

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
CENTRAL DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALTON HUMP,

Defendant.

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3:25-CR-30091-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, 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 these 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 testimony of a witness may be discredited or, as we sometimes say, impeached by showing that he or she previously made statements which are different than or inconsistent with his or her testimony here in Court. The earlier inconsistent or contradictory statements are admissible only to discredit or impeach the credibility of the witness and not to establish the truth of these earlier statements made somewhere other than here during this trial. It is the province of the jury to determine the credibility of a witness who has made prior inconsistent or contradictory statements.

INSTRUCTION NO. 6

I instruct you that you must presume the Defendant to be innocent of the crime charged. Thus, the Defendant, although accused of crime in the Indictment, began the trial with a “clean slate” with no evidence against him. This presumption means that you must put aside all suspicion that might arise from the Defendant’s arrest, the charge, or the fact that he is here in court. The Indictment, as you already know, is not evidence of any kind. The Defendant is not on trial for any act or crime not contained in the Indictment. The law permits nothing but legal evidence presented before the jury in Court to be considered in support of any charge against a defendant. The presumption of innocence alone, therefore, is sufficient to acquit the Defendant.

The burden is always upon the prosecution to prove guilt beyond a reasonable doubt. This burden never shifts to a defendant, for the law never imposes on any defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence by cross-examining the witnesses for the Government.

It is not required that the Government prove guilt beyond all possible doubt. The test is one of reasonable doubt. A reasonable doubt is based upon reason and common sense—the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt must, therefore, be proof of such convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own affairs.

Unless the Government proves, beyond a reasonable doubt, that the Defendant committed each and every element of the offense charged in the Indictment, you must find him not guilty of the offense. If the jury views the evidence as reasonably permitting either of two conclusions—one of innocence, the other of guilt—the jury must find the Defendant not guilty.

INSTRUCTION NO. 7

The Indictment charges that the Defendant committed the crime of first degree burglary. The Defendant has pleaded not guilty to that charge.

The Indictment is simply the document that formally charges the Defendant with the crime 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. 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 and can be overcome only if the United States proved during the trial, beyond a reasonable doubt, each element of a crime charged.

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

There is no burden upon a 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. 8

The crime of first degree burglary, as charged in the Indictment, has seven elements, which are:

***One, that on or about July 10, 2024, in Ziebach County, in the District of South Dakota, the Defendant unlawfully entered or unlawfully remained in a structure described as the residence of Karen Hump;***

***Two, that the premises were not, at the time, open to the public nor was the Defendant licensed or privileged to enter or remain;***

For a definition of privileged, see Instruction No. 9.

***Three, the structure was an occupied structure;***

“Occupied structure” means any structure which is the permanent or temporary habitation of any person, whether or not any person is actually present.

***Four, the Defendant unlawfully entered or unlawfully remained therein with the intent to commit the crime of assault;***

“Assault” means any intentional and voluntary attempt or threat to injure another person, combined with the apparent present ability to do so, which is sufficient to put the other person in fear of immediate bodily harm, or any intentional and voluntary harmful and offensive touching of another person without justification or excuse.

***Five, the Defendant inflicted, attempted to inflict, or threatened to inflict physical harm on another;***

***Six, the Defendant is an Indian; and***

***Seven, the offense occurred in Indian country.***

If all of these elements have been proved beyond a reasonable doubt as to the Defendant, then you must find the Defendant guilty of first degree burglary as charged in the Indictment; otherwise, you must find the Defendant not guilty of first degree burglary as charged in the Indictment.

INSTRUCTION NO. 9

“Privileged” means a particular benefit or advantage that a person has beyond the common advantages of other citizens. A privilege exempts or releases a person from the performance of a duty or obligation, or exempts a person from a liability which he would otherwise be required to perform.

Whether one has a privilege to enter property is based on whether a person had any possessory or occupancy interest in the premises at the time of entry. The fact that the person may have previously resided in the property with his family or whether his children were on the property does not automatically create a privilege for a person to enter the property against the wishes of the current occupant of the property.

In determining whether a person has a privilege to enter onto the property of another, you may consider non-exclusive factors such as the past entries of the person into the property, the method of entry into the property, and how long of a time period has elapsed since the person resided on the property.

INSTRUCTION NO. 10

Intent may be proved like anything else. You may consider any statements made and acts done by the Defendant—except whether or not he testified in court—and all the facts and circumstances in evidence which may aid in a determination of the Defendant’s 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.

INSTRUCTION NO. 11

Counsel for the United States, counsel for the Defendant, and the Defendant have stipulated—that is, they have agreed—to the following:

- (1) That the Defendant is an Indian; and
- (2) That the place where the alleged offense is claimed to have occurred is in Indian country.

The Defendant has not, by entering this agreement or stipulation, admitted his guilt of the offense charged, and you may not draw any inference of guilt from the stipulation. The only effect of this stipulation is to establish the facts as stated above.

INSTRUCTION NO. 12

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. 13

During trial, you heard and saw evidence that the Defendant was involved in an incident at David and Karen Hump's residence on June 14, 2024. You may consider this evidence only if you unanimously find it is more likely true than not true that the Defendant committed the acts as alleged by the Government on June 14, 2024. This is a lower standard than proof beyond a reasonable doubt. You decide that by considering all of the evidence relating to the alleged act, then deciding what evidence is more believable.

If you find that this evidence has not been proved, you must disregard it. If you find this evidence has been proved, then you may consider it only for the limited purpose of deciding whether the Defendant had the state of mind or intent necessary to commit the crime charged in the indictment; or had a motive or opportunity to commit the acts described in the indictment; or acted according to a plan or in preparation for commission of a crime; or committed the acts he is on trial for not by accident or mistake. You should give it the weight and value you believe it is entitled to receive.

Remember, even if you find that the Defendant may have committed a similar act in the past, this is not evidence that he committed such an act in this case. You may not convict a person simply because you believe he may have committed similar acts in the past. The Defendant is on trial only for the crime charged, and you may consider the evidence of prior acts only on the issue stated above.

INSTRUCTION NO. 14

The Indictment charges that the offense was committed “on or about” a certain date. Although it is necessary for the United States to prove beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged in the Indictment, it is not necessary for the United States to prove that the offense was committed precisely on the date charged.

INSTRUCTION NO. 15

Your decision on the facts of this case should not be determined by the number of witnesses testifying for or against a party. You should consider all the facts and circumstances in evidence to determine which of the witnesses you choose to believe or not believe.

INSTRUCTION NO. 16

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 United States 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 other than by note to me by any means about this case. You may not use any electronic device or media, such as a smartphone or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website such as Facebook, Snapchat, LinkedIn, Instagram, YouTube, 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.

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<p>UNITED STATES OF AMERICA,  Plaintiff,  vs.  DALTON HUMP,  Defendant.</p>	<p>3:25-CR-30091-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:

We find the Defendant, Dalton Hump, \_\_\_\_\_ (fill in either “not guilty” or “guilty”) of first degree burglary as charged in the Indictment.

Dated April \_\_\_\_, 2026.

\_\_\_\_\_  
Foreperson