial step must be something more than mere preparation, yet may be less than the last act necessary before the actual commission of the substantive crime. In order for behavior to be punishable as an attempt, it need not be incompatible with innocence, yet it must be necessary to the consummation of the crime and be of such a nature that a reasonable observer viewing it in context could conclude beyond a reasonable doubt that it was undertaken in accordance with a design to commit the criminal conduct alleged in the Indictment.

If all of the essential elements have been proved beyond a reasonable doubt as to this alternative of Count 1, then you must find the defendant guilty under this alternative of the crime charged in Count 1; otherwise you must find the defendant not guilty under this alternative of the crime charged in Count 1.

**(CONTINUED)**

**INSTRUCTION NUMBER (Cont'd)**

***Alternative III - Aiding and Abetting the Sexual Exploitation of a Minor***

The defendant may be found guilty of the sexual exploitation of a minor even if he personally did not do every act constituting the offense charged, if he aided and abetted the sexual exploitation of a minor.

The offense of aiding and abetting the sexual exploitation of a minor has three essential elements, which are:

- One,* in or about late 2004, the defendant knew the using, persuading or inducing a minor to engage in sexually explicit conduct was being committed or was going to be committed;
- Two,* the defendant knowingly acted in some way for the purpose of causing, encouraging or aiding the commission of the crime of sexual exploitation of a minor; and
- Three,* the defendant did so act for the purpose of producing a visual depiction of the minor engaged in sexually explicit conduct.

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 become an aider and abettor. A person who has no knowledge that a crime is being committed, but who happens to act in a way which advances some offense, does not thereby become an aider and abettor.

If all of the essential elements have been proved beyond a reasonable doubt as to this alternative of Count 1, then you must find the defendant guilty under this alternative of the crime charged in Count 1; otherwise you must find the defendant not guilty under this alternative of the crime charged in Count 1.

## **INSTRUCTION NUMBER**

A minor may not legally consent to being sexually exploited.

## **INSTRUCTION NUMBER**

In order to establish that the defendant engaged in sexually explicit conduct for the purpose of producing a visual depiction of such conduct as charged in Count 1 of the Indictment, the evidence in the case need not show that production of such visual depictions was the only purpose of the sexually explicit conduct. A person may have several different motives or reasons for engaging in particular conduct; and all such reasons may, in varying degrees, prompt the conduct. Proof that the defendant intended to make a visual depiction of sexually explicit conduct is sufficient if the evidence in the case establishes beyond a reasonable doubt that, at the time defendant used, persuaded or induced a minor to engage in sexually explicit conduct, producing sexually explicit images of that conduct was one of the defendant's dominant purposes and not merely incident to engaging in sexually explicit conduct.

You may not find the defendant guilty simply because you determine that he used, persuaded or induced a minor to engage in sexually explicit conduct and a visual depiction was made of such conduct, unless you also find beyond a reasonable doubt that, prior to using, persuading or inducing a minor to engage in sexually explicit conduct, the defendant formed the intent to produce visual depictions of the minor engaging in such conduct.

## INSTRUCTION NUMBER

Count 2 of the Indictment charges the defendant with distribution of child pornography. You may find the defendant guilty of Count 2 under one of the following alternative theories: (1) distributing child pornography; or (2) attempting to distribute child pornography.

### *Alternative I - Distributing Child Pornography*

The crime of distribution of child pornography has three essential elements, which are:

- One,* at least once between about late 2004 and at least May 2005, the defendant knowingly shipped or transported, one or more visual depictions of a minor engaged in sexually explicit conduct;
- Two,* the defendant knew that the visual depiction was of a minor engaging in sexually explicit conduct; and
- Three,* the visual depictions had been shipped or transported in interstate or foreign commerce.

If all of the essential elements have been proved beyond a reasonable doubt as to this alternative of Count 2, then you must find the defendant guilty under this alternative of the crime charged in Count 2; otherwise you must find the defendant not guilty under this alternative the crime charged in Count 2.

(CONTINUED)

**INSTRUCTION NUMBER      (Cont'd)**

***Alternative II - Attempting to Distribute Child Pornography***

The offense of attempting to distribute child pornography has two essential elements, which are:

- One,*            at least once between about late 2004 and at least May 2005, the defendant intended to distribute child pornography; and
  
- Two,*            the defendant voluntarily and intentionally carried out some act which was a substantial step toward distributing child pornography.

A substantial step must be something more than mere preparation, yet may be less than the last act necessary before the actual commission of the substantive crime. In order for behavior to be punishable as an attempt, it need not be incompatible with innocence, yet it must be necessary to the consummation of the crime and be of such a nature that a reasonable observer viewing it in context could conclude beyond a reasonable doubt that it was undertaken in accordance with a design to commit the criminal conduct alleged in the Indictment.

If all of the essential elements have been proved beyond a reasonable doubt as to this alternative of Count 2, then you must find the defendant guilty under this alternative of the crime charged in Count 2; otherwise you must find the defendant not guilty under this alternative of the crime charged in Count 2.

## INSTRUCTION NUMBER

Count 3 of the Indictment charges the defendant with possession of child pornography. You may find the defendant guilty of Count 3 under one of the following alternative theories: (1) possessing child pornography; or (2) attempting to possess child pornography.

### *Alternative I - Possessing Child Pornography*

The crime of possession of child pornography has three essential elements, which are:

- One,* in or about May 2005, the defendant knowingly possessed one or more visual depictions of a minor engaged in sexually explicit conduct;
- Two,* the defendant knew the visual depiction under consideration was of a minor engaged in sexually explicit conduct; and
- Three,* the visual depiction under consideration was produced with a camera or film which had previously been transported in interstate or foreign commerce.

If all of the essential elements have been proved beyond a reasonable doubt as to this alternative of Count 3, then you must find the defendant guilty under this alternative of the crime charged in Count 3; otherwise you must find the defendant not guilty under this alternative of the crime charged in Count 3.

**(CONTINUED)**

**INSTRUCTION NUMBER (Cont'd)**

***Alternative II - Attempting to Possess Child Pornography***

The offense of attempting to possess child pornography has two essential elements, which are:

- One,* in or about May 2005, the defendant intended to possess child pornography; and
- Two,* the defendant voluntarily and intentionally carried out some act which was a substantial step toward possessing child pornography.

A substantial step must be something more than mere preparation, yet may be less than the last act necessary before the actual commission of the substantive crime. In order for behavior to be punishable as an attempt, it need not be incompatible with innocence, yet it must be necessary to the consummation of the crime and be of such a nature that a reasonable observer viewing it in context could conclude beyond a reasonable doubt that it was undertaken in accordance with a design to commit the criminal conduct alleged in the Indictment.

If all of the essential elements have been proved beyond a reasonable doubt as to this alternative of Count 3, then you must find the defendant guilty under this alternative of the crime charged in Count 3; otherwise you must find the defendant not guilty under this alternative of the crime charged in Count 3.

## **INSTRUCTION NUMBER**

The Indictment charges certain acts in the conjunctive. For example, in Count 3, the defendant is charged with knowingly possessing and attempting to possess at least one image of child pornography having been produced using a camera and film that had been “shipped, and transported in interstate and foreign commerce . . . .” There are also other examples of charging in the conjunctive in the Indictment. In order to prove the defendant guilty of a particular offense, the government does not need to prove that the child pornography was produced using both a camera and film, or that the camera and film had been both shipped and transported or that the camera and film had been shipped or transported in both interstate and foreign commerce, but rather the government is only required to prove one of these factors, that is that either a camera or film was used and that the camera or film had been either shipped or transported, in either interstate or foreign commerce by any means. I have told you, in the instructions for each individual count, what the government is required to prove.

## **INSTRUCTION NUMBER**

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 the 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 possession of a thing, possession is joint.

When 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 NUMBER**

“Child pornography,” as used in these instructions, means any visual depiction, including any photograph, film, video, picture or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct, where (1) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct, or (2) such visual depiction is of a minor engaging in sexually explicit conduct.

## **INSTRUCTION NUMBER**

The term “visual depiction” includes any photograph, film or picture, whether made or produced by electronic, mechanical or other means. It includes undeveloped film and data stored on computer disk or by electronic means which is capable of conversion into a visual image.

## **INSTRUCTION NUMBER**

As used in these instructions, the term “minor” means any person under the age of eighteen years.

## **INSTRUCTION NUMBER**

As used in these instructions, the term “sexually explicit conduct” means actual or simulated: (1) sexual intercourse, including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex; or (2) the lascivious exhibition of the genitals or pubic area of any person.

## **INSTRUCTION NUMBER**

Not every exposure of the genitals or pubic area constitutes lascivious exhibition. Whether a picture or image of the genitals or pubic area constitutes such a lascivious exhibition requires a consideration of the overall content of the material.

In deciding whether an exposure of the genitals or pubic area constitutes a lascivious exhibition, you may consider such factors as: (1) whether the focal point of the picture or image is on the minor's genitals or pubic area; (2) whether the setting of the picture or image is sexually suggestive, that is, in a place or pose generally associated with sexual activity; (3) whether the minor is depicted in an unnatural pose or in inappropriate attire, considering the age of the minor; (4) whether the minor is fully or partially clothed, or nude; (5) whether the picture or image suggests sexual coyness or a willingness to engage in sexual activity; and/or (6) whether the picture or image is intended or designed to elicit a sexual response in the viewer.

It is for you to decide the weight or lack of weight to be given to any of these factors. An image need not involve all of these factors to constitute a lascivious exhibition of the genitals or pubic area.

## **INSTRUCTION NUMBER**

To return a verdict of guilty under each count, you need not unanimously agree on every image admitted into evidence. You must, however, unanimously agree on at least one visual depiction. If you cannot agree that the same visual depiction constitutes child pornography, as defined in these instructions, you may not return a guilty verdict.

## **INSTRUCTION NUMBER**

The term “interstate commerce” includes commerce between one or more States, Territories, Possessions or the District of Columbia and another State, Territory, Possession or the District of Columbia.

The phrase “foreign commerce,” as used in these instructions, means commerce between any state, territory or possession of the United States and a foreign country.

Images transmitted or received over the Internet have moved in interstate or foreign commerce. It is for you to determine, however, if the material containing the visual depictions had been transmitted or received over the Internet.

## **INSTRUCTION NUMBER**

The phrase “transported in interstate commerce,” as used in these instructions, means that the item or items described, at any time, traveled or moved between one state and another or one country and another. It is not necessary for the government to prove that the defendant personally transported the material in interstate commerce. It is sufficient that the government prove that at some point before or during the charged conduct, the camera or film or images traveled in interstate or foreign commerce.

## **INSTRUCTION NUMBER**

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

## **INSTRUCTION NUMBER**

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 NUMBER**

An act is done “knowingly” if the defendant realized what he was doing and did not act through ignorance, mistake or accident. The government is not required to prove that the defendant knew that his acts or omissions were unlawful. You may consider the evidence of the defendant’s acts and words, along with all other evidence, in deciding whether the defendant acted knowingly.

## **INSTRUCTION NUMBER**

Intent or knowledge may be proved like anything else. You may consider any statements made and acts done by the defendant, and all the facts and circumstances in evidence which may aid in a determination of defendant's knowledge or intent.

You may, but are not required to, infer that a person intends the natural and probable consequences of acts knowingly done or knowingly omitted.

## **INSTRUCTION NUMBER**

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 NUMBER

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.

(CONTINUED)

**INSTRUCTION NUMBER (Cont'd)**

*Fourth*, if you need to communicate with me during your deliberations, you may send a note to me through the marshal or 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.

*Finally*, 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 should be—that is entirely for you to decide.

## **INSTRUCTION NUMBER**

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

You will take the Verdict Forms and Interrogatories to the jury room, and when you have completed your deliberations and each of you has agreed on answers to the Verdict Forms and Interrogatories, your foreperson will fill out the Verdict Forms and Interrogatories, sign and date them and advise the marshal or 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 such verdicts as accord with the evidence and these instructions.

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**DATE**

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**LINDA R. READE  
JUDGE, U. S. DISTRICT COURT**

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY LEE RAPLINGER,

Defendant.

No. 05-CR-49-LRR

**VERDICT FORM - COUNT 1**

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We, the Jury, unanimously find, beyond a reasonable doubt, the defendant, Danny Lee Raplinger, \_\_\_\_\_ of the crime of sexually exploiting a minor, attempting  
Not Guilty / Guilty  
to sexually exploit a minor, or aiding and abetting the sexual exploitation of a minor as charged in Count 1 of the Indictment.

Note: If you unanimously find Danny Lee Raplinger guilty of Count 1, have your foreperson write "guilty" in the above blank space, sign and date this Verdict Form.

If you unanimously find Danny Lee Raplinger not guilty of Count 1, have your foreperson write "not guilty" in the above blank space, sign and date this Verdict Form.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY LEE RAPLINGER,

Defendant.

No. 05-CR-49-LRR

**INTERROGATORY 1**

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**INTERROGATORIES**

If you found the defendant guilty of the crime charged in Count 1, please answer this Interrogatory. If you found Defendant not guilty of the crime charged in Count 1, please do not answer this interrogatory and proceed to Count 2.

Interrogatory 1A: Please place a check mark before the exhibit or exhibits that you unanimously find beyond a reasonable doubt are child pornography that involved the defendant's sexual exploitation or attempted sexual exploitation of a minor.

\_\_\_\_\_ Exhibit 2-3

\_\_\_\_\_ Exhibit 2-4

\_\_\_\_\_ Exhibit 2-5

\_\_\_\_\_ Exhibit 2-6

\_\_\_\_\_ Exhibit 2-7

\_\_\_\_\_ Exhibit 9, page 3, top row, Photograph labeled Dan 002  
(Same as Exhibit 9-1, page 8)

\_\_\_\_\_ Exhibit 9, page 3, Photograph labeled Dan 003  
(Same as Exhibit 9-1, page 9)

\_\_\_\_\_ Exhibit 9, page 3, Photograph labeled Dan 004  
(Same as Exhibit 9-1, page 10)

\_\_\_\_\_ Exhibit 10, page 2, picture 001

\_\_\_\_\_ Exhibit 10, page 2, picture 003

\_\_\_\_\_ Exhibit 10, page 2, picture 004

\_\_\_\_\_ Exhibit 10, page 2, picture 005

Interrogatory 1B: Did you unanimously find, beyond a reasonable doubt, that defendant's sexual exploitation of a minor included the taking or attempted taking of a photograph portraying S.S. performing a sex act upon Joel Rich?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY LEE RAPLINGER,

Defendant.

No. 05-CR-49-LRR

**VERDICT FORM - COUNT 2**

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We, the Jury, unanimously find, beyond a reasonable doubt, the defendant, Danny Lee Raplinger, \_\_\_\_\_ of the crime of distribution or attempted distribution of  
Not Guilty / Guilty  
child pornography as charged in Count 2 of the Indictment.

Note: If you unanimously find Danny Lee Raplinger guilty of Count 2, have your foreperson write "guilty" in the above blank space, sign and date this Verdict Form.

If you unanimously find Danny Lee Raplinger not guilty of Count 2, have your foreperson write "not guilty" in the above blank space, sign and date this Verdict Form.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY LEE RAPLINGER,

Defendant.

No. 05-CR-49-LRR

**INTERROGATORY 2**

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**INTERROGATORY**

If you found the defendant guilty of the crime charged in Count 2, please answer this Interrogatory. If you found Defendant not guilty of the crime charged in Count 2, please do not answer this interrogatory and proceed to Count 3.

Interrogatory 2: Please place a check mark before the exhibit or exhibits that you unanimously find beyond a reasonable doubt are child pornography that the defendant distributed or attempted to distribute.

\_\_\_\_\_ Exhibit 2-3

\_\_\_\_\_ Exhibit 2-4

\_\_\_\_\_ Exhibit 2-5

\_\_\_\_\_ Exhibit 2-6

\_\_\_\_\_ Exhibit 2-7

\_\_\_\_\_ Exhibit 9, page 3, top row, Photograph labeled Dan 002  
(Same as Exhibit 9-1, page 8)

\_\_\_\_\_ Exhibit 9, page 3, Photograph labeled Dan 003  
(Same as Exhibit 9-1, page 9)

\_\_\_\_\_ Exhibit 9, page 3, Photograph labeled Dan 004  
(Same as Exhibit 9-1, page 10)

\_\_\_\_\_ Exhibit 10, page 2, picture 001

\_\_\_\_\_ Exhibit 10, page 2, picture 003

\_\_\_\_\_ Exhibit 10, page 2, picture 004

\_\_\_\_\_ Exhibit 10, page 2, picture 005

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FOREPERSON

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DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY LEE RAPLINGER,

Defendant.

No. 05-CR-49-LRR

**VERDICT FORM - COUNT 3**

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We, the Jury, unanimously find, beyond a reasonable doubt, the defendant, Danny Lee Raplinger, \_\_\_\_\_ of the crime of possession or attempted possession of  
Not Guilty / Guilty  
child pornography as charged in Count 3 of the Indictment.

Note: If you unanimously find Danny Lee Raplinger guilty of Count 3, have your foreperson write "guilty" in the above blank space, sign and date this Verdict Form.

If you unanimously find Danny Lee Raplinger not guilty of Count 3, have your foreperson write "not guilty" in the above blank space, sign and date this Verdict Form.

---

FOREPERSON

---

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANNY LEE RAPLINGER,

Defendant.

No. 05-CR-49-LRR

**INTERROGATORY 3**

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**INTERROGATORY**

If you found the defendant guilty of the crime charged in Count 3, please answer this Interrogatory. If you found Defendant not guilty of the crime charged in Count 3, please do not answer this interrogatory.

Interrogatory 3: Please place a check mark before the exhibit or exhibits that you unanimously find beyond a reasonable doubt are child pornography that the defendant possessed or attempted to possess.

\_\_\_\_\_ Exhibit 2-3

\_\_\_\_\_ Exhibit 2-4

\_\_\_\_\_ Exhibit 2-5

\_\_\_\_\_ Exhibit 2-6

\_\_\_\_\_ Exhibit 2-7

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE