

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. FRANKLIN LONG BLACK CAT, Defendant.	No. 5:25-CR-50181-KES FINAL INSTRUCTIONS TO THE JURY
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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 – ASSAULTING, RESISTING, OR IMPEDED A FEDERAL OFFICER

For you to find Franklin Long Black Cat guilty of the offense of assaulting, resisting, or impeding a federal officer as charged in Count 1 of the Indictment, the prosecution must prove the following four essential elements beyond a reasonable doubt:

One, that on or about November 19, 2025, in the District of South Dakota, Long Black Cat acted forcibly to either assault, resist, oppose, impede, intimidate, or interfere with Andrew Bickel;

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 is made in fear of immediate bodily harm

“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.

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.

Two, that Long Black Cat’s act or acts involved physical contact with Andrew Bickel;

Three, Long Black Cat’s act or acts were done voluntarily and intentionally;

Intent may be proven like anything else. You may consider any statements made or acts done by the defendant 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.

And four, that at the time of Long Black Cat's act or acts, Andrew Bickel was employed as a Deputy United States Marshal, and was engaged in the performance of his official duties at the time.

For you to find Franklin Long Black Cat guilty of the offense charged in Count 1 of the indictment, the prosecution must prove all four elements beyond a reasonable doubt.

Otherwise, you must find Long Black Cat not guilty of Count 1 as charged in the indictment.

FINAL INSTRUCTION NO. 3 – THREATENING A FEDERAL OFFICER

For you to find Long Black Cat guilty of the offense of threatening a federal officer as charged in Count 2 of the Indictment, the prosecution must prove the following three essential elements beyond a reasonable doubt:

One, that Long Black Cat threatened to murder Jamin Hartland;

To determine what constitutes a “threat,” you must view the relevant facts to determine whether the recipient of the alleged threat could reasonably conclude that it expresses a determination or intent to injure presently or in the future. The government need not prove that Long Black Cat had a subjective intent to intimidate or threaten, rather, it must show that a reasonable person would have found that Long Black Cat’s communications conveyed an intent to cause harm or injury. To determine this, you may consider the reaction of those who heard the alleged threat, whether the threat was conditional, whether the person who made the alleged threat communicated it directly to the object of the threat, whether the speaker had a history of making threats against the person purportedly threatened, and whether the recipient had a reason to believe that the speaker had a propensity to engage in violence.

Two, that Long Black Cat did so with the intent to impede, intimidate, or interfere with Hartland;

Intent is defined in Final Instruction No. 2.

And three, that at the time of Long Black Cat’s threat, Hartland was employed as a Deputy United States Marshal and was engaged in the performance of his official duties.

For you to find Franklin Long Black Cat guilty of the offense charged in Count 2 of the indictment, the prosecution must prove all three elements beyond a reasonable doubt.

Otherwise, you must find Long Black Cat not guilty of Count 2 as charged in the indictment.

FINAL INSTRUCTION NO. 4 – THREATENING A FEDERAL OFFICER

For you to find Long Black Cat guilty of the offense of threatening a federal officer as charged in Count 3 of the Indictment, the prosecution must prove the following three essential elements beyond a reasonable doubt:

One, that Long Black Cat threatened to murder Jeff Donovan;

“Threat” is defined in Final Instruction No. 3.

Two, that Long Black Cat did so with the intent to impede, intimidate, or interfere with Donovan;

“Intent” is defined in Final Instruction No. 2.

And three, that at the time of Long Black Cat’s threat, Donovan was employed as a Deputy United States Marshal and was engaged in the performance of his official duties.

For you to find Franklin Long Black Cat guilty of the offense charged in Count 3 of the indictment, the prosecution must prove all three elements beyond a reasonable doubt.

Otherwise, you must find Long Black Cat not guilty of Count 3 as charged in the indictment.

FINAL INSTRUCTION NO. 5 – IMPEACHMENT

In Preliminary Instruction No. 6, 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 were 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. 6 – DEFENDANT’S PRIOR SIMILAR ACTS

You have heard evidence that the defendant has engaged in previous acts of assault on a federal officer. You may consider this evidence only if you find it is more likely true than not true that the defendant committed the act. 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 Long Black Cat had the intent necessary to commit the crime charged in the indictment. You should give it the weight and value you believe it is entitled to receive.

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 charge, 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 prosecution proves, beyond a reasonable doubt, all of the elements of the offense charged against him.

The burden is always on the prosecution 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 prosecution'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 prosecution 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 prosecution 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 prosecution's lack of evidence.

The prosecution 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 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.

The prosecution'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 prosecution has not proved beyond a reasonable doubt that the defendant is guilty, say so.
- If you are convinced that the prosecution 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 of 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 these Instructions. 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 January 21, 2026.

BY THE COURT:



KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. FRANKLIN LONG BLACK CAT, Defendant.	No. 5:25-CR-40106-KES VERDICT
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We, the Jury, unanimously find the defendant, Franklin Long Black Cat, as follows:

COUNT 1: ASSAULTING, RESISTING, AND IMEDING A FEDERAL OFFICER	VERDICT
On Count 1 charging “assaulting, resisting, and impeding a federal officer,” as explained in Final Instruction No. 2, please mark your verdict. Please proceed to Count 2.	<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty

COUNT 2: THREATENING A FEDERAL OFFICER	VERDICT
On Count 2 charging "threatening a federal officer" as explained in Final Instruction No. 3, please mark your verdict. Please proceed to Count 3.	<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty

COUNT 3: THREATENING A FEDERAL OFFICER	VERDICT
On Count 3 charging "threatening a federal officer" as explained in Final Instruction No. 4, please mark your verdict.	<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty

Date

Foreperson