

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

DEC 13 2010


CLERK

RYAN C. JACOBSON,

Plaintiff,

-vs-

SANFORD CLINIC; and
SANFORD MEDICAL CENTER, d/b/a
Sanford USD Medical Center,

Defendants.

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CIV. 09-4067

FINAL JURY
INSTRUCTIONS

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INSTRUCTION No. 1
EXPLANATORY

Members of the jury, the instructions I gave at the beginning of the trial and during the trial remain in effect. I now give you some additional instructions.

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

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

INSTRUCTION No. 2
FAIR TREATMENT OF PARTIES

The fact that the defendants in this action are corporations is immaterial. In the eyes of the law, the corporation is an individual party to the lawsuit, and all parties are entitled to the same impartial treatment.

INSTRUCTION No. 3
COMMON EXPERIENCE AND OBSERVATIONS

In weighing the evidence in this case, you have a right to consider the common knowledge possessed by all of you, together with the ordinary experiences and observations in your daily affairs of life.

INSTRUCTION No. 4
FALSE IN UNO, FALSUS IN OMNIBUS

If you believe that any witness testifying in this case has knowingly sworn falsely to any material matter in this case, then you may reject all of the testimony of the witness.

INSTRUCTION No. 5
DEPOSITIONS

During the trial, certain evidence was presented to you by deposition. The witness testified under oath at the deposition, just as if the witness were in court, and you should consider this testimony together with all other evidence received.

INSTRUCTION No. 6
DEMONSTRATIVE SUMMARIES NOT RECEIVED AS EVIDENCE

Certain charts and summaries have been shown to you in order to help explain the facts disclosed by the books, records, or other underlying evidence in the case. Those charts or summaries are used for convenience. They are not themselves evidence or proof of any facts. If they do not correctly reflect the facts shown by the evidence in the case, you should disregard these charts and summaries and determine the facts from the books, records or other underlying evidence.

INSTRUCTION NO. 7
REDACTED MEDICAL RECORDS

Certain portions of the medical records provided to you have been redacted pursuant to the Court's direction. The Court has determined that the deleted portions are not relevant to any of the issues before you.

INSTRUCTION No. 8
EXPERT TESTIMONY/QUALIFICATIONS

A witness may qualify as an expert and give an opinion on a matter at issue if the witness has special knowledge, skill, experience, training, or education concerning the matter on which the expert testifies. In deciding the weight to give to the opinion, you should consider the expert's qualifications, credibility, and reasons for the opinion. You are not bound by the opinion. If you decide that the reasons for the expert's opinion are unsound, or that other evidence outweighs the opinion, you may disregard the opinion entirely.

INSTRUCTION No. 9
ISSUES

The plaintiff alleges that the defendants, through their employees, were negligent in their treatment and care of the plaintiff, Ryan Jacobson, and that as a result of this alleged negligence plaintiff suffered the loss of his testicle. The defendants have denied negligence and have also asserted that plaintiff's claims are barred by his contributory negligence. Defendants also deny the nature, scope and extent of plaintiff's claimed injuries, losses and damages.

INSTRUCTION No. 10
ISSUES TO BE DETERMINED

The issues to be determined by you in this case are these:

Were the defendants negligent?

If you find the defendants were not negligent, you will return a verdict for the defendants.

If you find the defendants were negligent, you have a second issue to determine, namely:

Was that negligence a legal cause of any injury to the plaintiff?

If you find defendants's negligence was not a legal cause of plaintiff's injury, plaintiff is not entitled to recover and you will return a verdict for the defendants. If you find defendants' negligence was a legal cause of plaintiff's injury, you then must determine a third issue:

Was the plaintiff also negligent?

If you find that the plaintiff was not negligent, you then must fix the amount of plaintiff's damages and return a verdict for the plaintiff. If you find that plaintiff was also negligent, you then must determine a fourth issue, namely:

Was that negligence a legal cause of the plaintiff's injury?

If you find that it was not a legal cause of plaintiff's injury, you then must fix the amount of plaintiff's damages and return a verdict for the plaintiff.

If you find that plaintiff's negligence did contribute as a legal cause of plaintiff's injury, the plaintiff may still recover if the jury should find that such contributory negligence of the plaintiff was slight in comparison with the negligence of the defendants. If you find that the plaintiff is contributorily negligent, but that such plaintiff's negligence is under the circumstances slight in comparison with defendants' negligence, the plaintiff is still entitled to recover, but the damages to be awarded plaintiff must be reduced in proportion to the amount of plaintiff's contributory

INSTRUCTION No. 10, cont.

negligence. If you find that the contributory negligence of the plaintiff is more than slight in comparison with the negligence of the defendants, the plaintiff cannot recover.

As indicated in this instruction, you should first determine the question of liability before you undertake to fix an amount that would compensate for damage if any is found to have been suffered.

INSTRUCTION No. 11
BURDEN OF PROOF

In civil actions, the party who has the burden of proving an issue must prove that issue by greater convincing force of the evidence.

Greater convincing force means that after weighing the evidence on both sides there is enough evidence to convince you that something is more likely true than not true. In the event that the evidence is evenly balanced so that you are unable to say that the evidence on either side of an issue has the greater convincing force, then your finding upon the issue must be against the party who has the burden of proving it. In this action, the plaintiff has the burden of proving the following issues:

1. That defendants were negligent.
2. That the defendants' negligence was a legal cause of plaintiff's injury.
3. The nature, scope and extent of plaintiff's claimed damages.

The defendants have the burden of proving these issues:

1. That the plaintiff was contributorily negligent.
2. That the plaintiff's contributory negligence caused or contributed to Plaintiff's injury.

In determining whether or not an issue has been proved by greater convincing force of the evidence, you should consider all of the evidence bearing upon that issue, regardless of who produced it.

INSTRUCTION No. 12
LEGAL CAUSE

A legal cause is a cause that produces a result in a natural and probable sequence, and without which the result would not have occurred.

A legal cause does not need to be the only cause of a result. A legal cause may act in combination with other causes to produce a result.

The term “legal cause” means an immediate cause which, in the natural or probable sequence, produces the injury complained of. For legal cause to exist, the harm suffered must be a foreseeable consequence of the act complained of. In other words, liability cannot be based on mere speculative possibilities or circumstances and conditions remotely connected to the events leading up to an injury. The defendants’ conduct must have such an effect in producing the harm as to lead reasonable people to regard it as a cause of the plaintiff’s injury.

The legal cause need not be the only cause, nor the last or nearest cause. It is sufficient if it concurs with some other cause acting at the same time, which in combination with it causes the injury. However, for legal cause to exist, you must find that the conduct complained of was a substantial factor in bringing about the harm.

INSTRUCTION No. 13
CONTRIBUTORY NEGLIGENCE

Negligence is the failure to use reasonable care. It is the doing of something which a reasonable person would not do or the failure to do something which a reasonable person would do, under facts similar to those shown by the evidence. The law does not say how a reasonable person would act under facts similar to those shown by evidence. That is for you to decide.

Contributory negligence is negligence on the part of plaintiff which, when combined with the negligence of defendant, contributes as a legal cause in bringing about injury to the plaintiff. In determining whether the Plaintiff was contributorily negligent, you may consider the evidence regarding Plaintiff's age, intelligence, maturity, experience and capacity.

INSTRUCTION No. 14
COMPARATIVE NEGLIGENCE—EXTENT OF NEGLIGENCE
OF PLAINTIFF AND DEFENDANTS

A plaintiff who is contributorily negligent may still recover damages if that contributory negligence is slight, or less than slight, when compared with the negligence of the defendants. The term “slight” means small when compared with the negligence of the defendants.

In determining this issue you must determine the answer to two questions:

- (1) Whether both the plaintiff and the defendants were negligent; and
- (2) If both were negligent, whether the plaintiff’s negligence was
 - (a) “slight” or less than “slight,” or
 - (b) more than “slight” in comparison with the defendants’ negligence.

In answering the second question you must make a direct comparison between the conduct of the plaintiff and the defendants.

If you find the plaintiff’s contributory negligence is more than slight when compared with the negligence of the defendants, then the plaintiff is not entitled to recover any damages.

If you find the plaintiff’s contributory negligence is slight, or less than slight, when compared with the negligence of the defendants, then the plaintiff is entitled to recover damages. However, the plaintiff’s damages must be reduced in proportion with the amount of the plaintiff’s contributory negligence.

INSTRUCTION No. 15
EXPERT WITNESS AS TO PROFESSIONAL'S KNOWLEDGE, SKILL AND CARE

You must decide whether the defendants possessed and used the knowledge, skill, and care which the law demands based on the testimony and evidence of members of the profession who testified as expert witnesses.

INSTRUCTION No. 16
DUTY OF PHYSICIAN

In performing professional services for a patient, a physician has the duty to possess that degree of knowledge and skill ordinarily possessed by physicians of good standing engaged in the same line of practice in the same or a similar locality.

A physician also has the duty to use that care and skill ordinarily exercised under similar circumstances by physicians in good standing engaged in the same line of practice in the same or similar locality and to be diligent in an effort to accomplish the purpose for which the physician is employed.

A failure to perform any such duty is negligence.

INSTRUCTION No. 17
PRINCIPAL SUED BUT NOT AGENT, NO ISSUE AS TO AGENCY

The Plaintiff, Ryan Jacobson, alleges that Sanford Clinic is liable to him based upon the negligence of Dr. Ronald Kline. Dr. Kline was an employee of Sanford Clinic at the time he was providing care and treatment to the plaintiff, Ryan Jacobson. Therefore, any act or omission of Dr. Kline at the time is considered the act or omission of Sanford Clinic. The plaintiff also alleges that Sanford Medical Center is liable to him based upon the negligence of Dr. Janell Simkins. Dr. Simkins was an employee of Sanford Medical Center at the time she provided care and treatment to plaintiff, Ryan Jacobson. Therefore, any act or omission of Dr. Simkins at that time is considered an act or omission of Sanford Medical Center.

INSTRUCTION No. 18
DUTY TO REFER TO SPECIALIST

It is the duty of a physician to refer a patient to a specialist or recommend the assistance of a specialist if, under the circumstances, a reasonably careful and skillful physician would do so.

If the physician fails to perform that duty and undertakes to or continues to perform professional services without the aid of a specialist, it is a further duty to exercise the care and skill ordinarily used by specialists in good standing in the same field of specialization in the United States and under similar circumstances.

A failure to perform any such duty is negligence.

INSTRUCTION NO. 19
BAD RESULT DOES NOT PROVE NEGLIGENCE

The fact that an unfortunate or bad condition resulted to the patient does not prove that the defendants were negligent, but it may be considered, along with other evidence, in determining the issue of negligence.

INSTRUCTION No. 20
DAMAGES

If you decide for the plaintiff on the question of liability you must then fix the amount of money which will reasonably and fairly compensate the plaintiff for any of the following elements of loss or harm suffered in person or property proved by the evidence to have been legally caused by the defendants' conduct, taking into consideration the nature, extent, and duration of the injury, whether such loss or harm could have been anticipated or not, namely:

- (1) The disability and disfigurement;
- (2) The pain and suffering, and loss of capacity of enjoyment of life experienced in the past and reasonably certain to be experienced in the future as a result of the injury;
- (3) The reasonable value of necessary medical care, treatment and services received and the reasonable value of the necessary expense of medical care, treatment and services reasonably certain to be received in the future;
- (4) Past and future lost wages and loss of future earning capacity.

Whether any of these elements of damages have been proved by the evidence is for you to determine. Your verdict must be based on evidence and not upon speculation, guesswork, or conjecture.

INSTRUCTION No. 21
LOSS OF PAST AND FUTURE EARNINGS

If you should find that plaintiff Ryan Jacobson is entitled to a verdict in arriving at the amount of the award, you may include:

First, the reasonable value of the time, if any, shown by the evidence in the case to have been necessarily lost up to date by plaintiff Ryan Jacobson since the injury, because of being unable to pursue plaintiff's occupation, as a proximate result of the injury. In determining this amount, you should consider any evidence of plaintiff's earning capacity, plaintiff's earnings, and the manner in which plaintiff ordinarily occupied plaintiff's time before the injury, and find what plaintiff was reasonably certain to have earned during the time so lost, had plaintiff not been disabled; and

Second, also, such sum as will reasonably compensate plaintiff Ryan Jacobson for any loss of future earning power, legally caused by the injury in question, that you find from the evidence in the case that plaintiff is reasonably certain to suffer in the future. In determining this amount, you should consider what plaintiff Ryan Jacobson's health, physical ability and earning power were before the accident and what they are now; the nature and extent of plaintiff's injuries, whether or not they are reasonably certain to be permanent; or if not permanent, the extent of their duration.

All this for the purpose of determining first, the effect, if any, of plaintiff Ryan Jacobson's injury upon plaintiff's future earning capacity, and second, the present value of any loss of future earning power that you find from the evidence in the case that plaintiff is reasonably certain to suffer in the future as a proximate result of the injury in question.

INSTRUCTION No. 22
PRESENT VALUE

If you should find that the plaintiff is entitled to a verdict, and further find that the evidence in the case establishes either:

- (1) a reasonable likelihood of future medical expense; or
- (2) a reasonable likelihood of loss of future earnings

then you must ascertain the present value in dollars of such future damage, since the award of future damages necessarily requires that payment be made now for a loss that will not be sustained until some future date.

Under these circumstances, the result is that the plaintiff will in effect be reimbursed in advance of the loss, and so will have the use of money which the plaintiff would not have received until some future date, but for the verdict.

In order to make a reasonable adjustment for the present use of money representing a lump-sum payment of anticipated future loss, the law requires that you discount, or reduce to its present value, the amount of the anticipated future loss, by considering (1) the interest rate or return which the plaintiff could reasonably be expected to receive on an investment of the lump-sum payment together with (2) the period of time over which the future loss is reasonably certain to be sustained; and then reduce, or in effect deduct from, the total amount of future loss whatever that amount would be reasonably certain to earn or return, if invested at such rate of interest over such period of time; and include in the verdict an award for only the present worth—the reduced amount of anticipated future loss.

This computation is made by using the so-called “present-value” table which is attached to these instructions for your use.

INSTRUCTION No. 22, cont.

Bear in mind that your duty to discount to present value applies only to loss of future earnings, and future medical expenses only. Damages for future pain and suffering, future mental anguish, disability, and disfigurement are not subject to any reduction for the present value of such money.

Finally, in determining the present value of future damages, you may also take into consideration the effect of inflation or deflation on the future damages.

INSTRUCTION No. 23
PRESENT VALUE CALCULATIONS

The attached tables may be used to calculate the present value of future expenses. This calculation requires that you make three determinations.

First, determine the number of years that the future expenses will be incurred. That number is designated as “n” in the attached tables.

Then, determine the net discount rate. That net discount rate is the interest rate which plaintiff could reasonably be expected to receive on an investment of the lump-sum payment minus the inflation rate.

Finally, determine the annual amount of the future expenses to be incurred, without consideration of inflation.

Using the number of years (n value) and the net discount rate, ascertain the factor from the table. Multiply the annual amount of the future expenses by the appropriate factor from the table to calculate the present value of those future expenses.

PRESENT VALUE TABLE

**PRESENT VALUE CALCULATIONS
PRESENT VALUE OF 1 PER PERIOD RECEIVED FOR n PERIODS
(Uniform Series)**

n	1%	2%	3%	4%	5%	6%	7%	8%
1	0.9901	0.9804	0.9709	0.9615	0.9524	0.9434	0.9346	0.9259
2	1.9704	1.9416	1.9135	1.8861	1.8594	1.8334	1.8080	1.7833
3	2.9410	2.8839	2.8286	2.7751	2.7232	2.6730	2.6243	2.5771
4	3.9020	3.8077	3.7171	3.6299	3.5460	3.4651	3.3872	3.3121
5	4.8534	4.7135	4.5797	4.4518	4.3295	4.2124	4.1002	3.9927
6	5.7955	5.6014	5.4172	5.2421	5.0757	4.9173	4.7665	4.6229
7	6.7282	6.4720	6.2303	6.0021	5.7864	5.5824	5.3893	5.2064
8	7.6517	7.3255	7.0197	6.7327	6.4632	6.2098	5.9713	5.7466
9	8.5660	8.1622	7.7861	7.4353	7.1078	6.8017	6.5152	6.2469
10	9.4713	8.9826	8.5302	8.1109	7.7217	7.3601	7.0236	6.7101
11	10.3676	9.7868	9.2526	8.7605	8.3064	7.8869	7.4987	7.1390
12	11.2551	10.5753	9.9540	9.3851	8.8633	8.3838	7.9427	7.5361
13	12.1337	11.3484	10.6350	9.9856	9.3936	8.8527	8.3577	7.9038
14	13.0037	12.1062	11.2961	10.5631	9.8986	9.2950	8.7455	8.2442
15	13.8651	12.8493	11.9379	11.1184	10.3797	9.7122	9.1079	8.5595
16	14.7179	13.5777	12.5611	11.6523	10.8378	10.1059	9.4466	8.8514
17	15.5623	14.2919	13.1661	12.1657	11.2741	10.4773	9.7632	9.1216
18	16.3983	14.9920	13.7535	12.6593	11.6896	10.8276	10.0591	9.3719
19	17.2260	15.6785	14.3238	13.1339	12.0853	11.1581	10.3356	9.6036
20	18.0456	16.3514	14.8775	13.5903	12.4622	11.4699	10.5940	9.8181
21	18.8570	17.0112	15.4150	14.0292	12.8212	11.7641	10.8355	10.0168
22	19.6604	17.6580	15.9369	14.4511	13.1630	12.0416	11.0612	10.2007
23	20.4558	18.2922	16.4436	14.8568	13.4886	12.3034	11.2722	10.3711
24	21.2434	18.9139	16.9355	15.2470	13.7986	12.5504	11.4693	10.5288
25	22.0232	19.5235	17.4131	15.6221	14.0939	12.7834	11.6536	10.6748
26	22.7952	20.1210	17.8768	15.9828	14.3752	13.0032	11.8258	10.8100
27	23.5596	20.7069	18.3270	16.3296	14.6430	13.2105	11.9867	10.9352
28	24.3164	21.2813	18.7641	16.6631	14.8981	13.4062	12.1371	11.0511
29	25.0658	21.8444	19.1885	16.9837	15.1411	13.5907	12.2777	11.1584
30	25.8077	22.3965	19.6004	17.2920	15.3725	13.7648	12.4090	11.2578
31	26.5423	22.9377	20.0004	17.5885	15.5928	13.9291	12.5318	11.3498
32	27.2696	23.4683	20.3888	17.8736	15.8027	14.0840	12.6466	11.4350
33	27.9897	23.9886	20.7658	18.1476	16.0025	14.2302	12.7538	11.5139
34	28.7027	24.4986	21.1318	18.4112	16.1929	14.3681	12.8540	11.5869
35	29.4086	24.9986	21.4872	18.6646	16.3742	14.4982	12.9477	11.6546
36	30.1075	25.4888	21.8323	18.9083	16.5469	14.6210	13.0352	11.7172
37	30.7995	25.9695	22.1672	19.1426	16.7113	14.7368	13.1170	11.7752
38	31.4847	26.4406	22.4925	19.3679	16.8679	14.8460	13.1935	11.8289

PRESENT VALUE TABLE CONT.

PRESENT VALUE TABLE CONT.

n	1%	2%	3%	4%	5%	6%	7%	8%
39	32.1630	26.9026	22.8082	19.5845	17.0170	14.9491	13.2649	11.8786
40	32.8347	27.3555	23.1148	19.7928	17.1591	15.0463	13.3317	11.9246
41	33.4997	27.7995	23.4124	19.9931	17.2944	15.1380	13.3941	11.9672
42	34.1581	28.2348	23.7014	20.1856	17.4232	15.2245	13.4524	12.0067
43	34.8100	28.6616	23.9819	20.3708	17.5459	15.3062	13.5070	12.0432
44	35.4555	29.0800	24.2543	20.5488	17.6628	15.3832	13.5579	12.0771
45	36.0945	29.4902	24.5187	20.7200	17.7741	15.4558	13.6055	12.1084
46	36.7272	29.8923	24.7754	20.8847	17.8801	15.5244	13.6500	12.1374
47	37.3537	30.2866	25.0247	21.0429	17.9810	15.5890	13.6916	12.1643
48	37.9740	30.6731	25.2667	21.1951	18.0772	15.6500	13.7305	12.1891
49	38.5881	31.0521	25.5017	21.3415	18.1687	15.7076	13.7668	12.2122
50	39.1961	31.4236	25.7298	21.4822	18.2559	15.7619	13.8007	12.2335

INSTRUCTION No. 24
FUTURE DAMAGES-MORTALITY TABLE

According to the mortality table, the life expectancy of a 30 year old person is 77 years of age.

The court takes judicial notice of this fact, which is now evidence for you to consider.

You should note the restricted significance of this evidence. Life expectancy shown by the mortality table is merely an estimate of the probable average length of life of all persons of a given age in the United States. It is an estimate because it is based on a limited record of experience.

Because it reflects averages, the table applies only to one who has the same health and exposure to danger as the average person that age.

Therefore, in connection with the mortality table evidence, you should also consider other evidence bearing on life expectancy. For example, you should consider the occupation, health, habits, and activities of the person whose life expectancy is in question.

INSTRUCTION No. 25
JUDGE'S OPINION

Neither in these instructions nor in any ruling, action or remark that I have made during the course of this trial have I intended to give any opinion or suggestion as to what your verdict should be.

INSTRUCTION No. 26
CREDIBILITY 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 said, or only part of it, or none of it.

In deciding what testimony to believe, you may consider a witness' intelligence, the opportunity a witness had to see or hear the things testified about, a witness' memory, any motives a witness may have for testifying a certain way, the manner of a witness while testifying, whether a 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. 27
BURDEN OF PROOF

In these instructions you are told that your verdict depends on whether you find certain facts have been proved by the greater weight of the evidence. In order to find that a fact has been proved by the greater weight of the evidence, you must find that it is more likely true than not true. It is determined by considering all of the evidence and deciding which evidence is more believable. If, on any issue in the case, you cannot decide whether a fact is more likely true than not true, you cannot find that it has been proved.

The greater weight of the evidence is not necessarily determined by the greater number of witnesses or exhibits a party has presented.

You may have heard of the term "proof beyond a reasonable doubt." That is a stricter standard which applies in criminal cases. It does not apply in civil cases such as this. You should, therefore, put it out of your minds.

INSTRUCTION No. 28
ELECTION OF FOREPERSON; DUTY TO DELIBERATE; COMMUNICATION WITH
COURT; CAUTIONARY; UNANIMOUS VERDICT; VERDICT FORM

In conducting your deliberations and returning your verdict, there are certain rules you must follow.

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 agreement if you can do so without violence to individual judgment, because a verdict must be unanimous.

Each of you must make your own conscientious decision, but only after you have considered all the evidence, discussed it fully with your fellow jurors, and listened to the views of your fellow jurors.

Do not be afraid to change your opinions if the discussion persuades you that you should. But do not come to a decision simply because other jurors think it is right, or simply to reach a verdict. Remember at all times that 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.

Third, if you need to communicate with me during your deliberations, you may send a note to me through the marshal or bailiff, signed by one or more jurors. I will respond as soon as possible either in writing or orally in open court. Remember that you should not tell anyone - including me - how your votes stand numerically.

INSTRUCTION No. 28, continued

Fourth, your verdict must be based solely on the evidence and on the law which I have given to you in my instructions. The verdict must be unanimous. Nothing I have said or done is intended to suggest what your verdict should be - that is entirely for you to decide.

Finally, the verdict form is simply the written notice of the decision that you reach in this case. You will take this form to the jury room, and when each of you has agreed on the verdict, your foreperson will fill in the form, sign and date it, and advise the marshal or bailiff that you are ready to return to the courtroom.