

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDDIE BROMWICH,

Defendant.

3:24-CR-30016-ECS

FINAL JURY INSTRUCTIONS

INSTRUCTION NO. 1

Members of the jury, the instructions I gave you at the beginning of the trial and during the trial remain in effect. I now give you some additional instructions. The instructions I am about to give you now are in writing and will be available to you in the jury room.

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.

All instructions, whenever given and whether in writing or not, must be followed.

INSTRUCTION NO. 2

It is your duty to find from the evidence what the facts are. You will then apply the law, as I give it to you, to those facts. You must follow my instructions on the law, even if you thought the law was different or should be different.

Do not allow sympathy or prejudice to influence you. The law demands of you a just verdict, unaffected by anything except the evidence, your common sense, and the law as I give it to you.

INSTRUCTION NO. 3

I have mentioned the word “evidence.” The “evidence” in this case consists of the testimony of witnesses and the documents and other things received as exhibits.

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 that I struck from the record, or told you to disregard, is not evidence and must not be considered.
4. Anything you saw or heard about this case outside the courtroom is not evidence.

When you were instructed that evidence was received for a limited purpose, you must follow that instruction.

Some of you may have heard the terms “direct evidence” and “circumstantial evidence.” You are instructed that you should not be concerned with those terms. The law makes no distinction between direct and circumstantial evidence. You should give all evidence the weight and value you believe it is entitled to receive.

INSTRUCTION NO. 4

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, only part of it, or none of it.

In deciding what testimony of any witness 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. 5

The Indictment in this case charges the defendant, Eddie Bromwich, with one count of assaulting, resisting, or impeding a federal officer by inflicting bodily injury; one count of assault resulting in serious bodily injury; and one count of assaulting, resisting, or impeding a federal officer involving physical contact. The defendant has pleaded not guilty to these charges.

The Indictment is simply the document that formally charges the defendant with the crimes for which he is on trial. The Indictment is not evidence of anything. At the beginning of the trial, I instructed you that you must presume the defendant to be innocent. Thus, the defendant began the trial with a clean slate, with no evidence against him. The presumption of innocence alone is sufficient to find the defendant not guilty. This presumption can be overcome only if the United States proved during the trial, beyond a reasonable doubt, each element of the crimes charged.

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

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

INSTRUCTION NO. 6

The crime of assaulting, resisting, or impeding a federal officer by inflicting bodily injury, as charged in Count I of the Indictment, has five elements, which are:

***One*, that on or about the 6th day of February, 2024, in Lyman County, in the District of South Dakota, the defendant, Eddie Bromwich, acted forcibly to either assault, resist, oppose, impede, intimidate, or interfere with Gerald Dillon Jr.;**

These terms are defined in Instruction No. 7.

***Two*, that the defendant's act or acts inflicted bodily injury to Gerald Dillon Jr.;**

***Three*, the defendant's act or acts were done voluntarily and intentionally;**

***Four*, that at the time of the defendant's act or acts, Gerald Dillon Jr. was employed as a law enforcement officer with the Bureau of Indian Affairs, Department of the Interior, and was engaged in the performance of his official duties at the time; and**

***Five*, the defendant did not act in self-defense.**

"Self-defense" is defined in Instruction No. 19.

If all these elements have been proved beyond a reasonable doubt as to the defendant, then you must find him guilty of Count I as charged in the Indictment; otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 7

As used in these instructions:

“Forcibly” means by use of force. Physical force is sufficient, but actual physical contact is not required. You may also find that a person who, in fact, has the present ability to inflict bodily harm upon another and who threatens or attempts to inflict bodily harm upon such a person acts forcibly. In such a case, the threat must be a present one.

An “assault” is any intentional and voluntary attempt or threat to do injury to the person of another, when coupled with the apparent present ability to do so sufficient to put the person against whom the attempt or threat is made in fear of immediate bodily harm.

To “resist” means to exert force in opposition; to exert oneself so as to counteract or defeat; to withstand the force or effect of.

To “oppose” means to offer resistance to.

To “impede” means to interfere with or slow the progress of.

To “interfere” means to interpose in a way that hinders or impedes.

To “intimidate” means to make timid or fearful; to compel or deter by or as if by threats.

INSTRUCTION NO. 8

The law permits the jury to find a defendant guilty of any lesser offense which is necessarily included in the crime charged in the Indictment, whenever such a course is consistent with the facts found by the jury from the evidence in the case, and with the law as given in the instructions of the Court.

So, if you, the jury, should unanimously find the defendant “Not Guilty” of the crime of assaulting, resisting, or impeding a federal officer by inflicting bodily injury, or if, after all reasonable efforts, you are unable to reach a verdict as to such crime charged in Count I of the Indictment, then you must proceed to determine the guilt or innocence of the defendant as to any lesser offense which is necessarily included in the crime of assaulting, resisting, or impeding a federal officer by inflicting bodily injury.

The crime of assaulting, resisting, or impeding a federal officer by inflicting bodily injury, as charged in Count I of the Indictment, necessarily includes two lesser included offenses: (1) assaulting, resisting, or impeding a federal officer involving physical contact; and (2) simple assault on a federal officer.

Consider Instruction Nos. 9 & 10 only if you have first found the defendant “Not Guilty” of assaulting, resisting, or impeding a federal officer by inflicting bodily injury as charged in Count I of the Indictment, or if after all reasonable efforts you are unable to reach a verdict as to Count I of the Indictment. If you have found the defendant “Guilty” of Count I in the Indictment, you will move on to Instruction No. 11.

INSTRUCTION NO. 9

If you should unanimously find the defendant “Not Guilty” of the crime of assaulting, resisting, or impeding a federal officer by inflicting bodily injury, as charged in Count I of the Indictment, or if, after reasonable efforts, you are unable to reach a verdict as to the crime charged in Count I of the Indictment, then you must proceed to determine whether the defendant is guilty or not guilty of the crime of assaulting, resisting, or impeding a federal officer involving physical contact under this instruction.

The first lesser included offense of assaulting, resisting, or impeding a federal officer involving physical contact has five elements, which are:

One, that on or about the 6th day of February, 2024, in Lyman County, in the District of South Dakota, the defendant, Eddie Bromwich, acted forcibly to either assault, resist, oppose, impede, intimidate, or interfere with Gerald Dillon Jr.;

These terms are defined in Instruction No. 7.

Two, that the defendant’s act or acts involved physical contact with Gerald Dillon Jr.;

Three, the defendant’s act or acts were done voluntarily and intentionally;

Four, that at the time of the defendant’s act or acts, Gerald Dillon Jr. was employed as a law enforcement officer with the Bureau of Indian Affairs, Department of the Interior, and was engaged in the performance of his official duties at the time; and

Five, the defendant did not act in self-defense.

“Self-defense” as used in this instruction is further defined in Instruction No. 19.

If all these elements have been proved beyond a reasonable doubt as to the defendant, then you must find him guilty of this lesser included offense of assaulting, resisting, or impeding a federal officer involving physical contact; otherwise, you must find the defendant not guilty of this crime.

The difference between the crime charged in Count I of the Indictment and this lesser included offense is that this lesser included offense does not require proof that the defendant’s act or acts inflicted bodily injury.

INSTRUCTION NO. 10

If you should unanimously find the defendant “Not Guilty” of the crime of assaulting, resisting, or impeding a federal officer by inflicting bodily injury, as charged in Count I of the Indictment, and further find the defendant “Not Guilty” of the first lesser included offense of assaulting, resisting, or impeding a federal officer involving physical contact, or if, after reasonable efforts, you are unable to reach a verdict as to the crime charged in Count I of the Indictment and the first lesser included offense, then you must proceed to determine whether the defendant is guilty or not guilty of the crime of simple assault of a federal officer under this instruction.

The crime of simple assault of a federal officer, the second lesser included offense of the crime charged in Count I of the Indictment, has four elements, which are:

One, that on or about the 6th day of February, 2024, in Lyman County, in the District of South Dakota, the defendant, Eddie Bromwich, acted forcibly to either assault, resist, oppose, impede, intimidate, or interfere with Gerald Dillon Jr. by committing simple assault;

These terms have the same definitions as those set forth in Instruction No. 7.

Two, the defendant’s act or acts were done voluntarily and intentionally;

Three, that at the time of the defendant’s act or acts, Gerald Dillon Jr. was employed as a law enforcement officer with the Bureau of Indian Affairs, Department of the Interior, and was engaged in the performance of his official duties at the time; and

Four, the defendant did not act in self-defense.

“Self-defense” as used in this instruction is further defined in Instruction No. 19.

If all these elements have been proved beyond a reasonable doubt as to the defendant, then you must find him guilty of the lesser included offense of simple assault of a federal officer; otherwise, you must find the defendant not guilty of this crime.

The difference between the first lesser included offense and this second lesser included offense is that this second lesser included offense does not require proof that the defendant’s act or acts involved voluntary and intentional physical contact with Officer Gerald Dillon Jr.

INSTRUCTION NO. 11

The crime of assault resulting in serious bodily injury, as charged in Count II of the Indictment, has five essential elements, which are:

One, on or about the 6th day of February, 2024, in Lyman County, in the District of South Dakota, the defendant, Eddie Bromwich, assaulted Gerald Dillon Jr.;

“Assault” for purposes of this crime means any intentional and voluntary harmful and offensive touching of another person without justification or excuse.

Two, the assault resulted in serious bodily injury;

“Serious bodily injury” as used in these instructions means bodily injury which involves one or more of the following: (1) substantial risk of death; (2) extreme physical pain; (3) protracted and obvious disfigurement; or (4) protracted loss or impairment of the functions of a bodily member, organ, or mental faculty.

Three, Gerald Dillon Jr. is an Indian;

“Indian” as used in this instruction is defined in Instruction No. 17.

Four, the offense was committed in Indian country; and

“Indian country” as used in this instruction is defined in Instruction No. 18.

Five, the defendant did not act in self-defense.

“Self-defense” as used in this instruction is further defined in Instruction No. 19.

If all these elements have been proved beyond a reasonable doubt as to the defendant, then you must find him guilty of Count II as charged in the Indictment; otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 12

You should consider this instruction only if you unanimously find the defendant “Not Guilty” of assault resulting in serious bodily injury as charged in Count II of the Indictment, or if after reasonable efforts you are unable to determine the guilt or innocence of the defendant as to the crime of assault resulting in serious bodily injury as charged in Count II of the Indictment.

The crime of assault by striking, beating, or wounding is a lesser included offense of assault resulting in serious bodily injury as charged in Count II of the Indictment. The crime of assault by striking, beating, or wounding, has four elements, which are:

One, on or about the 6th day of February, 2024, in Lyman County, in the District of South Dakota, the defendant, Eddie Bromwich, assaulted Gerald Dillon Jr. by means of striking, beating, or wounding;

“Assault” for purposes of this crime means any intentional and voluntary harmful and offensive touching of another person without justification or excuse.

Two, Gerald Dillon Jr. is an Indian;

“Indian” as used in this instruction is defined in Instruction No. 17.

Three, the offense was committed in Indian country; and

“Indian country” as used in this instruction is defined in Instruction No. 18.

Four, the defendant did not act in self-defense.

“Self-defense” as used in this instruction is further defined in Instruction No. 19.

If all these elements have been proved beyond a reasonable doubt as to the defendant, then you must find him guilty of the lesser included offense of assault by striking, beating, or wounding; otherwise, you must find the defendant not guilty of this crime.

The difference between the offense of assault resulting in serious bodily injury and this lesser included offense of assault by striking, beating, or wounding is that this lesser included offense requires no particular degree of severity in the injury.

INSTRUCTION NO. 13

The crime of assaulting, resisting, or impeding a federal officer involving physical contact, as charged in Count III of the Indictment, has five elements, which are:

***One*, that on or about the 6th day of February, 2024, in Lyman County, in the District of South Dakota, the defendant, Eddie Bromwich, acted forcibly to either assault, resist, oppose, impede, intimidate, or interfere with Lawrence Flute Jr.;**

These terms are defined in Instruction No. 7.

***Two*, that the defendant's act or acts involved physical contact with Lawrence Flute Jr.;**

***Three*, the defendant's act or acts were done voluntarily and intentionally;**

***Four*, that at the time of the defendant's act or acts, Lawrence Flute Jr. was employed as a law enforcement officer with the Bureau of Indian Affairs, Department of the Interior, and was engaged in the performance of his official duties at the time; and**

***Five*, the defendant did not act in self-defense.**

"Self-defense" as used in this instruction is further defined in Instruction No. 19.

If all these elements have been proved beyond a reasonable doubt as to the defendant, then you must find him guilty of Count III of the Indictment; otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 14

If you should unanimously find the defendant “Not Guilty” of the crime of assaulting, resisting, or impeding a federal officer resulting in physical contact, as charged in Count III of the Indictment, or if, after reasonable efforts, you are unable to reach a verdict as to the crime charged in Count III of the Indictment, then you must proceed to determine whether the defendant is guilty or not guilty of the crime of simple assault of a federal officer under this instruction.

The crime of simple assault of a federal officer, a lesser included offense of the crime of assaulting, resisting, or impeding a federal officer involving physical contact, as charged in Count III of the Indictment, has four elements, which are:

One, that on or about the 6th day of February, 2024, in Lyman County, in the District of South Dakota, the defendant, Eddie Bromwich, acted forcibly to either assault, resist, oppose, impede, intimidate, or interfere with Lawrence Flute Jr. by committing simple assault;

These terms have the same definitions as those set forth in Instruction No. 7

Two, the defendant’s act or acts were done voluntarily and intentionally;

Three, that at the time of the defendant’s act or acts, Lawrence Flute Jr. was employed as a law enforcement officer with the Bureau of Indian Affairs, Department of the Interior, and was engaged in the performance of his official duties at the time; and

Four, the defendant did not act in self-defense.

“Self-defense” as used in this instruction is further defined in Instruction No. 19.

If all these elements have been proved beyond a reasonable doubt as to the defendant, then you must find him guilty of the lesser included offense of simple assault of a federal officer; otherwise, you must find the defendant not guilty of this crime.

The difference between the crime charged in Count III of the Indictment and this lesser included offense is that this lesser included offense does not require proof that the defendant’s act or acts involved voluntary and intentional physical contact with Lawrence Flute Jr.

INSTRUCTION NO. 15

The Court has determined, as a matter of law, that law enforcement officers working for the Bureau of Indian Affairs, Department of the Interior, qualify as federal officers for purposes of the offenses charged in Counts I and III of the Indictment. It is for you to determine if Gerald Dillon Jr. and Lawrence Flute Jr. are officers working for the Bureau of Indian Affairs, Department of the Interior, and if they were engaged in the performance of their official duties at the time in question.

“Engaged in the performance of his official duties” simply means acting within the scope of what the person is employed to do. It is not defined by whether the officer is abiding by laws and regulations in effect at the time of the incident. The test is whether the person is acting within their area of responsibility, that is, whether the officer’s actions fall within the agency’s overall mission, in contrast to engaging in a personal frolic of his own.

INSTRUCTION NO. 16

The defendant need not know that the victims were federal officers at the time of the offenses charged in Counts I and III of the Indictment.

INSTRUCTION NO. 17

Count II of the Indictment alleges that Gerald Dillon Jr. is an Indian and that the alleged offense of assault resulting in serious bodily injury occurred in Indian country. The existence of those two factors is necessary for this Court to have jurisdiction over Count II of the Indictment.

The United States must prove beyond a reasonable doubt that Gerald Dillon Jr. is an Indian in order for the defendant to be proven guilty of the crime charged in Count II of the Indictment or the lesser included offense of assault by striking, beating, or wounding. The United States must prove:

One, that Gerald Dillon Jr. has some degree of Indian blood; and

Two, that Gerald Dillon Jr. is recognized as an Indian person by a tribe or the federal government, or both.

In determining whether Gerald Dillon Jr. is recognized as an Indian person by a tribe or the federal government, you may consider the following factors, among others.

1. Whether Gerald Dillon Jr. is an enrolled member of a tribe or band.
2. Whether a government recognizes Gerald Dillon Jr. as an Indian by providing assistance reserved only to Indians.
3. Whether Gerald Dillon Jr. enjoys benefits of tribal affiliation.
4. Whether Gerald Dillon Jr. lives on a reservation or participates in Indian social life.

It is not necessary that all of these factors be present. However, if you find that Gerald Dillon Jr. is an enrolled member of a tribe or band, that factor is dispositive. The jury is to consider all of the evidence in determining whether the United States has proved beyond a reasonable doubt that Gerald Dillon Jr. is an Indian.

INSTRUCTION NO. 18

The Indictment in this case alleges that the offenses occurred in Indian country. The existence of this factor is necessary in order for the Court to have jurisdiction over Count II of the Indictment.

The United States must prove beyond a reasonable doubt that the offenses occurred in Indian country in order for the defendant to be proven guilty of the crime charged in Count II of the Indictment or the lesser included offense of assault by striking, beating, or wounding.

The term “Indian country” means:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way through the same.

INSTRUCTION NO. 19

If a person reasonably believes that force is necessary to protect himself from what he reasonably believes to be unlawful physical harm about to be inflicted by another and uses such force, then he acted in self-defense.

A person is not justified in using force for the purpose of resisting arrest or the performance of other duties by a law enforcement officer within the scope of his official duties. However, a person is justified in using force to resist excessive force used by a law enforcement officer.

In determining whether the force used was “excessive,” you should consider: the need for the application of force; the relationship between the need and the amount of force that was used; the extent of the injury inflicted; and whether a reasonable officer on the scene, without the benefit of hindsight, would have used that much force under similar circumstances. You should keep in mind that the decision about how much force to use often must be made in circumstances that are tense, uncertain, and rapidly changing.

INSTRUCTION NO. 20

You watched video exhibits that included references to the defendant, Eddie Bromwich, using or possessing marijuana. The defendant is on trial here only for the crimes charged, not for any marijuana offense. You are to disregard all statements made about the legality of marijuana on the Lower Brule Reservation. You may not assume that the defendant committed the offenses charged in this case simply because he admitted to possessing marijuana. The possession or use of marijuana is not, in itself, evidence that any assault of a federal law enforcement officer occurred.

You also heard references to the jurisdiction of law enforcement officers employed by the Bureau of Indian Affairs and their authority to detain the defendant. Whether Gerald Dillon Jr. and Lawrence Flute Jr. had jurisdiction and lawful authority to detain the defendant are questions of law that have already been decided by this Court. In deciding what the facts are, you are to disregard all statements concerning the jurisdiction of the Bureau of Indian Affairs officers and their authority to detain the defendant.

INSTRUCTION NO. 21

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

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

An act is done knowingly if the defendant is aware of the act and does not act through ignorance, mistake, or accident. The United States is not required to prove that the defendant knew that his actions were unlawful. You may consider evidence of the defendant's words, acts, or omissions, along with all the other evidence, in deciding whether the defendant acted knowingly.

INSTRUCTION NO. 22

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 their opinions on matters in that field and may also state the reasons for their opinion.

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. 23

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

INSTRUCTION NO. 24

In conducting your deliberations and returning your verdict, there are certain rules you must follow. I shall list those rules for you now.

First, when you go to the jury room, you must select one of your members as your foreperson. That person will preside over your discussions and speak for you here in court.

Second, it is your duty, as jurors, to discuss this case with one another in the jury room. You should try to reach agreement if you can do so without violence to individual judgment, because a verdict—whether guilty or not guilty—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.

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

Fourth, if you need to communicate with me during your deliberations, you may send a note to me through the marshal or court security officer, 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.

Fifth, during your deliberations, you must not communicate with or provide any information to anyone about this case other than by note to me. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, or computer; the internet, any internet service, or any text or instant messaging service, such as Signal; or any internet chat room, blog, or website such as Facebook, Snapchat, LinkedIn, Instagram, YouTube, TikTok, X (formerly known as Twitter), or Truth Social, to communicate to anyone information about this case or to conduct any research about this case until I accept your verdict.

Sixth, your verdict must be based solely on the evidence and on the law which I have given to you in my instructions. 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 court security officer that you are ready to return to the courtroom.

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

<p>UNITED STATES OF AMERICA, Plaintiff, vs. EDDIE BROMWICH, Defendant.</p>	<p>3:24-CR-30016-ECS VERDICT FORM</p>
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We, the jury, duly empaneled and sworn to try the issues in this case, find as follows:

1. We find the defendant, Eddie Bromwich, _____ (fill in either “not guilty” or “guilty”) of assaulting, resisting, or impeding a federal officer by inflicting bodily injury as charged in Count I of the Indictment.

a. *Answer if, and only if, you found the defendant “not guilty” or you are not able to reach a verdict after reasonable efforts as to question 1. If you find the defendant “guilty” of Count I as charged in the Indictment, then leave this blank.*

We find the defendant, Eddie Bromwich, _____ (fill in either “not guilty” or “guilty”) of the lesser included offense of assaulting, resisting, or impeding a federal officer involving physical contact.

b. *Answer if, and only if, you found the defendant “not guilty” or you are not able to reach a verdict after reasonable efforts as to questions 1 and 1.a. If you find the defendant “guilty” of Count I as charged in the Indictment or “guilty” of the first lesser included offense, then leave this blank.*

We find the defendant, Eddie Bromwich, _____ (fill in either “not guilty” or “guilty”) of the lesser included offense of simple assault of a federal officer.

2. We find the defendant, Eddie Bromwich, _____ (fill in either “not guilty” or “guilty”) of the crime of assault resulting in serious bodily injury as charged in Count II of the Indictment.

- a. ***Answer if, and only if, you found the defendant “not guilty” or you are not able to reach a verdict after reasonable efforts as to question 2. If you find the defendant “guilty” of Count II as charged in the Indictment, then leave this blank.***

We find the defendant, Eddie Bromwich, _____ (fill in either “not guilty” or “guilty”) of the lesser included offense of assault by striking, beating, or wounding.

3. We find the defendant, Eddie Bromwich, _____ (fill in either “not guilty” or “guilty”) of assaulting, resisting, or impeding a federal officer involving physical contact as charged in Count III of the Indictment.

- a. ***Answer if, and only if, you found the defendant “not guilty” or you are not able to reach a verdict after reasonable efforts as to question 3. If you find the defendant “guilty” of Count III as charged in the Indictment, then leave this blank.***

We find the defendant, Eddie Bromwich, _____ (fill in either “not guilty” or “guilty”) of the lesser included offense of simple assault of a federal officer.

Dated April ____, 2025.

Foreperson