


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

FILED
NOV - 8 2007

CLERK

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ROBERT JOHN FARRELL,
and ANGELITA MAGAT FARRELL,

Defendants.

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CR 07-30019 (01) and (02)

JURY INSTRUCTIONS

INSTRUCTION NO. 1

Ladies and gentlemen of the jury, it is my duty now to explain the rules of law you must apply to this case.

You as jurors are the sole judges of the facts. But it is your duty to follow the law stated in these instructions, and to apply that law to the facts as you find them from the evidence before you. It would be a violation of your sworn duty to base your verdicts upon any rules of law other than the ones given you in these instructions, regardless of your personal feelings as to what the law ought to be.

You are not to single out one instruction alone as stating the law, but must consider the instructions as a whole.

INSTRUCTION NO. 2

You have been chosen and sworn as jurors to try the issues of fact presented by the allegations of the indictment and the denials made by the defendants in their pleas of “not guilty.” You are to perform this duty without bias or prejudice, because the law does not permit jurors to be governed by sympathy or public opinion. The accused and the public expect that you will carefully and impartially consider all of the evidence and will follow the law as stated by the Court, in order to reach just verdicts, regardless of the consequences to any party.

INSTRUCTION NO. 3

The indictment in this case charges that the defendants committed a number of labor and immigration crimes. The defendants have pleaded not guilty to 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 defendants are presumed to be innocent. Therefore, the defendants, even though charged, begin the trial with no evidence against them. This presumption of innocence alone is sufficient to find the defendants 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 you must give separate consideration to the evidence about each individual defendant. Each defendant is entitled to be treated separately, and you must return a separate verdict for each defendant.

There is no burden upon the defendants to prove that they are innocent. Accordingly, the fact that the defendants did not testify must not be considered by you in any way, or even discussed, in arriving at your verdicts.

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

INSTRUCTION NO. 4

At the beginning of the trial I told you that the defendants were accused of twenty seven different crimes. Since the trial started, however, 12 of these charges have been disposed of, the ones having to do with conspiring to bring in and harbor aliens, bringing in aliens for financial gain, and trafficking into servitude. Those charges are no longer before you, and the only crimes that the defendants are charged with now are conspiracy to commit peonage, peonage, conspiracy to commit forced labor, forced labor, making false statements, visa fraud and document servitude. You should not guess about or concern yourselves with the reason for this disposition. You are not to consider this fact when deciding if the government has proved, beyond a reasonable doubt, the counts which remain, which are Counts I through XIII and XXVII.

INSTRUCTION NO. 5

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 NO. 6

I have mentioned the word “evidence.” The evidence in this case consists of the testimony of witnesses, the documents and other things received as exhibits and the facts that have been stipulated -- that is, formally agreed to by the parties.

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 lawyers representing the parties in the case are not evidence.

2. Objections are not evidence. Lawyers 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 and questions that I struck from the record, or told you to disregard, are not evidence and must not be considered.

4. Anything you saw or heard about this case outside the courtroom is not evidence.

Finally, if you were instructed that some evidence was received for a limited purpose only, you must follow that instruction.

INSTRUCTION NO. 7

There are two types of evidence from which you may find the truth as to the facts of a case--direct evidence and circumstantial evidence. Direct evidence is the testimony of one who asserts actual knowledge of a fact, such as an eyewitness; circumstantial evidence is proof of a chain of facts and circumstances indicating the guilt or innocence of a defendant. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all the evidence in the case. After weighing all the evidence, if you are not convinced of the guilt of a particular defendant beyond a reasonable doubt, you must find that defendant not guilty.

INSTRUCTION NO. 8

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 NO. 9

The weight of the evidence is not necessarily determined by the number of witnesses testifying. You should consider all the facts and circumstances in evidence to determine which of the witnesses are worthy of a greater credence. You may find that the testimony of a smaller number of witnesses on one side is more credible than the testimony of a greater number of witnesses on the other side.

INSTRUCTION NO. 10

You have heard testimony from a person described as an expert. A person who, by knowledge, skill, training, education or experience, has become an expert in some field may state opinions on matters in that field and may also state the reasons for those opinions.

Expert testimony should be considered just like any other testimony. You may accept or reject it, and give it as much weight as you think it deserves, considering the witness's 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. 11

The crime of conspiracy to commit peonage as charged in Count I of the indictment, has four essential elements, which are:

1. That on or about October 1, 2005, to March 15, 2007, in the District of South Dakota or elsewhere, the defendant in question and one or more other persons reached an agreement or came to an understanding to hold persons while intending to place them in a condition of peonage;
2. That the defendant in question voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached or at some later time while it was still in effect;
3. That at the time the defendant in question joined in the agreement or understanding, the defendant in question knew the purpose of the agreement or understanding; and
4. That while the agreement or understanding was in effect, a person or persons who had joined in the agreement knowingly committed an overt act as defined in Instruction No. 12 for the purpose of carrying out the agreement or understanding.

Peonage is defined as a condition of involuntary servitude compelling persons to perform labor in order to pay off a debt. A peon is one who is compelled to work for his creditor until his debt is paid.

For you to find a particular defendant guilty of this crime as charged in Count I of the indictment, the government must prove all of these essential elements beyond a reasonable doubt as to that defendant. Otherwise, you must find that particular defendant not guilty of this crime.

INSTRUCTION NO. 12

An overt act, which is a necessary element of Counts I and VI, is any act knowingly committed by one or more of the alleged conspirators in an effort to accomplish some purpose of the alleged conspiracy. It is not necessary that the act done in furtherance of the alleged conspiracy be in itself unlawful.

If you find that the defendant in question was a member of the alleged conspiracy, it is not necessary that the defendant in question personally committed the act, knew about it, or witnessed it. It makes no difference which of the alleged conspirators 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 alleged scheme.

It is not necessary that the Government prove, beyond a reasonable doubt, that more than one overt act was done in furtherance of the conspiracy. It is sufficient if the Government proves beyond a reasonable doubt, one such overt act; but in that event, in order to return a verdict of guilty, you must unanimously agree upon which overt act was done.

INSTRUCTION NO. 13

As to the conspiracies alleged, the government must prove that the defendant in question reached an agreement or understanding with at least one other person. The “agreement or understanding” need not be an express or formal agreement or be in writing or cover all the details of how it is to be carried out. Nor is it necessary that the alleged members have directly stated between themselves the details or purpose of the scheme.

You should understand that merely being present at the scene of an event, or merely acting in the same way as others or merely associating with others, does not prove that a person has joined in an agreement or understanding. A person who has no knowledge of a conspiracy but who happens to act in a way which advances some purpose of one does not thereby become a member.

But a person may join in an agreement or understanding, as required by this element, without knowing all the details of the agreement or understanding, and without knowing who all the other members are. Further, it is not necessary that a person agree to play any particular part in carrying out the agreement or understanding. A person may become a member of a conspiracy even if that person agrees to play only a minor part in the conspiracy, as long as that person has an understanding of the unlawful nature of the plan and voluntarily and intentionally joins in it.

You must decide, after considering all of the evidence, whether the conspiracy alleged in Counts I and VI of the indictment existed. If you find that the alleged conspiracy in question did exist, you must also decide whether the defendant voluntarily and intentionally joined the conspiracy in question, either at the time it was first formed or at some later time while it was still in effect. In making that decision, you must consider only evidence of the defendant in question’s own actions and statements. You may not consider actions and pretrial statements of others, except to the extent that pretrial statements of others describe something that had been said or done by the defendants or defendant in question.

INSTRUCTION NO. 14

If you have found beyond a reasonable doubt that a conspiracy existed and Robert Farrell was one of its members, then you may consider acts knowingly done and statements knowingly made by Robert Farrell's co-conspirators during the existence of the conspiracy and in furtherance of it as evidence pertaining to Robert John Farrell even though they were done or made in the absence of and without the knowledge of Robert Farrell. This includes acts done or statements made before Robert Farrell had joined the conspiracy, for a person who knowingly, voluntarily and intentionally joins an existing conspiracy is responsible for all of the conduct of the co-conspirators from the beginning of the conspiracy.

INSTRUCTION NO. 15

If you have found beyond a reasonable doubt that a conspiracy existed and Angelita Farrell was one of its members, then you may consider acts knowingly done and statements knowingly made by Angelita Farrell's co-conspirators during the existence of the conspiracy and in furtherance of it as evidence pertaining to Angelita Farrell even though they were done or made in the absence of and without the knowledge of Angelita Farrell. This includes acts done or statements made before Angelita Farrell had joined the conspiracy, for a person who knowingly, voluntarily and intentionally joins an existing conspiracy is responsible for all of the conduct of the co-conspirators from the beginning of the conspiracy.

INSTRUCTION NO. 16

Counts II through V of the indictment charge the defendants with the crimes of peonage. The crime of peonage has four essential elements, which are:

1. That on or about between November 15, 2006, to February 5, 2006, and on or about between April 27, 2006, to July 1, 2006, in the District of South Dakota and elsewhere, the defendant in question held the person named in the count of the indictment in a condition of “involuntary servitude;”
2. That such holding was for a “term;”
3. That the defendant in question acted knowingly and willfully; and
4. That the involuntary servitude was compelled by the defendant in question in order to satisfy a real or imagined debt regardless of the amount.

Counts II through V charge that the defendants held Gina Agulto, Ronilo Pangan, Ruby Pangan, and Grace Pineda, respectively, in a condition of peonage.

“Involuntary servitude,” as used in these instructions, means a condition of compulsory service in which the alleged victim is compelled to perform labor or services against the alleged victim’s will for the benefit of another person due to the use or threat of physical restraint or physical injury, or by the use or threat of arrest, prosecution, or imprisonment.

In considering whether service or labor was performed by someone involuntarily, it makes no difference that the person may have initially agreed, voluntarily, to render the service or perform the work. If a person willingly begins work, but later desires to withdraw and is then forced to remain and perform work against that person’s will by the use or threatened use of physical restraint or physical injury, that person’s service becomes involuntary. Also, whether a person is paid a salary or a wage is not determinative of the question of whether that person has been held in involuntary servitude. In other words, if a person is forced to labor against that person’s will by the use or threatened use of physical restraint, physical injury or threat of arrest, prosecution or imprisonment, such service is involuntary even though the person is paid for the work.

The use or threat of a civil lawsuit does not make the labor involuntary.

However, it is necessary to prove that the defendant in question knowingly and willfully used or threatened to use physical restraint or physical injury, causing the alleged victim to

reasonably believe that there was no way to avoid continued service. In deciding whether a particular person reasonably believed that there was no way to avoid continued service, you should consider the method or form of the physical restraint, physical injury, or threat of arrest, prosecution or imprisonment used in relation to the person's particular station in life, the person's physical and mental condition, age, education, training, experience and intelligence; and also any reasonable means the person may have had to escape. Servitude cannot be "involuntary" under the law unless the physical restraint, physical injury, or threat of arrest, prosecution or imprisonment was sufficient in kind or degree to completely overcome the will of an ordinary person having the same general station in life as that of the alleged victim, causing a belief that there was no reasonable means of escape and no choice except to remain in the defendant's or defendants' service.

The word "term," as used in these instructions, means any period of time "not wholly insubstantial or insignificant."

For you to find a particular defendant guilty of any crime as charged in Count II through V of the indictment, the government must prove all of these essential elements beyond a reasonable doubt as to that defendant and as to that crime. Otherwise, you must find that particular defendant not guilty of the crime in question.

INSTRUCTION NO. 17

The crime of conspiracy to commit forced labor as charged in Count VI of the indictment, has four essential elements, which are:

1. That from on or about between November 1, 2005, to March 15, 2007, in the District of South Dakota and elsewhere, the defendant in question and one or more other persons reached an agreement or came to an understanding to commit the crime of forced labor by obtaining and maintaining the forced labor of certain Philippine men and women;
2. That the defendant in question voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached or at some later time while it was still in effect;
3. That at the time the defendant in question joined in the agreement or understanding, the defendant in question knew the purpose of the agreement or understanding; and
4. That while the agreement or understanding was in effect, a person or persons who had joined in the agreement knowingly committed an overt act as defined in Instruction No. 12 for the purpose of carrying out the agreement or understanding.

The “forced labor” statute makes it a criminal act for anyone “knowingly” to “provide or obtain the labor or services of a person:” (1) by threats of serious harm to, or physical restraint against, that person or another person; (2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or (3) by means of the abuse or threatened abuse of law or the legal process.

For you to find a particular defendant guilty of this crime as charged in Count VI of the indictment, the government must prove all of these essential elements beyond a reasonable doubt as to that defendant. Otherwise, you must find that particular defendant not guilty of this crime.

INSTRUCTION NO. 18

Counts VII through X of the indictment charge the defendants with the crimes of forced labor.

The crime of forced labor has four essential elements, which are:

1. That the defendant in question obtained the labor or services of another person;
2. That the defendant in question did so through at least one of the following prohibited means:
 - a) threats of serious harm to the person or any other person;
 - b) a scheme, plan or pattern intended to cause the person to believe that failure to perform the labor or services would result in serious harm to that person or any other person; or
 - c) the abuse or threatened abuse of law or the legal process; and
3. That the defendant in question acted knowingly;

Counts VII through X charge that the defendants obtained the forced labor of Gina Agulto, Ronilo Pangan, Ruby Pangan, and Grace Pineda, respectively.

The term “serious harm” includes both physical and non-physical types of harm. A threat of serious harm, therefore, need not involve any threat of physical violence, although it may include a threat of physical violence. It includes threats of consequences, whether physical or nonphysical, that are sufficient, under all the surrounding circumstances, to compel or coerce a reasonable person in the same situation to provide, or to continue providing, labor or services.

The words “scheme,” “plan,” and “pattern” are to be given their ordinary meanings. A “scheme, plan, or pattern” intended to cause the alleged victim to believe that serious harm would result need not involve actual threats of serious harm, but may involve other means – including deception or psychological coercion – used to cause the alleged victim to reasonably believe that he or she, his or her family, or any other person would suffer serious harm if he or she failed to continue providing labor or services.

Abuse or threatened abuse of the law or legal process means use or threatened use of a law or legal process, whether civil or criminal, against another person primarily to accomplish a purpose for which the law was not designed, in order to put pressure on another person to compel him or her to take some action or refrain from taking some action.

If you find that any one or more of these three prohibited means was used, as described in

numbered paragraph 2 above, you must then determine whether such use was sufficient to cause the alleged victim reasonably to believe that he or she had to continue working for the defendant in question to avoid serious harm. In making that determination, you may consider the cumulative effect of the conduct of the defendant in question and the defendant's alleged co-conspirators on the individual alleged victim identified in that count of the Indictment. You may also consider that alleged victim's special vulnerabilities, if any. You may consider, for example, an alleged victim's background, physical and mental condition, experience, education, socioeconomic status and any inequalities between that alleged victim and the defendant in question with respect to these considerations, including their relative stations in life, among other things. Simply put, you may ask whether the alleged victim was vulnerable in some way so that the actions of the defendant in question, even if not sufficient to compel another person to continue in the service of the defendant in question, were enough to compel a reasonable person in the alleged victim's circumstances to continue in the service of the defendant in question.

If a defendant's threats or other use of prohibited means were sufficient by the defendant in question to give rise to a climate of fear that would compel a reasonable person in the alleged victim's situation to remain in the service of the defendant in question, in light of the totality of the conduct by the defendant in question, the surrounding circumstances, and the vulnerabilities, if any, of the alleged victim, then you may find that the second element, as described in numbered paragraph 2 above, has been met.

You may consider not only overt threats that a defendant in question might have made to place an alleged victim in fear of suffering certain consequences; you may also consider other conduct in light of all the surrounding circumstances, such as verbal abuse and insults, poor working and living conditions, denial of adequate rest and medical care, withholding of pay, or any combination of these acts and conditions that a defendant in question might have used to intimidate the alleged victim and compel his or her service. A climate of fear that overcame the will of the alleged victim may arise not only from threats and other acts directed at the alleged victim by the defendant in question, but also from conduct toward others of which the alleged victim is aware.

The government also need not prove physical restraint – such as locked doors – in order to satisfy the second element of forced labor, as described in numbered paragraph 2 above. While you may consider an alleged victim's opportunity to escape, if any, the fact that a person

may have had an opportunity to escape is not determinative, if a defendant in question placed the person in such fear or circumstances that the person reasonably believed he or she could not safely leave. A person who has been placed in such fear or circumstances is under no affirmative duty to try to escape.

Finally, in considering whether service performed by someone was coerced or compelled within the meaning of the forced labor statute, you are instructed that it is not necessarily a defense to the crime of forced labor that the person may have initially agreed, voluntarily, to render the service or perform the work. If a person willingly begins work, but later desires to withdraw, and is then forced or compelled to remain and perform work against his or her will by threats of serious harm, or by a scheme, plan or pattern intended to cause him or her to believe that non-performance will result in serious harm to him or her or another person, or by abuse or threatened abuse of the legal process, then his or her service becomes coerced and you may find that the second element, as described in numbered paragraph 2 above, has been satisfied.

Also, whether a person is paid a salary or a wage is not determinative of the question of whether that person has been held in forced labor. In other words, if a person is compelled to labor against his or her will by any one of the means prohibited by the forced labor statute, such service is involuntary even if he or she is paid or compensated for the work.

For you to find a particular defendant guilty of any of these crimes as charged in Count VII through X of the indictment, the government must prove all of these essential elements beyond a reasonable doubt as to that defendant. Otherwise, you must find that particular defendant not guilty of this crime.

INSTRUCTION NO. 19

The crime of making a false statement or representation in a matter within the jurisdiction of a governmental agency, as charged in Count XI of the indictment, has three essential elements, which are:

1. the defendant in question knowingly, voluntarily, and intentionally made a false, fictitious, and fraudulent statement or representation by presenting to the United States Department of State H2B visa applications and attachments thereto which contained materially false, fictitious, and fraudulent statements or representations;
2. the false, fictitious, and fraudulent statement or representation was material to the United States Department of State; and
3. the H2B visa applications and attachments thereto were a matter within the jurisdiction of the United States Department of State. You may find that this element has been satisfied if you find that the United States Department of State's function includes reviewing H2B visa applications.

A statement or representation is “false” or “fictitious,” if untrue when made, and then known to be untrue by the person making it or causing it to be made. A statement or representation is “fraudulent,” if known by the defendant in question to be untrue, and made or used by the defendant in question with the intent to deceive the governmental agency to whom submitted.

A statement or representation is “material” if it has a natural tendency to influence, or is capable of influencing, the decision of the agency. However, whether a statement or representation is “material” does not depend on whether the agency was actually deceived.

For you to find a particular defendant guilty of this crime as charged in Count XI of the indictment, the government must prove all of these essential elements beyond a reasonable doubt as to that defendant. Otherwise, you must find that particular defendant not guilty of this crime.

INSTRUCTION NO. 20

The crime of making a false statement or representation in a matter within the jurisdiction of a governmental agency, as charged in Count XII of the indictment, has three essential elements, which are:

1. the defendant in question knowingly, voluntarily, and intentionally made a false, fictitious, and fraudulent statement or representation by presenting to the United States Department of State phony paychecks and payroll records and making statements or representations that those documents contained correct information regarding wages for foreign workers as part of the H2B visa application process;
2. the paychecks and payroll records submitted as part of the H2B visa application process and the statements or representations of the defendant in question were material to the United States Department of State; and
3. the paychecks and payroll records submitted as part of the H2B visa application process and the statements or representations of the defendant in question were a matter within the jurisdiction of the United States Department of State. You may find that this element has been satisfied if you find that the United States Department of State's function includes reviewing H2B visa applications.

A statement or representation is “false” or “fictitious,” if untrue when made, and then known to be untrue by the person making it or causing it to be made. A statement or representation is “fraudulent,” if known by the defendant in question to be untrue, and made or used by the defendant in question with the intent to deceive the governmental agency to whom submitted.

A statement or representation is “material” if it has a natural tendency to influence, or is capable of influencing, the decision of the agency. However, whether a statement or representation is “material” does not depend on whether the agency was actually deceived.

For you to find a particular defendant guilty of this crime as charged in Count XII of the indictment, the government must prove all of these essential elements beyond a reasonable doubt as to that defendant. Otherwise, you must find that particular defendant not guilty of this crime.

INSTRUCTION NO. 21

The crime of making a false statement under oath in a document required by federal immigration laws, as charged in Count XIII of the indictment, has three essential elements, which are:

1. the defendant in question knowingly, voluntarily, and intentionally made a material false statement under oath;
2. the statement was made in a document required by the immigration laws or regulations; and
3. the defendant in question made the statement in an immigration form DHS Forms I-129 Petition for Nonimmigrant Worker.

A statement is “false” or “fictitious,” if untrue when made, and then known to be untrue by the person making it or causing it to be made.

A statement is “material” if it has a natural tendency to influence, or is capable of influencing, the decision of the agency. However, whether a statement is “material” does not depend on whether the agency was actually deceived.

For you to find a particular defendant guilty of this crime as charged in Count XIII of the indictment, the government must prove all of these essential elements beyond a reasonable doubt as to that defendant. Otherwise, you must find that particular defendant not guilty of this crime.

INSTRUCTION NO. ~~22~~

The crime of document servitude, as charged in Count XXVII of the indictment, has three essential elements, which are:

1. That the defendant in question destroyed, concealed, removed, confiscated, or possessed any actual or purported passport or other immigration document, or any other actual or purported government identification document of another person;
2. That such act was committed in the course of violating or with the intent to commit one or more of the following crimes:
 - A) peonage; or
 - B) forced labor; and
3. That the defendant in question acted knowingly.

Count XXVII charges that the defendants destroyed, concealed, removed, confiscated, or possessed any actual or purported passport or other immigration document, or any other actual or purported government identification document of one or more of the following people: Gina Agulto, Ronilo Pangan, Ruby Pangan, and Grace Pineda.

For you to find a particular defendant guilty of this crime as charged in Count XXVII of the indictment, the government must prove all of these essential elements beyond a reasonable doubt as to that defendant. Otherwise, you must find that particular defendant not guilty of this crime.

INSTRUCTION NO. 23

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

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

INSTRUCTION NO. 24

You will note that the indictment charges that some of the offenses were committed “on or about” certain dates. The proof need not establish with certainty the exact date of the alleged offense. It is sufficient if the evidence in the case establishes beyond a reasonable doubt that the offenses were committed on a date reasonably near the dates alleged.

INSTRUCTION NO. 25

Upon retiring to the jury room, you will select one of your number to act as your foreperson. The foreperson will preside over your deliberations, and will be your spokesperson here in Court.

A verdict form has been prepared for your convenience.

You will take this form to the jury room and, when you have reached unanimous agreement as to your verdicts, you will have your foreperson fill in, date and sign the form to state the verdicts upon which you unanimously agree, and then return with your verdicts to the courtroom.

INSTRUCTION NO. 26

The verdicts must represent the considered judgment of each juror. In order to return any verdict, it is necessary that each juror agree thereto. Your verdicts must be unanimous.

It is your duty, as jurors, to consult with one another, and to deliberate with a view to reaching an agreement, if you can do so without violence to individual judgment. Each of you must decide the case for himself or herself, but do so only after an impartial consideration of the evidence in the case with the other jurors. In the course of your deliberations, do not hesitate to re-examine your own views, and change your opinion, if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of the evidence, solely because of the opinion of other jurors, or for the mere purpose of returning verdicts.

Remember at all times, you are not partisans. You are judges--judges of the facts. Your sole interest is to seek the truth from the evidence in the case.

INSTRUCTION NO. 27

If you have questions, you may send a note by a marshal, signed by your foreperson, or by one or more members of the jury.

You will note from the oath about to be taken by the marshals that they, as well as all other persons, are forbidden to communicate in any way or manner with any member of the jury on any subject touching the merits of the case.

Bear in mind also that you are never to reveal to any person--not even to the Court--how the jury stands, numerically or otherwise, on the question of the guilt or innocence of the accused, until after you have reached unanimous verdicts.

INSTRUCTION NO. 28

It is proper to add a final caution.

Nothing that I have said in these instructions -- and nothing that I have said or done during the trial -- has been said or done to suggest to you what I think your verdicts should be.

What the verdicts shall be is your exclusive duty and responsibility.

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ROBERT JOHN FARRELL,
and ANGELITA MAGAT FARRELL,

Defendants.

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CR 07-30019 (01) and (02)

VERDICT

Please return a verdict by placing an "X" in the space provided.

COUNT I: CONSPIRACY TO COMMIT PEONAGE

We, the jury in the above entitled action, as to the crime of conspiracy to commit
peonage, as charged in Count I of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of conspiracy to commit
peonage, as charged in Count I of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

COUNT II: PEONAGE AS TO GINA AGULTO

We, the jury in the above entitled action, as to the crime of peonage, as charged in Count II of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of peonage, as charged in Count II of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

COUNT III: PEONAGE AS TO RONILO PANGAN

We, the jury in the above entitled action, as to the crime of peonage, as charged in Count III of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of peonage, as charged in Count III of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

COUNT IV: PEONAGE AS TO RUBY PANGAN

We, the jury in the above entitled action, as to the crime of peonage, as charged in Count IV of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of peonage, as charged in Count IV of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

COUNT V: PEONAGE AS TO GRACE PINEDA

We, the jury in the above entitled action, as to the crime of peonage, as charged in Count V of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of peonage, as charged in Count V of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

NOTE: IF YOU HAVE FOUND EITHER DEFENDANT NOT GUILTY AS TO COUNT I ABOVE, PROCEED TO COUNT VI BELOW. ANSWER COUNT VI ONLY AS TO THE DEFENDANT(S) YOU FOUND NOT GUILTY AS TO COUNT I.

COUNT VI: CONSPIRACY TO COMMIT FORCED LABOR

We, the jury in the above entitled action, as to the crime of conspiracy to commit forced labor, as charged in Count VI of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of conspiracy to commit forced labor, as charged in Count VI of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

NOTE: ANSWER COUNT VII ONLY IF YOU FOUND THE DEFENDANT(S) NOT GUILTY AS TO COUNT II ABOVE. ANSWER ONLY AS TO THE DEFENDANT(S) YOU FOUND NOT GUILTY AS TO COUNT II ABOVE.

COUNT VII: FORCED LABOR AS TO GINA AGULTO

We, the jury in the above entitled action, as to the crime of forced labor, as charged in Count VII of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of forced labor, as charged in Count VII of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

NOTE: ANSWER COUNT VIII ONLY IF YOU FOUND THE DEFENDANT(S) NOT GUILTY AS TO COUNT III ABOVE. ANSWER ONLY AS TO THE DEFENDANT(S) YOU FOUND NOT GUILTY AS TO COUNT III ABOVE.

COUNT VIII: FORCED LABOR AS TO RONILO PANGAN

We, the jury in the above entitled action, as to the crime of forced labor, as charged in Count VIII of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of forced labor, as charged in Count VIII of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

NOTE: ANSWER COUNT IX ONLY IF YOU FOUND THE DEFENDANT(S) NOT GUILTY AS TO COUNT IV ABOVE. ANSWER ONLY AS TO THE DEFENDANT(S) YOU FOUND NOT GUILTY AS TO COUNT IV ABOVE.

COUNT IX: FORCED LABOR AS TO RUBY PANGAN

We, the jury in the above entitled action, as to the crime of forced labor, as charged in Count IX of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of forced labor, as charged in Count IX of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

NOTE: ANSWER COUNT X ONLY IF YOU FOUND THE DEFENDANT(S) NOT GUILTY AS TO COUNT V ABOVE. ANSWER ONLY AS TO THE DEFENDANT(S) YOU FOUND NOT GUILTY AS TO COUNT V ABOVE.

COUNT X: FORCED LABOR AS TO GRACE PINEDA

We, the jury in the above entitled action, as to the crime of forced labor, as charged in Count X of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of forced labor, as charged in Count X of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

COUNT XI: FALSE STATEMENTS

We, the jury in the above entitled action, as to the crime of false statements, as charged in Count XI of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of false statements, as charged in Count XI of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

COUNT XII: FALSE STATEMENTS

We, the jury in the above entitled action, as to the crime of false statements, as charged in Count XII of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of false statements, as charged in Count XII of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

COUNT XIII: VISA FRAUD

We, the jury in the above entitled action, as to the crime of visa fraud, as charged in Count XIII of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of visa fraud, as charged in Count XIII of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

COUNT XXVII: DOCUMENT SERVITUDE

We, the jury in the above entitled action, as to the crime of document servitude, as charged in Count XXVII of the Indictment, find Robert John Farrell:

_____ NOT GUILTY _____ GUILTY

We, the jury in the above entitled action, as to the crime of document servitude, as charged in Count XXVII of the Indictment, find Angelita Magat Farrell:

_____ NOT GUILTY _____ GUILTY

Dated this _____ day of November, 2007.

Foreperson