

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

**FINAL
JURY INSTRUCTIONS**

Ladies and Gentlemen of the Jury:

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

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

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

INSTRUCTION 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 verdict 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 a just verdict, 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, the documents and other things received as exhibits, and stipulations, that is, agreements between the parties that certain facts are as they have stated.

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. 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.

3. Testimony that I struck from the record, or told you to disregard, is not evidence and must not be considered.

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

You have heard evidence that certain witnesses were once convicted of a crime. You may use that evidence to help you decide whether to believe these witnesses and how much weight to give their testimony.

INSTRUCTION NUMBER _____

The government and the defendant have stipulated—that is, they have agreed—that certain facts are as they have stated. You must therefore treat those facts as having been proved.

INSTRUCTION NUMBER ____

Exhibits have been admitted into evidence and are to be considered along with all the other evidence to assist you in reaching a verdict. You are not to tamper with the exhibits or their contents, and each exhibit should be returned, along with your verdict, in the same condition as it was received by you.

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 _____

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

Under Counts 1 through 9, the Indictment charges that the defendant committed the crime of wire fraud. Under Counts 10 and 11, the Indictment charges that the defendant committed the crime of money laundering. Under Counts 12 through 14, the Indictment charges that the defendant committed a separate crime of wire fraud.

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

As I told you at the beginning of the trial, an Indictment is simply an accusation. It is not evidence of anything. To the contrary, the defendant is presumed to be innocent. Thus the defendant, even though charged, begins the trial with no evidence against him. The presumption of innocence alone is sufficient to find the defendant not guilty and can be overcome only if the government proves, beyond a reasonable doubt, each 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. Accordingly, the fact the defendant did not testify must not be considered by you in any way, or even discussed, in arriving at your verdict.

INSTRUCTION NUMBER _____

The crime of wire fraud, as charged in Counts 1 through 9 of the Indictment, has four essential elements, which are:

- One,* beginning at a time unknown, and continuing through in or about September 2003, the defendant voluntarily and intentionally devised or made up a scheme and artifice to defraud and to obtain money by means of material false representations or promises from potential investors or lenders to a proposed business deal to secure an international research grant worth millions of dollars to fund DNA research and storage by a company called Histotec;
- Two,* the defendant did so with the intent to defraud;
- Three,* it was reasonably foreseeable that some form of interstate wire communications would be used; and
- Four,* some form of interstate wire communication was used in furtherance of some essential step in the scheme, specifically:
 - (1) as to Count 1, the wire transfer of \$7,500.00 from Washington Mutual Bank d/b/a Western Bank in Oregon to Farmers State Bank in Marion, Iowa, account number 1240456, in the name of Jamie Washburn on or about February 11, 2000;
 - (2) as to Count 2, the wire transfer of \$5,000.00 from Bank of Whitman in Pullman, Washington, to Farmers State Bank in Marion, Iowa, account number 1240456, in the name of Jamie Washburn on or about February 11, 2000;
 - (3) as to Count 3, the wire transfer of Western Union Money Transfer check number 05446889 payable to Don Washburn in the amount of \$1,000.00, via wire transfer, from Indianola, Washington, to the Western Union Station located at EconoFoods in Cedar Rapids, Iowa, on or about February 11, 2000;

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd)

- (4) as to Count 4, the wire transfer of Western Union Money Transfer check number 05446890 payable to Don Washburn in the amount of \$1,000.00 from Indianola, Washington, to the Western Union Station located at EconoFoods in Cedar Rapids, Iowa, on or about February 11, 2000;
- (5) as to Count 5, the wire transfer of Western Union Money Transfer check number 05446891 payable to Don Washburn in the amount of \$500.00 from Indianola, Washington, to the Western Union Station located at EconoFoods in Cedar Rapids, Iowa, on or about February 11, 2000;
- (6) as to Count 6, the facsimile of a Custodial Bank Safekeeping Receipt of CTS Private Bank with an issue date of August 8, 2003, listing Mr. Don Washburn as Beneficiary, faxed from Cedar Rapids, Iowa, to the State of Washington, in or about August 2003;
- (7) as to Count 7, the facsimile of a CTS, Inc. Proposal which included a Custodial Bank Safekeeping Receipt of CTS Private Bank with an issue date of August 8, 2003, listing Mr. Don Washburn as Beneficiary, faxed from Cedar Rapids, Iowa, to the State of Washington, on or about August 29, 2003;
- (8) as to Count 8, the telephone call from Jerry Jennings in the State of Washington to the Tama County, Iowa Sheriff's Department located in Toledo, Iowa, in or about August 2003;
- (9) as to Count 9, the telephone call from Jerry Jennings in the State of Washington to Rick Tebbe located in the Northern District of Iowa, in or about August 2003.

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

INSTRUCTION NUMBER _____

The crime of wire fraud, as charged in Counts 12 through 14 of the Indictment, has four essential elements, which are:

- One*, beginning at a time unknown, and continuing through in or about September 2003, the defendant voluntarily and intentionally devised or made up a scheme and artifice to defraud and to obtain money by means of material false representations or promises from potential investors or lenders to a proposed investment opportunity regarding the selling of a new dice game for gambling invented by the defendant;
- Two*, the defendant did so with the intent to defraud;
- Three*, it was reasonably foreseeable that some form of interstate wire communications would be used; and
- Four*, some form of interstate wire communication was used in furtherance of some essential step in the scheme, specifically:
 - (1) as to Count 12, the telephone call from Steven David in the Northern District of Iowa to Shad Ellison, Profilers Capital Group, in or near Tyler Texas, in or about June 2003;
 - (2) as to Count 13, the telephone call from Michael David in the Northern District of Iowa to Shad Ellison, Profilers Capital Group, in or near Tyler, Texas, in or about July 2003;
 - (3) as to Count 14, the telephone call from Ruth David in the Northern District of Iowa to Profilers Capital Group, in or near Tyler, Texas, in or about July 2003.

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

INSTRUCTION NUMBER ____

With regard to Counts 1 through 9, and 12 through 14:

The phrase "scheme to defraud" includes any plan or course of action intended to deceive or cheat another out of money or property by employing material falsehoods, concealing material facts, or omitting material facts. It also means the obtaining of money from another by means of material false representations or promises.

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

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

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

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

In order for you to find the defendant guilty of wire fraud as alleged in Counts 1 through 9, and 12 through 14, it is not necessary that the use of interstate wire communications be contemplated or that the defendant do any actual sending of material by some form of interstate wire communications or specifically intend that some form of interstate wire communications be used. It is sufficient if an interstate wire communication

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd)

was in fact used to carry out the scheme and the use of some form of interstate wire communications by someone was reasonably foreseeable.

In determining whether the government has met its burden of proving that the interstate wire communications alleged in Counts 1 through 9, and 12 through 14, were done in furtherance of the scheme to defraud, you are instructed that “wire communications in furtherance of the scheme” can be, among other things, interstate wire communications which are designed to lull victims into a false sense of security, postpone inquiries or complaints, or make the transaction less suspect.

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

Each separate use of an interstate wire communication in furtherance of the scheme to defraud constitutes a separate offense.

If you find the defendant guilty beyond a reasonable doubt of one or more of the wire fraud counts as alleged in Counts 1 through 9, and 12 through 14, you will be asked to answer an Interrogatory on the Verdict Form determining the total amount of loss, if any, associated with defendant’s scheme to defraud proven by the government beyond a reasonable doubt. Your answer to the Interrogatory must be agreed to by all twelve jurors.

INSTRUCTION NUMBER _____

The crime of conducting and attempting to conduct an illegal financial transaction as charged in Counts 10 and 11 of the Indictment, has four essential elements, which are:

One,

- (1) that as to Count 10, on or about February 11, 2000, the defendant voluntarily and intentionally caused Jamie Washburn to conduct or attempt to conduct a financial transaction, that is the cashing of Farmers State Bank check number 1027 in the amount of \$7,500.00, payable to Jamie Washburn, signed by Jamie Washburn, which in any way or degree affected interstate or foreign commerce;
- (2) that as to Count 11, on or about February 11, 2000, the defendant voluntarily and intentionally caused Jamie Washburn to conduct or attempt to conduct a financial transaction, that is the cashing of Farmers State Bank check number 1028 in the amount of \$5,000.00, payable to Jamie Washburn, signed by Jamie Washburn, which in any way or degree affected interstate or foreign commerce;

Two, the defendant voluntarily and intentionally caused Jamie Washburn to conduct or attempt to conduct the financial transaction:

- (1) as to Count 10, with money that involved the proceeds of the wire fraud alleged in Count 1;
- (2) as to Count 11, with money that involved the proceeds of the wire fraud alleged in Count 2;

Three, at the time the defendant voluntarily and intentionally caused Jamie Washburn to conduct or attempt to conduct the financial transaction, the defendant knew the money represented the proceeds of some form of unlawful activity; and

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd)

Four, that the defendant voluntarily and intentionally caused Jamie Washburn to conduct or attempt 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 wire fraud.

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

INSTRUCTION NUMBER _____

You are instructed that the following definitions apply to Counts 10 and 11:

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

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

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

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

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

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

The term “funds” includes checks.

The term “monetary instrument” means, among other things, cashier’s checks, personal checks, and bank checks.

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd.)

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

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

INSTRUCTION NUMBER _____

As to Counts 10 and 11, it is not necessary for the government to show that the transaction with a financial institution caused by the defendant, that is with Farmers State Bank, itself affected interstate or foreign commerce. All that is necessary is that at the time of the alleged offense, Farmers State Bank was engaged in or had other activities which affected interstate or foreign commerce in any way or degree.

It has been stipulated that Farmers State Bank was engaged in or had other activities which affected interstate or foreign commerce. You must treat this fact as having been proved.

INSTRUCTION NUMBER _____

You have heard evidence that the defendant repaid the victims in this case the principal amount of money they initially invested or loaned to the defendant as part of the alleged schemes to defraud. You are instructed that repayment of funds obtained as the result of a fraud is not a defense to that fraud. In other words, repayment does not erase a fraud if it originally existed.

INSTRUCTION NUMBER _____

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

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

INSTRUCTION NUMBER _____

You will note the Indictment charges that the offenses were committed “on or about” 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 by the Indictment.

INSTRUCTION NUMBER _____

The Indictment alleges that approximate amounts of money were involved in the crimes charged. It is not necessary for the government to prove the exact or precise amounts of money alleged in the Indictment.

INSTRUCTION NUMBER _____

Intent may be proven by circumstantial evidence. It rarely can be established by other means. While witnesses may see or hear and thus be able to give direct evidence of what a person does or fails to do, there can be no eyewitness account of the state of mind with which the acts were done or omitted. But what a defendant does or fails to do may indicate intent or lack of intent to commit an offense.

You may consider it reasonable to draw the inference and find that a person intends the natural and probable consequences of acts knowingly done, but you are not required to do so. As I have said, it is entirely up to you to decide what facts to find from the evidence.

INSTRUCTION NUMBER _____

One of the issues in this case is whether the defendant acted in good faith. Good faith is a complete defense to the charges of wire fraud and money laundering if it is inconsistent with the intent to defraud, which is an essential element of each of the charges.

One who expresses an opinion honestly held by him, or a belief honestly entertained by him, is not chargeable with fraudulent intent even though his opinion is erroneous or his belief is mistaken; and, similarly, evidence which establishes only that a person made a mistake in judgment or an error in management, or was careless, does not establish fraudulent intent.

Evidence that the defendant acted in good faith may be considered by you, together with all the other evidence, in determining whether or not he acted with the intent to defraud.

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 a verdict—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 fourteen Verdict Forms and an Interrogatory. The Verdict Forms and Interrogatory are simply the written notice of the decisions that you reach in this case. The answers to the Verdict Forms and the Interrogatory must be the unanimous decisions of the jury.

You will take the Verdict Forms and the Interrogatory to the jury room, and when you have completed your deliberations and each of you has agreed on an answer to each of the forms, your foreperson will fill out each form, sign and date it, 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 verdict as accords with the evidence and these instructions.

DATE

**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.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 1

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud on February 11, 2000, as charged in Count 1 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 2

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud on February 11, 2000, as charged in Count 2 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 3

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud on February 11, 2000, as charged in Count 3 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 4

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud on February 11, 2000, as charged in Count 4 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 5

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud on February 11, 2000, as charged in Count 5 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 6

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud in August 2003 as charged in Count 6 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 7

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud on August 29, 2003, as charged in Count 7 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 8

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud in August 2003 as charged in Count 8 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 9

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud in August 2003 as charged in Count 9 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 12

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud in June 2003 as charged in Count 12 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 13

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud in July 2003 as charged in Count 13 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 14

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of wire fraud in July 2003 as charged in Count 14 of the Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

**VERDICT FORM-
INTERROGATORY NUMBER 1**

If you unanimously found the defendant not guilty of all the crimes charged in Counts 1 through 9, and 12 through 14, go on to consider Counts 10 through 11.

If you found the defendant guilty of one or more counts in Counts 1 through 9, and 12 through 14, place a checkmark (✓) next to the total amount of loss for which you unanimously find the defendant is responsible. For purposes of the Interrogatory, “loss” is defined as the reasonably foreseeable pecuniary harm that resulted from the offense. “Loss” does not include interest of any kind, finance charges, late fees, penalties, amounts based on an agreed-upon return or rate of return, or other similar costs.

- _____ \$5,000 or less
- _____ More than \$5,000 but \$10,000 or less
- _____ More than \$10,000 but \$30,000 or less
- _____ More than \$30,000

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 10

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of money laundering on February 11, 2000, as charged in Count 10 of the
Indictment.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONALD K. WASHBURN,

Defendant.

No. CR 03-0113 LRR

VERDICT FORM-COUNT 11

We, the Jury, find the defendant, Donald K. Washburn, _____ of the
Guilty/Not Guilty
crime of money laundering on February 11, 2000, as charged in Count 11 of the
Indictment.

FOREPERSON

DATE