

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

JURY INSTRUCTIONS

Members of the Jury:

In the next few moments, I am going to give you instructions about this case and about your duties as jurors. I will also give you additional instructions at a later time. Unless I specifically tell you otherwise, all instructions—both those I give you now and those I give you later—are equally binding on you and must be followed.

The instructions I am about to give you now are in writing and will be available to you in the jury room. In considering these instructions, attach no importance or significance whatsoever to the order in which they are given.

INSTRUCTION NO. 1

This is a criminal case, brought against the defendant by the United States government. The charges are set forth in what is called an Indictment.

Count One of the Indictment charges that, on or about January 8, 2022, in the Northern District of Iowa, defendant MICHAEL LYNN ASHFORD, did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, and marijuana, a Schedule I controlled substance.

Count Two of the Indictment charges that on or about January 8, 2022, in the Northern District of Iowa, defendant, MICHAEL LYNN ASHFORD, did knowingly possess a firearm, that is a Ruger LCP .380 handgun, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is he did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance, and marijuana, a Schedule I controlled substance, as alleged in Count 1 of this Indictment.

Count Three of the Indictment charges that on or about January 8, 2022, in the Northern District of Iowa, defendant MICHAEL LYNN ASHFORD, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, specifically, a Ruger LCP .380 handgun, and the firearm was in and affecting commerce.

(CONTINUED)

INSTRUCTION NO. 1 (Cont'd)

Count Four of the Indictment charges that on or about January 14, 2022, in the Northern District of Iowa, defendant MICHAEL LYNN ASHFORD, did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, a mixture or substance containing a detectable amount of cocaine base, a Schedule II controlled substance, a mixture or substance containing a detectable amount of salt of cocaine, a Schedule II controlled substance, and marijuana, a Schedule I controlled substance.

Count Five of the Indictment charges that in or about September 2022 and continuing until in or about October 2022, in the Northern District of Iowa, defendant MICHAEL LYNN ASHFORD and Jenise Colvin, knowingly and willfully conspired and agreed together and with each other, to knowingly intimidate, and corruptly persuade K.B. with the intent to influence, and prevent the testimony of K.B. in an official proceeding, federal grand jury and federal trial, and with the intent to hinder, delay, and prevent the communication to law enforcement officers of information relating to the commission of a Federal offense.

Count Six of the Indictment charges that on or about October 8, 2022, October 10, 2022, and October 11, 2022, in the Northern District of Iowa, defendant MICHAEL LYNN ASHFORD, knowingly attempted to intimidate, and corruptly persuade K.B. by calling him on the phone and telling him not to testify, not to go to court, and to recant his previously made statements by signing an affidavit, with the intent to influence and prevent the testimony of K.B. in an official proceeding, a federal trial, and with the intent to hinder, delay, and prevent the communication to law enforcement officers of information relating to the commission of a Federal offense.

The defendant has pleaded not guilty to these charges. Keep in mind that each count charges a separate crime. You must consider each count separately and return a separate verdict for each count.

(CONTINUED)

INSTRUCTION NO. 1 (Cont'd)

You are instructed that an indictment is simply an accusation. It is not evidence of anything. Defendant has pleaded not guilty, and is presumed to be innocent unless and until proven guilty beyond a reasonable doubt. Thus, the defendant begins the trial with a clean slate, 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 during the trial, beyond a reasonable doubt, each element of the crimes charged.

There is no burden upon the defendant to prove that he is innocent. Instead, the burden of proof remains on the government throughout the trial. Accordingly, if the defendant does not testify, that fact must not be considered by you in any way, or even discussed, in arriving at your verdicts.

INSTRUCTION NO. 2

It will be your duty as jurors to decide from the evidence whether the defendant is guilty or not guilty of the crimes charged. From the evidence, you will decide what the facts are. You are entitled to consider that evidence in the light of your own observations and experiences in the affairs of life. You may use reason and common sense to draw deductions or conclusions from facts which have been established by the evidence. You will then apply those facts to the law which I give you in my instructions. You are the sole judges of the facts; but you must follow the law as stated in my instructions, whether you agree with it or not.

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.

You should not take anything I may say or do during the trial as indicating what I think of the evidence or what I think your verdicts should be.

Finally, please remember that only this defendant, not anyone else, is on trial here, and that the defendant is on trial only for the crimes charged, not for anything else.

INSTRUCTION NO. 3

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 the facts that have been stipulated to—that is, formally agreed to by the parties.

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

1. Statements, arguments, questions and comments by the lawyers are not evidence.
2. Anything that might have been said by jurors, the attorneys, or the judge during the jury selection process is not evidence.
3. Objections are not evidence. The parties have a right to object when they believe something is improper. You should not be influenced by objections. 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 strike from the record, or tell you to disregard, is not evidence and must not be considered.
5. Anything you see or hear about this case outside the courtroom is not evidence.

During the trial, documents and objects may be referred to but not admitted into evidence. In such a case, these items will not be available to you in the jury room during deliberations.

Furthermore, a particular item of evidence is sometimes received for a limited purpose only. That is, it can be used by you only for one particular purpose, and not for any other purpose. I will tell you if this occurs and instruct you on the purposes for which the item can and cannot be used.

INSTRUCTION NO. 4

There are two types of evidence from which you may properly find the truth as to the facts of this case: direct evidence and circumstantial evidence. Direct evidence is the evidence of the witnesses to a fact or facts of which they have knowledge by means of their senses. The other is circumstantial evidence—the proof of a chain of circumstances pointing to the existence or nonexistence of certain facts. The law makes no distinction between direct and circumstantial evidence. You should give all evidence the weight and value you believe it is entitled to receive.

INSTRUCTION NO. 5

The jurors are the sole judges of the weight and credibility of the testimony, and the value to be given to the testimony, of each witness who testifies 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 of any witness to believe, consider the witness' intelligence, the opportunity the witness had to have seen or heard the things testified about, the witness' 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 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.

If the defendant decides to testify, you should judge that testimony in the same manner as you judge the testimony of any other witness.

INSTRUCTION NO. 6

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 showing that the witness testified falsely concerning a material matter; by showing that 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’ present testimony.

You may hear evidence that some witnesses were once convicted of crimes. If so, you may use that evidence only to help you decide whether you believe those witnesses and how much weight to give their testimony.

INSTRUCTION NO. 7

You may hear testimony from persons who, by knowledge, skill, training, education, or experience, have become expert in some field. They are permitted to give their opinions on matters in that field and may also state the reasons for their opinions.

Such testimony should be considered just like any other testimony. You may accept or reject the testimony of these witnesses just like any other testimony and give it as much weight as you think it deserves, considering the witness' education and experience, the soundness of the reasons given for the opinion, the acceptability of the methods used, and all the other evidence in the case.

INSTRUCTION NO. 8

You may hear and see recordings of conversations. These conversations were legally recorded, and you may consider the recordings just like any other evidence.

INSTRUCTION NO. 9

You may hear testimony that the defendant made a statement to law enforcement.

It is for you to decide:

First, whether the defendant made the statement, and

Second, if so, how much weight you should give to it.

In making these two decisions, you should consider all of the evidence, including the circumstances under which the statement may have been made.

INSTRUCTION NO. 10

Exhibits will be admitted into evidence and are to be considered along with all of the other evidence to assist you in reaching your verdicts. During your deliberations, you are not to tamper with the exhibits or their contents, and you should leave the exhibits in the jury room in the same condition as they were received by you.

INSTRUCTION NO. 11

Attempts by a defendant to influence a witness in connection with the crime charged in this case may be considered by you in light of all the other evidence in the case. You may consider whether this evidence shows a consciousness of guilt and determine the significance to be attached to any such conduct.

INSTRUCTION NO. 12

You may hear evidence that the defendant previously committed a drug trafficking offense. You may consider this evidence only if you (unanimously) find it is more likely true than not true that the defendant committed the act. This is a lower standard than proof beyond a reasonable doubt. You decide that by considering all of the evidence relating to the alleged act, then deciding what evidence is more believable.

If you find that this evidence has not been proved, you must disregard it. If you find this evidence has been proved, then you may consider it only for the limited purpose of deciding whether defendant had the state of mind or intent necessary to commit the crime charged in the Indictment, or had a motive or opportunity to commit those acts, or committed those acts by accident or mistake. You should give it the weight and value you believe it is entitled to receive.

Remember, even if you find that the defendant may have committed a similar act or acts in the past, this is not evidence that he committed such an act in this case. You may not convict a person simply because you believe he may have committed similar acts in the past. The defendant is on trial only for the crimes charged, and you may consider the evidence of prior acts only on the issues stated above.

INSTRUCTION NO. 13

Reasonable doubt is doubt based upon reason and common sense, and not doubt based on speculation. A reasonable doubt may arise from careful and impartial consideration of all the evidence, or from a lack of evidence. Proof beyond a reasonable doubt is proof of such a convincing character that a reasonable person, after careful consideration, would not hesitate to rely and act upon that proof in life's most important decisions. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt. Proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

INSTRUCTION NO. 14

The crime of possession with intent to distribute a controlled substance, as charged in Count One of the Indictment, has three elements, which are:

One, on or about January 8, 2022, defendant MICHAEL LYNN ASHFORD was in possession of a mixture or substance containing a detectable amount of methamphetamine, a mixture or substance containing a detectable amount of cocaine, or marijuana;

Two, the defendant knew that he was in possession of some controlled substance; and

Three, the defendant intended to distribute some or all of the controlled substance to another person.

For you to find the defendant guilty of this crime, the government must prove all of these elements beyond a reasonable doubt; otherwise, you must find the defendant not guilty of the crimes charged in Count One of the Indictment.

INSTRUCTION NO. 15

The crime of possessing a firearm in furtherance of a drug trafficking crime, as charged in Count Two of the Indictment, has two elements, which are:

One, that on or about January 8, 2022, defendant MICHAEL LYNN ASHFORD committed the crime of possession with intent to distribute a controlled substance, as charged in Count One of the Indictment; and

Two, the defendant knowingly possessed a firearm, a Ruger LCP .380 handgun, in furtherance of that crime.

The phrase “in furtherance of” means furthering, advancing, or helping forward. This means the government must prove that the defendant possessed the firearm with the intent that it advance, assist or help commit the crime, but the government need not prove that the firearm actually did so.

For you to find the defendant guilty of this crime, the government must prove all of these elements beyond a reasonable doubt; otherwise, you must find the defendant not guilty of the crime charged in Count Two of the Indictment.

INSTRUCTION NO. 16

The crime of possession of a firearm by a felon, as charged in Count Three of the Indictment, has three elements, which are:

One, on or about January 8, 2022, defendant MICHAEL LYNN ASHFORD knowingly possessed a firearm, a Ruger LCP .380 handgun;

Two, at the time the defendant possessed the firearm, the defendant was prohibited from possessing a firearm because the defendant had previously been, and knew he had previously been, convicted of a crime punishable by imprisonment for a term exceeding one year; and

Three, the firearm was transported across a state line at some time during or before the defendant's possession of it.

You are instructed that the government and the defendant have agreed that the defendant has been convicted of a crime punishable by imprisonment for more than one year. You are also instructed that the government and the defendant have agreed that the defendant knew he had been convicted of a crime punishable by imprisonment for more than one year on January 8, 2022. The parties have also stipulated that the firearm crossed a state line at some time during or before it was recovered on January 8, 2022. Therefore, you must consider elements two and three as proven.

For you to find the defendant guilty of this crime, the government must prove element one beyond a reasonable doubt; otherwise, you must find the defendant not guilty of the crime charged in Count Three of the Indictment.

INSTRUCTION NO. 17

The crime of possession with intent to distribute a controlled substance, as charged in Count Four of the Indictment, has three elements, which are:

One, on or about January 14, 2022, defendant MICHAEL LYNN ASHFORD was in possession of a mixture or substance containing a detectable amount of methamphetamine, a mixture or substance containing a detectable amount of cocaine base, a mixture or substance containing a detectable amount of salt of cocaine, or marijuana;

Two, the defendant knew that he was in possession of some controlled substance; and

Three, the defendant intended to distribute some or all of the controlled substance to another person.

For you to find the defendant guilty of this crime, the government must prove all of these elements beyond a reasonable doubt; otherwise, you must find the defendant not guilty of the crime charged in Count Four of the Indictment.

INSTRUCTION NO. 18

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

INSTRUCTION NO. 19

You are instructed as a matter of law that a mixture or substance containing methamphetamine, cocaine, salt of cocaine, and cocaine base are Schedule II controlled substances, and marijuana is a Schedule I controlled substance.

INSTRUCTION NO. 20

With respect to the question of the defendant's guilt for the offenses charged in Count One and Count Four, the government is not required to prove the amount or quantity of a mixture or substance containing a detectable amount of methamphetamine, cocaine, salt of cocaine, cocaine base, or marijuana. The government need only prove beyond a reasonable doubt that there was a detectable amount of the controlled substances.

INSTRUCTION NO. 21

The law recognizes several kinds of possession. A person may have actual possession or constructive possession. A person may have sole possession 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, is then in constructive possession of it. A person may constructively possess something by having dominion or control over the thing or the place where the thing is located if that person knew the thing was present, had the ability to control it, and had the intent to do so. A person may constructively possess something either directly or through another person or persons.

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

Whenever the word “possession” or “possess” have been used in these instructions, it includes actual as well as constructive possession and also sole as well as joint possession.

INSTRUCTION NO. 22

It is a crime for two or more people to agree to commit a crime. The crime of conspiracy to tamper with a witness, as charged in Count Five of the Indictment, has three elements, which are:

One, in or about September 2022 and continuing until in or about October 2022, two or more people reached an agreement to commit the crime of tampering with a witness;

Two, defendant MICHAEL LYNN ASHFORD voluntarily and intentionally joined in the agreement, either at the time it was first reached or at some later time while it was still in effect, and;

Three, at the time the defendant joined in the agreement, the defendant knew the purpose of the agreement.

The agreement between two or more people to commit the crime of tampering with a witness does not need to be a formal agreement or be in writing, or cover all of the details of how it is to be carried out. A verbal or oral understanding can be sufficient to establish an agreement. It does not matter whether the crime of tampering with a witness was actually committed or whether the alleged participants in agreement actually succeeded in accomplishing their unlawful plan. The agreement may last a long time or a short time. The members of an agreement do not all have to join it at the same time. You may find that someone joined the agreement even if you find that person did not know all of the details of the agreement.

(CONTINUED)

INSTRUCTION NO. 22 (Cont'd)

A person knows the purpose of the agreement if he is aware of the agreement and does not participate in it through ignorance, mistake, carelessness, negligence, or accident. It is seldom, if ever, possible to determine directly what was in the defendant's mind. Thus, the defendant's knowledge of the agreement and its purpose can be proved like anything else, from reasonable conclusions drawn from the evidence.

The elements for tampering with a witness are described in the following instruction.

For you to find the defendant guilty of this crime, the government must prove all of these elements beyond a reasonable doubt; otherwise, you must find the defendant not guilty of the crime charged in Count Five of the Indictment.

INSTRUCTION NO. 23

The crime of tampering with a witness, as charged in Count Six of the Indictment, has two elements, which are:

One, on or about October 8, 2022, October 10, 2022, or October 11, 2022, the defendant MICHAEL LYNN ASHFORD knowingly attempted to intimidate or corruptly persuade K.B. by calling him on the phone and telling him not to testify, not to go to court, or to recant his previously made statements by signing an affidavit; and

Two, the defendant did so with the intent to influence or prevent the testimony of K.B. in an official proceeding—that is, a federal trial, or with the intent to hinder, delay or prevent the communication to law enforcement officers of information relating to the commission of a Federal offense.

To “intimidate” someone means intentionally to say or do something that would cause a person of ordinary sensibilities to be fearful of harm to himself or another. It is not necessary for the government to prove that K.B. was actually frightened.

To corruptly persuade someone means to persuade with consciousness of wrongdoing.

It is not necessary for the government to prove that any person’s testimony was, in fact, delayed, prevented, or withheld.

To act with “intent to influence” the testimony of a person means to act for the purpose of getting the person to change or color or shade his testimony in some way. It is not necessary for the government to prove that the person’s testimony was, in fact, changed in any way.

(CONTINUED)

INSTRUCTION NO. 23 (Cont'd)

It is a violation of the law to attempt to tamper with a witness. A person may be found guilty of an attempt to tamper with a witness if he intended to tamper with a witness and voluntarily and intentionally carried out some act which was a substantial step toward that crime. 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 violate the statute.

For you to find the defendant guilty of this crime, the government must prove all of these elements beyond a reasonable doubt; otherwise, you must find the defendant not guilty of the crime charged in Count Six of the Indictment.

INSTRUCTION NO. 24

The government is not required to prove that the defendant knew that his acts or omissions were unlawful. An act is done “knowingly” if the defendant is aware of the act and does not act through ignorance, mistake, or accident. In deciding whether an act is done “knowingly,” you may consider the evidence of the defendant’s words, acts, or omissions, along with all of the facts and circumstances in evidence that may aid you in determining the defendant’s knowledge.

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

INSTRUCTION NO. 25

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

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

INSTRUCTION NO. 26

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

INSTRUCTION NO. 27

At the end of the trial, you must make your decisions based on what you recall of the evidence. You will not have a written transcript to consult. Therefore, you must pay close attention to the testimony as it is given.

If you wish, you may take notes during the presentation of evidence to help you remember what witnesses said. If you do take notes, please keep them to yourself until you and your fellow jurors go to the jury room to decide the case. Do not let note-taking distract you so that you do not hear other answers by the witnesses.

During deliberations, 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.

We have given each juror an envelope with a pad and pen in it. The envelopes are numbered according to your seat in the jury box. When you leave for breaks or at night, please put your pad and pen in the envelope and leave the envelope on your chair. Your notes will be secured, and they will not be read by anyone. At the end of trial and your deliberations, your notes should be left in the jury room for destruction.

INSTRUCTION NO. 28

During the trial, it may be necessary for me to talk with the lawyers out of the hearing of the jury, either by having a bench conference while the jury is present in the courtroom or by calling a recess. If a bench conference is held in the courtroom, we will switch on what we refer to as “white noise” so that the jurors cannot hear what is being said by the lawyers and me. While bench conferences are being conducted, you should feel free to stand and stretch and visit among yourselves about anything except the case.

INSTRUCTION NO. 29

The trial will proceed in the following manner:

First, the attorney for the government will make an opening statement. Next, the attorney for the defendant may, but does not have to, make an opening statement. An opening statement is not evidence, but is simply a summary of what the attorneys expect the evidence to be.

The government will then present its evidence, and the attorney for the defendant may cross-examine the government's witnesses. Following the government's case, the defendant may, but does not have to, present evidence, testify, or call other witnesses. If the defendant calls witnesses, the attorney for the government may cross-examine them.

After the presentation of evidence is completed, the attorneys will make their closing arguments to summarize and interpret the evidence for you. As with opening statements, closing arguments are not evidence. After that, the court will instruct you further regarding your deliberations, and you will retire to deliberate on your verdicts.

INSTRUCTION NO. 30

During the course of the trial, to ensure fairness, you as jurors must obey the following rules.

First, do not talk among yourselves about this case, or about anyone involved with it, until the end of the case when you go to the jury room to decide on your verdicts.

Second, do not talk with anyone else about this case, or about anyone involved with it, until the trial has ended and you have been discharged as jurors.

Third, do not 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, YouTube, or Twitter, to communicate to anyone any information about this case, or your opinions concerning it, until the trial has ended and you have been discharged as jurors.

Fourth, when you are outside the courtroom, do not let anyone tell you anything about the case, or about anyone involved with it, until the trial has ended and your verdicts have been accepted by me. If someone should try to talk with you about the case during the trial, please report it to me through the Court Security Officer.

Fifth, during the trial, you should not talk with or speak to any of the parties, lawyers or witnesses involved in this case—you should not even pass the time of day with any of them. It is important not only that you do justice in this case, but that you also give the appearance of doing justice. If a person from one side of the case sees you talking to a person from the other side—even if it is simply to pass the time of day—an unwarranted and unnecessary suspicion about your fairness might be aroused.

(CONTINUED)

INSTRUCTION NO. 30 (Cont'd)

If any lawyer, party, or witness does not speak to you when you pass in the hall or the like, it is because they are not supposed to talk or visit with you.

Sixth, do not read any news stories or articles about the case, or about anyone involved with it, or listen to any radio or television reports about the case, or about anyone involved with it. In fact, until the trial is over, I suggest that you avoid reading any newspapers or news journals at all, and avoid listening to any TV or radio newscasts at all.

I do not know whether there might be any news reports of this case, but, if there are, you might inadvertently find yourself reading or listening to something before you could do anything about it. If you want, you can have your spouse or a friend clip out any stories and set them aside to give you after the trial is over. I can assure you, however, that by the time you have heard the evidence in this case you will know more about the matter than anyone will learn through the news media.

Seventh, do not do any research or make any investigation about the case on your own. Do not consult any reference materials such as the Internet, books, magazines, dictionaries, or encyclopedias. Do not contact anyone to ask them questions about issues that may arise in this case. Remember, you are not permitted to talk to anyone (except your fellow jurors) about this case or anyone involved with it until the trial has ended and I have discharged you as jurors.

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INSTRUCTION NO. 30 (Cont'd)

Eighth, do not make up your mind during the trial about what the verdicts should be. Keep an open mind until after you have gone to the jury room to decide the case and you and your fellow jurors have discussed the evidence.

Dated this ____ day of _____, 2023.

C.J. WILLIAMS
United States District Judge
Northern District of Iowa

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

FINAL JURY INSTRUCTIONS

Members 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 before you begin your deliberations.

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 the instructions I gave you at the beginning of and during trial are not repeated here.

INSTRUCTION NO. 31

In conducting your deliberations and returning your verdicts, there are certain rules you must follow. I will 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 decisions, 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 your 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 your verdicts.

Third, if you find the defendant guilty, the sentence to be imposed is my responsibility. You may not consider punishment in any way when deciding whether the government has proved its case beyond a reasonable doubt.

Fourth, if you need to communicate with me during your deliberations, you may send a note to me through the Court Security Officer, signed by one or more jurors. I will respond as soon as possible either in writing or orally in open court. You should not tell anyone—including me—how your votes stand numerically.

(CONTINUED)

INSTRUCTION NO. 31 (Cont'd)

Fifth, your verdicts must be based solely on the evidence and on the law that I have given to you in my instructions. Each verdict, whether guilty or not guilty, must be unanimous. Nothing I have said or done is intended to suggest what your verdicts should be—that will be entirely for you to decide.

INSTRUCTION NO. 32

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

You will take the Verdict Forms and Interrogatory Forms to the jury room, and when you have completed your deliberations and each of you has agreed to the answers to the forms, your foreperson will fill out the forms, sign and date them, and advise the Court Security Officer that you are ready to return to the courtroom. Your foreperson should place the signed forms in the blue folder, which the court will provide you, and then your foreperson will bring the blue folder when returning to the courtroom.

Finally, members of the Jury, take this case and give it your most careful consideration, and then without fear or favor, prejudice or bias of any kind, return the Verdict Forms and Interrogatory Forms in accord with the evidence and these instructions.

Date

C.J. WILLIAMS
United States District Judge
Northern District of Iowa

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

**VERDICT FORM
COUNT 1**

We, the Jury, unanimously find the defendant, MICHAEL LYNN ASHFORD,

_____ of the crime of possession with intent to distribute a

Not Guilty/Guilty _____ controlled substance, as charged in Count 1.

Note: If you unanimously find the defendant not guilty of Count 1, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. If you unanimously and beyond a reasonable doubt find the defendant guilty of Count 1, have your foreperson write "guilty" in the above blank space and sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 1.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

**INTERROGATORY FORM
COUNT 1**

If you found the defendant MICHAEL LYNN ASHFORD guilty of the crime charged in Count 1 of the Indictment, please answer the following question, then have your foreperson sign and date this Interrogatory Form.

If you found the defendant not guilty of the crime charged in Count 1 of the Indictment, do not answer the following questions contained in this Interrogatory Form.

Interrogatory Question One:

We, the Jury, unanimously and beyond a reasonable doubt find that the defendant, Michael Lynn Ashford, possessed with the intent to distribute (check all that apply):

_____ some quantity of a mixture or substance containing a detectable amount of methamphetamine

_____ some quantity of a mixture or substance containing a detectable amount of cocaine

_____ some quantity of marijuana

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

**VERDICT FORM
COUNT 2**

We, the Jury, unanimously find the defendant, MICHAEL LYNN ASHFORD,

_____ of the crime of possession of a firearm in furtherance of a
Not Guilty/Guilty _____ drug trafficking crime, as charged in Count 2.

Note: If you unanimously find the defendant not guilty of Count 2, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. If you unanimously and beyond a reasonable doubt find the defendant guilty of Count 2, have your foreperson write “guilty” in the above blank space and sign and date this Verdict Form.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

**VERDICT FORM
COUNT 3**

We, the Jury, unanimously find the defendant, MICHAEL LYNN ASHFORD,

_____ of the crime of possession of a firearm by a felon, as charged

Not Guilty/Guilty in Count 3.

Note: If you unanimously find the defendant not guilty of Count 3, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. If you unanimously and beyond a reasonable doubt find the defendant guilty of Count 3, have your foreperson write "guilty" in the above blank space and sign and date this Verdict Form.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

**VERDICT FORM
COUNT 4**

We, the Jury, unanimously find the defendant, MICHAEL LYNN ASHFORD,

_____ of the crime of possession with intent to distribute a

Not Guilty/Guilty _____ controlled substance, as charged in Count 4.

Note: If you unanimously find the defendant not guilty of Count 4, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. If you unanimously and beyond a reasonable doubt find the defendant guilty of Count 4, have your foreperson write “guilty” in the above blank space and sign and date this Verdict Form. Then, go on to answer the Interrogatory Form for Count 4.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

**INTERROGATORY FORM
COUNT 4**

If you found the defendant MICHAEL LYNN ASHFORD guilty of the crime charged in Count 4 of the Indictment, please answer the following question, then have your foreperson sign and date this Interrogatory Form.

If you found the defendant not guilty of the crime charged in Count 4 of the Indictment, do not answer the following questions contained in this Interrogatory Form.

Interrogatory Question One:

We, the Jury, unanimously and beyond a reasonable doubt find that the defendant, Michael Lynn Ashford, possessed with the intent to distribute (check all that apply):

_____ some quantity of a mixture or substance containing a detectable amount of methamphetamine

_____ some quantity of a mixture or substance containing a detectable amount of salt of cocaine

_____ some quantity of a mixture or substance containing a detectable amount of cocaine base

_____ some quantity of marijuana

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

**VERDICT FORM
COUNT 5**

We, the Jury, unanimously find the defendant, MICHAEL LYNN ASHFORD,

_____ of the crime of conspiracy to tamper with a witness, as charged

Not Guilty/Guilty in Count 5.

Note: If you unanimously find the defendant not guilty of Count 5, have your foreperson write "not guilty" in the above blank space, and sign and date this Verdict Form. If you unanimously and beyond a reasonable doubt find the defendant guilty of Count 5, have your foreperson write "guilty" in the above blank space and sign and date this Verdict Form.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

**VERDICT FORM
COUNT 6**

We, the Jury, unanimously find the defendant, MICHAEL LYNN ASHFORD,

_____ of the crime of tampering with a witness, as charged in Count 6.

Not Guilty/Guilty

Note: If you unanimously find the defendant not guilty of Count 6, have your foreperson write “not guilty” in the above blank space, and sign and date this Verdict Form. If you unanimously and beyond a reasonable doubt find the defendant guilty of Count 6, have your foreperson write “guilty” in the above blank space and sign and date this Verdict Form.

FOREPERSON

DATE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LYNN ASHFORD,

Defendant.

No. 22-CR-1037-CJW-MAR

**INTERROGATORY FORM
COUNT 6**

If you found the defendant MICHAEL LYNN ASHFORD guilty of the crime charged in Count 6 of the Indictment, please answer the following question, then have your foreperson sign and date this Interrogatory Form.

If you found the defendant not guilty of the crime charged in Count 6 of the Indictment, do not answer the following questions contained in this Interrogatory Form.

Interrogatory Question One:

We, the Jury, unanimously and beyond a reasonable doubt find that the defendant, Michael Lynn Ashford (check all that apply):

_____ knowingly attempted to intimidate K.B.

_____ knowingly attempted to corruptly persuade K.B.

Interrogatory Question Two:

If you unanimously and beyond a reasonable doubt found that the defendant, Michael Lynn Ashford, knowingly attempted to **intimidate** K.B., please answer the following:

We, the Jury, unanimously and beyond a reasonable doubt find that the defendant attempted to intimidate K.B. by committing the following acts (check all that apply):

with the intent to **influence the testimony** of K.B. in a federal trial by calling him on the phone and telling him:

_____ not to testify

_____ not to go to court

_____ to recant his previously made statements by signing an affidavit

with the intent to **prevent the testimony** of K.B. in a federal trial by calling him on the phone and telling him:

_____ not to testify

_____ not to go to court

_____ to recant his previously made statements by signing an affidavit

with the intent to **hinder the communication** to law enforcement officers of information relating to the commission of a federal offense by calling K.B. on the phone and telling him:

_____ not to testify

_____ not to go to court

_____ to recant his previously made statements by signing an affidavit

with the intent to **delay the communication** to law enforcement officers of information relating to the commission of a federal offense by calling K.B. on the phone and telling him:

_____ not to testify

_____ not to go to court

_____ to recant his previously made statements by signing an affidavit

with the intent to **prevent the communication** to law enforcement officers of information relating to the commission of a federal offense by calling K.B. on the phone and telling him:

_____ not to testify

_____ not to go to court

_____ to recant his previously made statements by signing an affidavit

Interrogatory Question Three:

If you unanimously and beyond a reasonable doubt found that the defendant, Michael Lynn Ashford, knowingly attempted to **corruptly persuade** K.B., please answer the following:

We, the Jury, unanimously and beyond a reasonable doubt find that the defendant attempted to corruptly persuade K.B. by committing the following acts (check all that apply):

with the intent to **influence the testimony** of K.B. in an official proceeding, that is, a federal trial by calling him on the phone and telling him:

not to testify

not to go to court

to recant his previously made statements by signing an affidavit

with the intent to **prevent the testimony** of K.B. in an official proceeding, that is, a federal trial by calling him on the phone and telling him:

not to testify

not to go to court

to recant his previously made statements by signing an affidavit

with the intent to **hinder the communication** to law enforcement officers of information relating to the commission of a federal offense by calling him on the phone and telling him:

not to testify

not to go to court

to recant his previously made statements by signing an affidavit

with the intent to **delay the communication** to law enforcement officers of information relating to the commission of a federal offense by calling K.B. on the phone and telling him:

not to testify

not to go to court

to recant his previously made statements by signing an affidavit

with the intent to **prevent the communication** to law enforcement officers of information relating to the commission of a Federal offense by calling K.B. on the phone and telling him:

_____ not to testify

_____ not to go to court

_____ to recant his previously made statements by signing an affidavit

FOREPERSON

DATE