

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL LEE BRUNSON,

Defendant.

No. 23-CR-5-CJW-MAR

**FORFEITURE INSTRUCTION**

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Members of the jury, you have reached a verdict that the defendant, Michael Lee Brunson, is guilty of Conspiracy to Distribute a Controlled Substance as charged in (in Count 4 of) the Indictment. You now have one more task to perform. I must ask you to render a special verdict concerning property the United States has alleged is subject to forfeiture. Forfeiture means the defendant loses any ownership or interest he has or claims to have in the property, as a part of the penalty for engaging in criminal activity. You need not concern yourself with any other person's interest in the property. I will take care of any such claims. Your only concern is with defendant Michael Lee Brunson's interest in the property.

The United States alleges that certain property, specifically \$30,540 in United States Currency, is subject to forfeiture to the United States because the currency constitutes, or is derived from, any proceeds obtained directly or indirectly from the offense that you previously found defendant, Michael Lee Brunson, guilty of committing and/or because the property, \$30,540 in United States Currency, was used, or intended to be used, in any manner or part, to commit, or facilitate the commission of the offense in Count 4, Conspiracy to Distribute a Controlled Substance that you previously found

**(CONTINUED)**

**(Cont'd)**

defendant, Michael Lee Brunson, guilty of committing.

You must determine what property, if any, is subject to forfeiture. Property is subject to forfeiture if the United States has proved, by the greater weight of the evidence, either that (1) the property constituted or was derived from any proceeds the defendant obtained, directly or indirectly, as a result of the offense of which he has been found guilty, or (2) if the property was used, or intended to be used, in any manner or part, to commit or to facilitate the commission of the offense of which the defendant has been found guilty. The term “proceeds” refers to property whose acquisition was attributable to the offense rather than from untainted sources. Facilitating property is any property that makes the crime easier to commit or is used to assist in the commission of the offense or makes it otherwise harder to detect. Property may be subject to forfeiture for more than one reason.

You may, but are not required to, find that property is subject to forfeiture if the United States has proved by the greater weight of the evidence that:

- a. such property was acquired by the defendant during the period the defendant was committing the offense of which he has been found guilty or within a reasonable time after the commission of that offense, *and*
- b. there was no likely source for such property other than the offense(s) for which the defendant has been found guilty.

To prove something by the greater weight of the evidence is to prove that it is more likely true than not true. The decision is made by considering all of the evidence on the subject and deciding which evidence you believe. Each party is entitled to the benefit of all evidence received, regardless of who offered the evidence. Greater weight

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(Cont'd)

of the evidence is a lesser standard than proof beyond a reasonable doubt.

All of my previous instructions apply with respect to this special verdict, except for the burden of proof, which we have already discussed.

A Special Verdict Form has been prepared for your use. With respect to the property, you are asked to determine unanimously whether it is to be forfeited to the United States.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

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**SPECIAL VERDICT FORM**

We, the jury, return the following Special Verdict regarding the following property that the United States alleges is subject to forfeiture in the Forfeiture Allegation:

**Approximately \$30,540 in United States Currency**

We, the jury, unanimously find this property is subject to forfeiture because it is proceeds of the offense charged in Count 4 of the Superseding Indictment.

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

We, the jury, unanimously find this property is subject to forfeiture because it was used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense charged in Count 4 of the Indictment.

**YES** \_\_\_\_\_

**NO** \_\_\_\_\_

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
DATE