

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

<p>UNITED STATES OF AMERICA, Plaintiff, vs. LANCE QUINTIN LONGIE, Defendant.</p>	<p>1:24-CR-10040-CBK JURY INSTRUCTIONS</p>
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INSTRUCTION NO. 1

Ladies and gentlemen of the jury, it is my duty now to explain the rules of law you must apply to this case.

You as jurors are the sole judges of the facts. But it is your duty to follow the law stated in these instructions, and to apply that law to the facts as you find them from the evidence before you. I also gave you instructions during the trial and you must follow those instructions. It would be a violation of your sworn duty to base your verdicts upon any rules of law other than the ones given you in these instructions, regardless of your personal feelings as to what the law ought to be.

You are not to single out one instruction alone as stating the law, but must consider the instructions as a whole.

INSTRUCTION NO. 2

You have been chosen and sworn as jurors to try the issues of fact presented by the allegations of the superseding indictment and the denial made by the defendant in his plea of “not guilty.” You are to perform this duty without bias or prejudice, because the law does not permit jurors to be governed by sympathy or public opinion. The accused and the public expect that you will carefully and impartially consider all of the evidence and will follow the law as stated by the Court, in order to reach a just verdict, regardless of the consequences to any party.

INSTRUCTION NO. 3

The superseding indictment in this case charges the defendant with the crime of failure to register as a sex offender. The defendant has pleaded not guilty to this charge.

As I told you at the beginning of the trial, an indictment is simply an accusation. It is not evidence of anything. To the contrary, the defendant is presumed to be innocent. Therefore, the defendant, even though charged, begins the trial with no evidence against him. This presumption of innocence alone is sufficient to find the defendant not guilty and can be overcome only if the government proves, beyond a reasonable doubt, each essential element of the crime charged.

There is no burden upon the defendant to prove that he is innocent.

INSTRUCTION NO. 4

A reasonable doubt is a doubt based upon reason and common sense, and not the mere possibility of innocence. A reasonable doubt is the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it. However, proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

INSTRUCTION NO. 5

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 and questions that I struck from the record, or told you to disregard, are not evidence and must not be considered.

4. Anything you saw or heard about this case outside the courtroom is not evidence.

Finally, you were instructed that some evidence was received for a limited purpose only and you must follow those instructions.

INSTRUCTION NO. 6

There are two types of evidence from which you may find the truth as to the facts of a case -- direct and circumstantial evidence. Direct evidence is the testimony of one who asserts actual knowledge of a fact, such as an eyewitness; circumstantial evidence is proof of a chain of facts and circumstances indicating the guilt or innocence of the defendant. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all the evidence in the case. After weighing all the evidence, if you are not convinced of the guilt of the defendant beyond a reasonable doubt, you must find the defendant not guilty.

INSTRUCTION NO. 7

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, 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.

You should judge the testimony of the defendant in the same manner as you judge the testimony of any other witness.

INSTRUCTION NO. 8

The weight of the evidence is not necessarily determined by the number of witnesses testifying. You should consider all the facts and circumstances in evidence to determine which of the witnesses are worthy of a greater credence. 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.

INSTRUCTION NO. 9

You have heard evidence that the defendant was previously convicted in in 2004 in the state of Minnesota of Criminal Sexual Conduct in the First Degree. The fact that he was previously convicted of a crime does not mean that he committed the crime charged in this case, and you must not use that evidence as proof of the crime charged in this case.

You may use such evidence only to determine whether the government has proven beyond a reasonable doubt that defendant was required to register as a sex offender or update his registration under federal law.

Remember, even if you find that the defendant may have committed a crime in the past, this is not evidence that he committed the crime in this case. You may not convict a person simply because you believe he may have committed a crime in the past. The defendant is on trial only for the crime charged, and you may consider the evidence of a prior conviction only on the issue of whether defendant was required to register as a sex offender or update his sex offender registration.

INSTRUCTION NO. 10

You have heard evidence that the defendant has previously twice been convicted of failing to register as a sex offender. You may consider this evidence only for the limited purpose of deciding whether the defendant had the requisite knowledge of his responsibility to register as a sex offender necessary to commit the crime charged in the indictment. You should give this evidence the weight and value you believe it is entitled to receive.

That the defendant failed to register as a sex offender in the past is not evidence that he committed such an act in this case. You may not convict a person simply because you believe he 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 of the defendant's knowledge and intent and not for any other purpose.

INSTRUCTION NO. 11

The crime of failure to register as a sex offender, as charged in the superseding indictment, has three essential elements, which are:

1. The defendant was required to register as a sex offender or update a registration under federal law.
2. The defendant traveled in interstate or foreign commerce after June 29, 2022.
3. Between on or about June 29, 2022, and March 22, 2024, the defendant voluntarily and intentionally failed to register or keep his registration current as a sex offender residing in the District of South Dakota as required by the Sex Offender Registration and Notification Act.

For you to find the defendant guilty of this crime charged in the superseding indictment, the government must prove all of these essential elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 12

An individual must register under the Sex Offender Registration and Notification Act if he is classified as a “sex offender” under federal law.

A “sex offender” is an individual convicted of a “sex offense” in a state or federal court. You are instructed that a conviction for Criminal Sexual Conduct in the First Degree in the State of Minnesota is a state sex offense requiring federal registration.

INSTRUCTION NO. 13

An individual travels in interstate or foreign commerce by moving from one state to another state during the time he was classified as a “sex offender.”

INSTRUCTION NO. 14

The government must prove beyond a reasonable doubt that the defendant voluntarily and intentionally failed to register or keep his registration current. An act is done voluntarily and intentionally if the defendant is aware of the act and does not act through ignorance, mistake, or accident. You may consider evidence of the defendant's words, acts, or omissions, along with all the other evidence, in deciding whether the defendant acted voluntarily and intentionally. The prosecution does not have to prove that the defendant knew that he was violating federal law by failing to register or to update his registration. It is sufficient for the prosecution to prove that the defendant knew of his obligation to register as a sex offender anywhere that he resided, or whenever he changed his residence, as a result of a prior conviction for a sex offense and voluntarily and intentionally failed to do so.

INSTRUCTION NO. 15

Keeping a registration current includes notifying and updating a change in residence.

INSTRUCTION NO. 16

Federal law requires that no later than 3 business days after each change in address, a sex offender must appear in the jurisdiction where he resides and update the necessary changes. A person resides at his home or other place where the individual habitually lives.

INSTRUCTION NO. 17

Sex offenders who lack fixed abodes are nevertheless required to register in the jurisdiction in which they reside.

INSTRUCTION NO. 18

Intent 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 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. 19

The superseding indictment charges that the offense was committed between on or about certain dates. The proof need not establish with certainty the exact date of the alleged offense. It is sufficient if the evidence in the case establishes beyond a reasonable doubt that the offense was committed on a date reasonably near the dates alleged.

INSTRUCTION NO. 20

Upon retiring to the jury room, you will select one of your number to act as your foreperson. The foreperson will preside over your deliberations, and will be your spokesperson here in Court.

A verdict form has been prepared for your convenience.

You will take this form to the jury room and, when you have reached unanimous agreement as to your verdicts, you will have your foreperson fill in, date, and sign the form to state the verdict upon which you unanimously agree, and then notify the marshal that you have a verdict.

INSTRUCTION NO. 21

The verdict must represent the considered judgment of each juror. In order to return any verdict, it is necessary that each juror agree thereto. Any verdict must be unanimous.

It is your duty, as jurors, to consult with one another, and to deliberate with a view to reaching an agreement, if you can do so without violence to individual judgment. Each of you must decide the case for himself or herself, but do so only after an impartial consideration of the evidence in the case with the other jurors. In the course of your deliberations, do not hesitate to re-examine your own views, and change your opinion, if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of the evidence, solely because of the opinion of the other jurors, or for the mere purpose of returning a verdict.

Remember at all times, 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.

INSTRUCTION NO. 22

If you have questions, you may send a note by a marshal, signed by your foreperson, or by one or more members of the jury.

You will note from the oath about to be taken by the marshal that he, as well as all other persons, are forbidden to communicate in any way or manner with any member of the jury on any subject touching the merits of the case.

Bear in mind also that you are never to reveal to any person--not even to the Court--how the jury stands, numerically or otherwise, on the question of the guilt or innocence of the accused, until after you have reached a unanimous verdict.

INSTRUCTION NO. 23

It is proper to add a final caution.

Nothing that I have said in these instructions, and nothing that I have said or done during the trial, has been said or done to suggest to you what I think your verdict should be.

What the verdict shall be is your exclusive duty and responsibility.

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

<p>UNITED STATES OF AMERICA, Plaintiff, vs. LANCE QUINTIN LONGIE, Defendant.</p>	<p>1:24-CR-10020-CBK VERDICT</p>
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Please return a verdict by placing an "X" in the space provided.

COUNT I

We, the jury in the above-entitled action, as to the crime of failure to register as a sex offender, as charged in the superseding indictment, find Lance Quintin Longie:

_____ NOT GUILTY _____ GUILTY

Dated this _____ day August, 2024.

Foreperson