

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>JERICHO LADEAUX,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: right;">5:24-CR-50109-CCT</p> <p style="text-align: center;">FINAL INSTRUCTIONS TO THE JURY</p>
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VERDICT FORM

FINAL INSTRUCTION NO. 1 – INTRODUCTION

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

The instructions I am about to give you, as well as the preliminary instructions given to you at the beginning of the trial, are in writing and will be available to you in the jury room. *All* instructions, whenever given and whether in writing or not, must be followed. This is true even though some of the instructions I gave you at the beginning of the trial are not repeated here.

FINAL INSTRUCTION NO. 2 – ESCAPE FROM CUSTODY

For you to find Mr. LaDeaux guilty of the offense of escape from custody as charged in the Indictment, the government must prove the following essential elements beyond a reasonable doubt:

One, Mr. LaDeaux was in the custody of the United States Bureau of Prisons;

Two, Mr. LaDeaux was lawfully confined by virtue of a judgment and commitment of the United States District Court for the District of South Dakota following conviction for a federal felony offense;

Three, Mr. LaDeaux left custody without authorization; and

If Mr. LaDeaux failed to remain within the extended limits of his confinement or failed to arrive at a facility within the time prescribed by the Bureau of Prisons, he left custody without authorization.

Four, Mr. LaDeaux did so willfully.

If Mr. LaDeaux willfully failed to remain within the extended limits of his confinement or willfully failed to arrive at a facility within the time prescribed by the Bureau of Prisons, he willfully left custody without authorization.

A person acts willfully if he acts voluntarily and with knowledge that his conduct was unlawful, even if he did not know the specific statute violated.

To find Mr. LaDeaux guilty of the offense of escape as charged in the Indictment, the government must prove all the essential elements beyond a reasonable doubt. If the government proves all the essential elements beyond a reasonable doubt, you must find Mr. LaDeaux guilty. If the government fails to prove any essential element beyond a reasonable doubt, you must find Mr. LaDeaux not guilty.

FINAL INSTRUCTION NO. 3 – STIPULATION AS TO CUSTODY AND LAWFUL
CONFINEMENT

The government and Mr. LaDeaux have stipulated—that is, they have agreed—that Mr. LaDeaux was in custody of the Bureau of Prisons, and that he was lawfully confined by virtue of a judgment and commitment of the United States District Court of the District of South Dakota following conviction for a federal felony offense. You must therefore treat those facts as having been proved.

By entering into this stipulation, Mr. LaDeaux has not admitted his guilt of the offense charged, and you may not draw any inference of guilt from this stipulation. The only effect of this stipulation is to establish the facts that Mr. LaDeaux was in the custody of the Bureau of Prisons and that he was lawfully confined by virtue of a judgment and commitment of the United States District Court for the District of South Dakota following conviction for a federal felony offense.

FINAL INSTRUCTION NO. 4 – STIPULATION AS TO FURLOUGH DOCUMENTS

The government and Mr. LaDeaux have further stipulated that Exhibit 1 includes documents generated by the Bureau of Prisons. These documents were created by someone with knowledge, and they are maintained in the ordinary course of business as a regular practice. These documents are trustworthy.

This stipulation establishes the required foundation for the admission of Exhibit 1 into evidence. You must therefore treat those facts as having been proven, and you are not required to consider any further evidence regarding the foundation for Exhibit 1's admission.

By entering into this stipulation, Mr. LaDeaux has not admitted his guilt of the offense charged, and you may not draw any inference of guilt from this stipulation. The only effect of this stipulation is to establish the required foundation for the admission of Exhibit 1 into evidence.

FINAL INSTRUCTION NO. 5 – PROOF OF KNOWLEDGE

“Knowledge” is an element of the offense charged in this case and must be proven beyond a reasonable doubt. The government is not required to prove Mr. LaDeaux knew that his acts or omissions were unlawful. An act is done “knowingly” if a person realizes what he is doing and does not act through ignorance, mistake, or accident. You may consider the evidence of Mr. LaDeaux’s words, acts, or omissions, along with all other evidence, in deciding whether he acted knowingly.

FINAL INSTRUCTION NO. 6 – IMPEACHMENT

In Preliminary Instruction No. 7, I instructed you generally on the credibility of witnesses. I now give you this further instruction on how the credibility of a witness can be “impeached” and how you may treat certain evidence.

A witness may be discredited or impeached by contradictory evidence; by a showing that the witness testified falsely concerning a material matter; or by evidence that at some other time the witness has said or done something, or has failed to say or do something, that is inconsistent with the witness’s present testimony. If earlier statements of a witness were admitted into evidence, they were not admitted to prove that the contents of those statements are true. Instead, you may consider those earlier statements only to determine whether you think they are consistent or inconsistent with the trial testimony of the witness and, therefore, whether they affect the credibility of that witness.

If you believe that a witness has been discredited or impeached, it is your exclusive right to give that witness’s testimony whatever weight, if any, you think it deserves.

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. 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.

FINAL INSTRUCTION NO. 7 – PRESUMPTION OF INNOCENCE AND BURDEN
OF PROOF

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

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

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

- This burden never, ever shifts to the defendant to prove his innocence.
- This burden means that the defendant does not have to call any witnesses, produce any evidence, cross-examine the government's witnesses, or testify.
- This burden means that, if the defendant does not testify, you must not consider that fact in any way, or even discuss it, in arriving at your verdict.

This burden means that you must find the defendant not guilty of the offense charged against him, unless the government proves beyond a reasonable doubt that he has committed each and every element of that offense.

FINAL INSTRUCTION NO. 8 – REASONABLE DOUBT

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

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

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

- Proof beyond a reasonable doubt requires careful and impartial consideration of all the evidence in the case before making a decision.
- Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the defendant's guilt.
- Proof beyond a reasonable doubt is proof so convincing that you would be willing to rely and act on it in the most important of your own affairs.

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

FINAL INSTRUCTION NO. 9 – DUTY TO DELIBERATE

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

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

Remember that this case is important to the parties and to the fair administration of justice, so do not be in a hurry to reach a verdict just to be finished with the case.

FINAL INSTRUCTION NO. 10 – DUTY DURING DELIBERATIONS

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

- Select a foreperson to preside over your discussions and to speak for you here in court.
- Do not consider punishment in any way in deciding whether the defendant is guilty or not guilty. If the defendant is guilty, I will decide what the sentence should be.
- Communicate with me by sending me a note through a Court Security Officer (CSO). The note must be signed by one or more of you. Remember that you should not tell anyone, including me, how your votes stand. I will respond as soon as possible, either in writing or orally in open court.
- Base your verdict solely on the evidence, reason, your common sense, and all Instructions, whether written or not. Again, nothing I have said or done was intended to suggest what your verdict should be—that is entirely for you to decide.
- Reach your verdict without discrimination. In reaching your verdict, you must not consider the defendant's race, color, religious beliefs, national origin, or sex. You are not to return a verdict for or against the defendant unless you would return the same verdict without regard to his race, color, religious beliefs, national origin, or sex.
- Complete the Verdict Form. The foreperson must bring the signed verdict form to the courtroom when it is time to announce your verdict.
- When you have reached a verdict, the foreperson will advise the CSO that you are ready to return to the courtroom.

Good luck with your deliberations.

Dated November ___, 2024.

BY THE COURT:

CAMELA C. THEELER
UNITED STATES DISTRICT JUDGE