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

UNITED STATES OF AMERICA, Plaintiff, vs. DREW JOHNSON, Defendant.	No. CR18-4045-LTS **COURT'S INSTRUCTIONS TO THE JURY**

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No. 1 — INTRODUCTION

Congratulations on your selection as a juror! These Instructions will help you better understand the trial and your role in it.

In an Indictment, a Grand Jury has charged Drew Johnson with "conspiracy," "possession of a stolen firearm," and "prohibited possession of a firearm." An Indictment is simply an accusation—it is not evidence of anything. The defendant has pled not guilty to the offenses charged against him, and he is presumed absolutely not guilty of the offenses, unless and until the prosecution proves his guilt on those offenses beyond a reasonable doubt.

You must decide during your deliberations whether or not the prosecution has proved the defendant's guilt on each of the offenses charged against him beyond a reasonable doubt. In making your decision, you are the sole judges of the facts. You must not decide this case based on personal likes or dislikes, generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence, these instructions, and any additional oral or written instructions that I may give you.

Do not take anything that I have said or done or that I may say or do as indicating what I think of the evidence or what I think your verdict should be.

Remember, only defendant Drew Johnson, and not anyone else, is on trial. Also, he is on trial *only* for the offenses charged in the Indictment, and not for anything else.

Please remember that this case is important to the parties and to the fair administration of justice. Therefore, please be patient, consider all of the evidence, and do not be in a hurry to reach a verdict just to be finished with the case.

No. 2 — PRESUMPTION OF INNOCENCE AND BURDEN OF PROOF

The presumption of innocence means that the defendant is presumed to be absolutely not guilty.

- This presumption means that you must put aside all suspicion that might arise from the defendant's arrest, the charges, or the fact that he is here in court
- This presumption remains with the defendant throughout the trial
- This presumption is enough, alone, for you to find the defendant not guilty of any offense charged against him

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

- This burden never, ever shifts to the defendant to prove his innocence
- This burden means that the defendant does not have to call any witnesses, produce any evidence, cross-examine the prosecution's witnesses, or testify
- This burden means that, if the defendant does not testify, you must not consider that fact in any way, or even discuss it, in arriving at your verdict
- This burden means that you must find the defendant not guilty of a charged offense unless the prosecution proves beyond a reasonable doubt that he has committed each and every element of that offense

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No. 3 — REASONABLE DOUBT

A reasonable doubt is a doubt based upon reason and common sense.

- A reasonable doubt may arise from evidence produced by the prosecution or the defendant, keeping in mind that the defendant never, ever has the burden or duty to call any witnesses or to produce any evidence
- A reasonable doubt may also arise from the prosecution's lack of evidence

The prosecution must prove the defendant's guilt beyond a reasonable doubt.

- Proof beyond a reasonable doubt requires careful and impartial consideration of all of the evidence in the case before making a decision
- Proof beyond a reasonable doubt is proof so convincing that you would be willing to rely and act on it without hesitation in the most important of your own affairs
- Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt

The prosecution's burden is heavy, but it does not require proof beyond all doubt.

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No. 4 — OTHER IMPORTANT TERMS

Before I turn to specific instructions on the offenses charged in this case, I will explain some important terms.

Elements

The offenses charged consist of "elements," which are the parts of the offense. The prosecution must prove beyond a reasonable doubt all of the elements of an offense charged against the defendant for you to find him guilty of that offense.

Timing

The Indictment alleges an approximate time period or an approximate date for the charged offenses.

- The prosecution does not have to prove that the offenses occurred on an exact date
- The prosecution only has to prove that the offenses occurred at a time that was reasonably close to or within the period or the dates alleged for the offenses in the Indictment

Possession

A person possessed something if both of the following are true:

- the person knew about it, and
- the person had
  - physical control over it, or
  - the power, or ability, and the intention to control it, or

- control over a place in which it was concealed

More than one person may have possessed something at the same time.

Location

You must decide whether the defendant's conduct occurred in the Northern District of Iowa.

* * *

I will now give you the "elements" instructions on the charged offenses. The "elements" themselves are set out in **bold**.

No. 5 — COUNT 1: THE ALLEGED "CONSPIRACY" OFFENSE

Count 1 of the Indictment charges the defendant with a "conspiracy" offense. The defendant denies that he committed this offense.

For you to find the defendant guilty of the "conspiracy" offense, the prosecution must prove beyond a reasonable doubt *all* of the following elements against the defendant:

***One*, on or before February 2, 2018, and continuing until February 9, 2018, two or more people reached an agreement or understanding to commit the crime of knowingly stealing, receiving, possessing, concealing, storing, bartering, selling, disposing of, pledging or accepting as security for a loan, any stolen firearm and any stolen ammunition;**

A conspiracy is an agreement between two or more people to commit one or more crimes. The Indictment charges a conspiracy to knowingly, steal, receive, possess, conceal, store, barter, sell, dispose of, pledge or accept as security for a loan, any stolen firearm or stolen ammunition. For you to find that the government has proved a conspiracy, you must unanimously find that there was an agreement to act for at least one of these purposes. You must unanimously agree which purpose or purposes motivated the members of the agreement to act. If you are unable to unanimously agree on at least one of these purposes, you cannot find the defendant guilty of conspiracy.

For this element to be proved:

- the defendant may have been, but did not have to be, one of the original conspirators
- the crime that the conspirators agreed to commit did not actually have to be committed
- the agreement did not have to be written or formal
- the agreement did not have to involve every detail of the conspiracy

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.

A person may be a member of the agreement even if the person does not know all of the other members of the agreement or the person agreed to play only a minor part in the agreement.

Remember,

- The government does not have to prove that any conspirator actually committed the crime;
  but
- if there was no agreement, there was no conspiracy

***Two*, the defendant voluntarily and intentionally joined in the agreement or understanding.**

The prosecution must prove that the defendant had some degree of knowing involvement and cooperation in the agreement to prove that he joined in the agreement.

The defendant may have joined in the agreement

- at any time during its existence
- even if he agreed to play only a minor role in it

The defendant did not have to do any of the following to join the agreement:

- join the agreement at the same time as all of the other conspirators
- know all of the details of the conspiracy, such as the names, identities, or locations of all of the other members, or
- conspire with every other member of the conspiracy

On the other hand, evidence of each of the following, alone, is not enough to show that a person joined the agreement:

- a person was merely present at the scene of an event
- a person merely acted in the same way as others
- a person merely associated with others
- a person was friends with or met socially with individuals involved in the conspiracy
- a person who had no knowledge of a conspiracy acted in a way that advanced an objective of the conspiracy
- a person merely knew of the existence of a conspiracy
- a person merely knew that an objective of the conspiracy was being considered or attempted, or
- a person merely approved of the objectives of the conspiracy

To help you decide whether the defendant agreed to commit the crime of knowingly stealing, receiving, possessing, concealing, storing, bartering, selling, disposing of, pledging or accepting as security for a loan, any stolen firearm and any stolen ammunition, you should consider the elements of that crime, which are the following:

- One, sometime between about February 2 and February 9, 2018, the defendant knowingly stole, received, possessed, concealed, stored, bartered, sold, disposed of, pledge or accepted as security for a loan, any stolen firearm and any stolen ammunition;

- Two, the firearm was stolen;

- Three, the defendant knew or had reasonable cause to believe the firearm was stolen; and

- Four, the firearm was shipped or transported across a state line at some time before it was stolen.

If you find that there was an agreement, but you find that the defendant did not join in that agreement, then you cannot find him guilty of the "conspiracy" offense.

***Three*, at the time that the defendant joined in the agreement or understanding, he knew the purpose of the agreement or understanding.**

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.

It is not enough that the defendant and other alleged participants in the agreement to commit the crime simply met, discussed matters of common interest, acted in similar ways, or perhaps helped one another.

The prosecution

- must prove that the defendant knew of the existence and purpose of the conspiracy,
  but
- does not have to prove that the defendant knew that what he did was unlawful

***Four*, while the agreement was in effect, a person or persons who had joined in the agreement knowingly did one or more acts for the purpose of carrying out or carrying forward the agreement.**

This element requires that one of the persons who joined the agreement took some act for the purpose of carrying out or carrying forward the agreement.

The defendant does not have to personally commit an act in furtherance of the agreement, know about it, or witness it. It makes no difference which of the participants in the agreement did the act. This is because a conspiracy is a kind of "partnership" so that under the law each member is an agent or partner of every other member and each member is bound by or responsible for the acts of every other member done to further their scheme.

The act done in furtherance of the agreement does not have to be an unlawful act. The act may be perfectly innocent in itself.

It is not necessary that the government prove that more than one act was done in furtherance of the agreement. It is sufficient if the government proves one such act; but in that event, in order to return a verdict of guilty, you must all agree which act was done.

If the prosecution does not prove all of these elements beyond a reasonable doubt as to the defendant, then you must find him not guilty of the "conspiracy" offense.

No. 6 — COUNT 2: THE ALLEGED "POSSESSION OF A STOLEN FIREARM" OFFENSE

Count 2 of the Indictment charges the defendant with "possession of a stolen firearm." The defendant denies that he committed this offense.

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

***One*, sometime between about February 3 and February 9, 2018, the defendant knowingly possessed one or more of the following firearms identified in the Indictment:**

- a Ruger, Mark 22, .22 caliber handgun, serial number, 222-30086
- a Les Baer, AR-15, .223 rifle, serial number, LBR002301, with a Leupold scope;
- a Volquartsen, .22 caliber handgun, serial number, VC02384;
- a Ruger, lite pistol, .22 caliber handgun, serial number, 39130725; and/or
- a Springfield, XDF, .45 caliber handgun, serial number XS564949.

You must determine whether the defendant knowingly possessed one or more of these items. "Possession" was defined for you in Instruction No. 4.

- The prosecution does not have to prove that the defendant knowingly possessed all of the firearms.

- You must unanimously agree on which one or more of the charged items, if any, the defendant possessed.

- The prosecution does not have to prove who owned the firearm or ammunition.

***Two*, the firearm was stolen;**

A firearm was "stolen," if it was taken from the owner

- without the owner's knowledge or permission, and

- with the intent to deprive the owner, temporarily or permanently, of the possession or use of the firearm.

The prosecution does not have to prove that the defendant is the person who stole the firearm in question

***Three*, the defendant knew or had reasonable cause to believe the firearm was stolen; and**

The prosecution must prove

- that the defendant actually knew that the firearm was stolen, or

- that the defendant had reasonable cause to believe that the firearm was stolen

    - It is not enough for the prosecution to prove that a reasonable person, in the defendant's circumstances, would have believed that the firearm was stolen

    - The prosecution must prove that it would have been reasonable for the defendant, in particular, to believe that the firearm was stolen

    - Thus, if the defendant genuinely, but mistakenly, believed that the firearm or firearms were not stolen, then this alternative is not proved, even if a reasonable person would have found his belief to be unreasonable

***Four*, the firearm was shipped or transported across a state line at some time before it was stolen.**

If the prosecution does not prove all of these elements beyond a reasonable doubt, then you must find the defendant not guilty of this offense.

No. 7 — COUNT 3: THE ALLEGED "PROHIBITED POSSESSION OF A FIREARM" OFFENSE

Count 3 of the Indictment charges the defendant with "prohibited possession of a firearm." The defendant denies that he committed this offense.

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

***One*, before about February 2, 2018, the defendant was prohibited by federal law from possessing firearms. The parties have stipulated – that is to say they have agreed – that the defendant was prohibited by federal law from possessing firearms. This element should be considered proved.**

***Two*, sometime between about February 2 and February 9, 2018, the defendant knowingly possessed one or more of the firearms identified in the Indictment.**

"Possession" was defined for you in Instruction No. 4.

The Indictment identifies the following firearms allegedly involved in this offense:

- a Ruger, Mark 22, .22 caliber handgun, serial number, 222-30086
- a Les Baer, AR-15, .223 rifle, serial number, LBR002301, with a Leupold scope;
- a Volquartsen, .22 caliber handgun, serial number, VC02384;
- a Ruger, lite pistol, .22 caliber handgun, serial number, 39130725; and/or
- a Springfield, XDF, .45 caliber handgun, serial number XS564949.

You must determine whether the defendant knowingly possessed one or more of these items.

- The prosecution does not have to prove that the defendant knowingly possessed all of the firearms
- A prohibited person is prohibited from possessing even a single firearm

- You must unanimously agree on which one or more of the charged firearms, if any, the defendant possessed

The prosecution does not have to prove

- that the defendant knew that he was prohibited from possessing a firearm; or
- who "owned" the firearm

***Three*, the firearms that the defendant illegally possessed had been transported across a state line at some time before the defendant possessed them.**

- If you find beyond a reasonable doubt that the firearm in question was manufactured in a state other than Iowa, and that the defendant possessed that firearm in the State of Iowa, then you may, but are not required to, find that the item in question was transported across a state line.

If the prosecution *does not* prove all of these elements beyond a reasonable doubt, then you must find the defendant not guilty of this offense.

No. 8 — DEFINITION OF EVIDENCE

Evidence is the following:

- testimony
- exhibits admitted into evidence, but exhibits are not necessarily more important than any other evidence, just because they are shown to you
- stipulations, which are agreements between the parties that certain facts are true; you must treat stipulated facts as having been proved

The following are not evidence:

- testimony that I tell you to disregard
- exhibits that are not admitted into evidence
- statements, arguments, questions, and comments by the lawyers
- objections and rulings on objections
- anything that you see or hear about this case outside the courtroom

You may have heard of "direct" or "circumstantial" evidence.

- "Direct" evidence is direct proof of a fact
    - An example is testimony by a witness about what that witness personally saw or heard or did
- "Circumstantial" evidence is proof of one or more facts from which you could find another fact

- An example is testimony that a witness personally saw a broken window and a brick on the floor, from which you could find that the brick broke the window

- You should consider both kinds of evidence, because the law makes no distinction between their weight
- The weight to be given any evidence, whether it is "direct" or "circumstantial," is for you to decide.

Some evidence may be admitted only for a limited purpose.

- I will tell you if that happens
- I will instruct you on the purposes for which the evidence can and cannot be used

No. 9 — PRIOR ACTS

You may hear evidence that the defendant previously committed a crime. You may consider such evidence only if you unanimously find it is more likely true than not true. This is a lower standard than proof beyond a reasonable doubt. If you find that this evidence is more likely true than not true, you may consider it only to help you decide whether he intended to commit the crimes charged in this case. You should give it the weight and value you believe it is entitled to receive. If you find that it is not more likely true than not true, then you shall disregard it.

Remember, even if you find that the defendant may have committed a crime in the past, this is not evidence that he committed any crime in this case. You may not convict a person simply because you believe he may have committed a crime in the past. The defendant is on trial only for the crimes charged in this case, and he has denied that he committed these crimes. You may consider the evidence of any prior act only on the issue of his intent.

No. 10 — TESTIMONY OF WITNESSES

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 says, only part of it or none of it.

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 may need to decide whether a contradiction is an innocent misrecollection or lapse of memory or, instead, an intentional falsehood. This may depend on whether the contradiction involves an important fact or only a small detail.

In deciding what testimony of any witness to believe, consider the witness' intelligence, the opportunity the witness had to see or hear the things he or she testifies about, the quality of the witness' memory, any motives the witness may have for testifying a certain way, the witness' demeanor, whether the witness said something different at an earlier time, the witness' drug or alcohol use or addiction, if any, the general reasonableness of the testimony, the extent to which the testimony is consistent with other evidence that you believe and any other factors that you find bear on believability or credibility.

You should not give any more or less weight to a witness' testimony just because the witness is a public official, a law enforcement officer or an expert.

You may give any witness' opinion whatever weight you think it deserves, but you should consider the reasons and perceptions on which the opinion is based, any reason that the witness may be biased and all of the other evidence in the case.

You may hear that a witness was once convicted of a crime. You may use that evidence only to help you decide whether to believe the witness and how much weight to give to the witness' testimony.

You must consider with greater caution and care the testimony, if any, of a witness who is testifying:

- that he or she participated in the charged offense, or
- that he or she was an informant who was paid or received some other benefit for providing information to law enforcement or the prosecution, or
- after a promise from the prosecution not to use that witness' testimony, to a grand jury or at this trial, against that witness in a criminal case, or
- pursuant to a plea agreement
    - The plea agreement may be a "cooperation" plea agreement that provides that the prosecution may recommend a less severe sentence if the prosecutor believes that the witness has provided "substantial assistance"
    - A judge cannot reduce a sentence for "substantial assistance" unless the prosecution asks the judge to do so, but if the prosecution does ask, the judge decides if and how much to reduce the witness' sentence

It is for you to decide:

- what weight you think the testimony of such a witness deserves, and
- whether or not such a witness' testimony has been influenced by
    - the desire to please the prosecution
    - any promises by the prosecution
    - any payment or other benefit provided by the prosecution, or
    - a plea agreement

If the defendant testifies, you should judge his testimony in the same way that you judge the testimony of any other witness.

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

No. 11 — OBJECTIONS

The lawyers may make objections and motions during the trial that I must rule upon.

- If I sustain an objection to a question before it is answered, do not draw any inferences or conclusions from the question itself
- Do not hold it against a lawyer or a party that a lawyer has made an objection, because lawyers have a duty to object to testimony or other evidence that they believe is not properly admissible

No. 12 — BENCH CONFERENCES

During the trial it may be necessary for me to talk with the lawyers out of your hearing.

- I may hold a bench conference while you are in the courtroom or call a recess
- These conferences are to decide how certain evidence is to be treated, to avoid confusion and error, and to save your valuable time, so please be patient
- We will do our best to keep such conferences short and infrequent

No. 13 — NOTE-TAKING

You are allowed to take notes during the trial if you want to.

- Be sure that your note-taking does not interfere with listening to and considering all the evidence
- Your notes are not necessarily more reliable than your memory or another juror's notes or memory
- Do not discuss your notes with anyone before you begin your deliberations
- Leave your notes and these instructions on your chair during recesses and at the end of the day
- At the end of trial, you may take your notes with you or leave them to be destroyed
- No one else will ever be allowed to read your notes, unless you let them
- If you choose not to take notes, remember that it is your own individual responsibility to listen carefully to the evidence
- An official court reporter is making a record of the trial, but her transcripts will not be available for your use during your deliberations

No. 14 — CONDUCT OF JURORS DURING TRIAL

You must decide this case ***solely*** on the evidence and the law in these Instructions and any additional written or oral instructions that I may give. You must also keep to yourself any information that you learn in court until it is time to discuss this case with your fellow jurors during deliberations.

To ensure fairness, you must obey the following rules:

- Do not talk among yourselves about this case, or about anyone involved with it, until you go to the jury room to decide on your verdict.
- Do not talk with anyone else about this case, or about anyone involved with it, until the trial is over.
- When you are outside the courtroom, do not let anyone ask you about or tell you anything about this case, anyone involved with it, any news story, rumor, or gossip about it, until the trial is over. If someone should try to talk to you about this case during the trial, please report it to me.
- During the trial, you should not talk to any of the parties, lawyers, or witnesses—even to pass the time of day—so that there is no reason to be suspicious about your fairness. The lawyers, parties, and witnesses are not supposed to talk to you, either.
- You may need to tell your family, friends, teachers, co-workers, or employer about your participation in this trial, so that you can tell them when you must be in court and warn them not to ask you or talk to you about the case. However, do not provide any information to

anyone by any means about this case until after I have accepted your verdict. That means do not talk face-to-face or use any electronic device or media, such as the telephone, a cell or smart phone, a Blackberry, a PDA, a computer, the Internet, any Internet service, any text or instant messaging service, any Internet chat room, any blog, or any website such as Facebook, YouTube, or Twitter, to communicate to anyone any information about this case until I accept your verdict.

- Do not do any research—on the Internet, in libraries, in the newspapers, in dictionaries or other reference books, through social media—or in any other way conduct any investigation about this case, the law, or the people involved on your own.
- Do not visit or view any place discussed in this case and do not use Internet maps or Google Earth or any other program or device to search for or to view any place discussed in the testimony.
- Do not read any news stories or articles, in print, on the Internet, in any "blog," or through social media about this case, or about anyone involved with it, or listen to any radio or television reports about it or about anyone involved with it, or let anyone tell you anything about any such news reports. I assure you that when you have heard all the evidence, you will know more about this case than anyone will learn through the news media—and it will be more accurate.
- Do not make up your mind during the trial about what the verdict should be. Keep an open mind until you have had a chance to discuss the evidence with other jurors during deliberations.

- Do not decide the case based on "implicit biases." Everyone, including me, has feelings, assumptions, perceptions, fears, and stereotypes—that is, "implicit biases"—that we may not be aware of. These hidden thoughts can impact what we see and hear, how we remember what we see and hear, and how we make important decisions. Because you are making very important decisions in this case, I strongly encourage you to evaluate the evidence carefully and to resist jumping to conclusions based on personal likes or dislikes, generalizations, gut feelings, prejudices, sympathies, stereotypes, or biases. The law demands that you return a just verdict, based solely on the evidence and the instructions that I give you. Our system of justice is counting on you to render a fair decision based on the evidence, not on biases.
- A Verdict Form is attached to these Instructions. A Verdict Form is simply a written notice of your decision. After your deliberations, if you have reached a unanimous verdict, your foreperson will complete one copy of the Verdict Form by marking the appropriate blank or blanks for each question. You will all sign that copy to indicate that you agree with the verdict and that it is unanimous. Your foreperson will then bring the signed Verdict Form to the courtroom when it is time to announce your verdict.
- If, at any time during the trial, you have a problem that you would like to bring to my attention, please let me know. I want you to be comfortable, so please do not hesitate to tell us about any problem.

I will read the remaining Instructions at the end of the evidence.

No. 15 — DUTY TO DELIBERATE

A verdict must represent the careful and impartial judgment of each of you. However, before you make that judgment, you must consult with one another and try to reach agreement, if you can do so consistent with your individual judgment.

- If you are convinced that the prosecution has not proved beyond a reasonable doubt that the defendant is guilty of a charged offense, say so
- If you are convinced that the prosecution has proved beyond a reasonable doubt that the defendant is guilty of a charged offense, say so
- Don't give up your honest beliefs just because others think differently or because you simply want to be finished with the case
- On the other hand, do not hesitate to re-examine your own views and to change your opinions, if you are convinced that they are wrong
- You can only reach a unanimous verdict if you discuss your views openly and frankly, with proper regard for the opinions of others, and with a willingness to re-examine your own views
- Remember that you are not advocates, but judges of the facts, so your sole interest is to seek the truth from the evidence
- The question is never who wins or loses the case, because society always wins, whatever your verdict, when you return a just verdict based solely on the evidence and the instructions that I give you
- You must consider all of the evidence bearing on each question before you

- Take all the time that you feel is necessary
- Remember that this case is important to the parties and to the fair administration of justice, so do not be in a hurry to reach a verdict just to be finished with the case

No. 16 — DUTY DURING DELIBERATIONS

You must follow certain rules while conducting your deliberations and returning your verdict:

- Select a foreperson to preside over your discussions and to speak for you here in court.
- Do not consider punishment in any way in deciding whether the defendant is not guilty or guilty. If the defendant is guilty, I will decide what his sentence should be.
- Communicate with me by sending me a note through a Court Security Officer (CSO). The note must be signed by one or more of you. Remember that you should not tell anyone, including me, how your votes stand. I will respond as soon as possible, either in writing or orally in open court.
- Again, nothing I have said or done was intended to suggest what your verdict should be—that is entirely for you to decide.
- Reach your verdict without discrimination. In reaching your verdict, you must not consider the defendant's race, color, religious beliefs, national origin, or sex. You are not to return a verdict for or against the defendant unless you would return the same verdict without regard to his race, color, religious beliefs, national origin, or sex. To emphasize the importance of this requirement, the verdict form contains a certification statement. Each of you should carefully read that statement, then sign your name in the appropriate place in the

signature block, if the statement accurately reflects how you reached your verdict.

- Complete the Verdict Form. The foreperson must bring the signed Verdict Form to the courtroom when it is time to announce your verdict.
- When you have reached a verdict, the foreperson will advise the CSO that you are ready to return to the courtroom.

Good luck with your deliberations.

IT IS SO ORDERED.

DATED this 1st day of October, 2018.

Leonard T. Strand, Chief Judge

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

UNITED STATES OF AMERICA, Plaintiff, vs. DREW JOHNSON, Defendant.	No. CR18-4045-LTS **VERDICT FORM**

As to defendant Drew Johnson, we, the Jury, find as follows:

COUNT 1: THE ALLEGED "CONSPIRACY" OFFENSE		**VERDICT**
Step 1: Verdict	On the "conspiracy" offense, charged in **Count 1** of the Indictment and explained in **Instruction No. 5**, please mark your verdict. (*Please go on to consider your verdict for the alleged "possession of a stolen firearm" offense*).	___ Not Guilty ___ Guilty

COUNT 2: THE ALLEGED "POSSESSION OF A STOLEN FIREARM" OFFENSE		**VERDICT**
Step 1: Verdict	On the "possession of a stolen firearm" offense, as charged in **Count 2** of the Indictment and explained in **Instruction 6**, please mark your verdict. (*Please go on to consider your verdict for the alleged "possession of a firearm by a prohibited person" offense*)	___ Not Guilty ___ Guilty

COUNT 3: THE ALLEGED "POSSESSION OF A FIREARM BY A PROHIBITED PERSON" OFFENSE		VERDICT
Step 1: Verdict	On the "possession of firearm by a prohibited person" offense, as charged in **Count 3** of the Indictment and explained in **Instruction 7**, please mark your verdict. (*If you find the defendant "not guilty" of this offense, do not answer the question in **Step 2**. Instead please read the Certification, sign the Verdict Form, and notify the Court Security Officer (CSO) that you have reached a verdict*).	___ Not Guilty ___ Guilty
Step 2: Firearms	*If you found the defendant "guilty" of the "possession of a stolen firearm" and/or the "possession of a firearm as a prohibited person" offense charged in the Indictment in **Step 1,*** please indicate which of the following firearms you found defendant possessed: _____ a Ruger, Mark 22, .22 caliber handgun, serial number, 222-30086 _____ a Les Baer, AR-15, .223 rifle, serial number, LBR002301, with a Leupold scope _____ a Volquartsen, .22 caliber handgun, serial number, VC02384; _____ a Ruger, lite pistol, .22 caliber handgun, serial number 39130725; and/or _____ a Springfield, XDF, .45 caliber handgun, serial number XS564949.	

CERTIFICATION
By signing below, each juror certifies the following: (1) that consideration of the defendant's race, color, religious beliefs, national origin, or sex was not involved in reaching the juror's individual decision, ***and*** (2) that the individual juror would have returned the same verdict for or against the defendant on the charged offense regardless of the defendant's race, color, religious beliefs, national origin, or sex.

____
Date

Foreperson	Juror
Juror	Juror
Juror	Juror
Juror	Juror
Juror	Juror
Juror	Juror