

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION**

|                                                                                                                         |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>vs.<br><br>DALE JOSEPH MARTIN, JR., a/k/a<br>SCUD,<br><br>Defendant. | 26-CR-50011-CCT-3<br><br><b>FINAL INSTRUCTIONS<br/>TO THE JURY</b> |
|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|

**TABLE OF CONTENTS**

FINAL INSTRUCTION NO. 1 – INTRODUCTION..... 1

FINAL INSTRUCTION NO. 2 – ROBBERY ..... 2

FINAL INSTRUCTION NO. 3 – STIPULATION AS TO INDIAN PERSON AND  
INDIAN COUNTRY..... 4

FINAL INSTRUCTION NO. 4 – TESTIMONY OF ACCOMPLICE ..... 5

FINAL INSTRUCTION NO. 5 – INTENT AND KNOWLEDGE..... 6

FINAL INSTRUCTION NO. 6 – IMPEACHMENT ..... 7

FINAL INSTRUCTION NO. 7 – PRESUMPTION OF INNOCENCE AND BURDEN  
OF PROOF ..... 8

FINAL INSTRUCTION NO. 8– REASONABLE DOUBT ..... 9

FINAL INSTRUCTION NO. 9 – DUTY TO DELIBERATE..... 10

FINAL INSTRUCTION NO. 10 – DUTY DURING DELIBERATIONS..... 11

VERDICT FORM

FINAL INSTRUCTION NO. 1 – INTRODUCTION

Members of the jury, the written instructions I gave you at the beginning of 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 – ROBBERY

For you to find Dale Joseph Martin, Jr. guilty of “robbery” as charged in the Indictment, the government must prove the following essential elements beyond a reasonable doubt:

**One, that on or about October 29, 2025, Dale Joseph Martin, Jr., a/k/a “Scud,” attempted to take U.S. currency from the person or presence of Jessica Chase;**

Dale Joseph Martin, Jr. may be found guilty of attempted robbery if he intended to take U.S. currency from the person or presence of Jessica Chase and voluntarily and intentionally carried out some act which was a substantial step toward committing that robbery.

A substantial step must be something more than mere preparation yet may be less than the last act necessary before the actual commission of the substantive offense. In order for behavior to be punishable as an attempt, it need not be incompatible with innocence, yet it must be necessary to the consummation of the crime and be of such a nature that a reasonable observer, viewing it in context, would conclude beyond a reasonable doubt that it was undertaken in accordance with a design to commit the substantive offense.

**Two, that such attempted taking was by force and violence or by intimidation;**

“Intimidation” means doing something that would make an ordinary person fear bodily harm.

**Three, that Dale Joseph Martin, Jr. is an Indian; and**

**Four, that the offense was committed in Indian Country.**

Dale Joseph Martin, Jr. may also be found guilty of robbery as charged in the Indictment even if he personally did not do every act constituting the offense charged, if he aided and abetted the commission of robbery.

In order to have aided and abetted the commission of a crime a person must, before or at the time the crime was committed:

**One, have known an attempted robbery was being committed or going to be committed;**

**Two, have had enough advance knowledge of the extent and character of the attempted robbery that he was able to make the relevant choice to walk away from the attempted robbery before all elements of attempted robbery were complete; and**

**Three, have knowingly acted in some way for the purpose of causing, encouraging, or aiding the commission of attempted robbery.**

For you to find Dale Joseph Martin, Jr. guilty of robbery by reason of aiding and abetting, the government must prove beyond a reasonable doubt that all of the elements of robbery were committed by some person or persons and that Dale Joseph Martin, Jr. aided and abetted the commission of that crime.

You should understand that merely being present at the scene of an event, or merely acting in the same way as others or merely associating with others, does not prove that a person has become an aider and abettor. A person who has no knowledge that a crime is being committed or about to be committed, but who happens to act in a way which advances some offense, does not thereby become an aider and abettor.

FINAL INSTRUCTION NO. 3 – STIPULATION AS TO INDIAN PERSON AND  
INDIAN COUNTRY

The parties stipulated—that is, they have agreed—that Dale Joseph Martin, Jr. is an Indian and that the residence in Pine Ridge, South Dakota, where the offense is alleged to have occurred is in Indian Country. You must therefore treat those facts as having been proved.

By entering into this stipulation, Dale Joseph Martin, Jr. 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 fact that Dale Joseph Martin, Jr. is an Indian and that the residence in Pine Ridge, South Dakota, where the offense is alleged to have occurred is in Indian Country.

FINAL INSTRUCTION NO. 4 – TESTIMONY OF ACCOMPLICE

You have heard testimony from Steven Shangreau III who stated that he participated in the crime charged against Dale Joseph Martin, Jr. His testimony was received in evidence and may be considered by you. You may give his testimony such weight as you think it deserves. Whether or not his testimony may have been influenced by his desire to please the government or to strike a good bargain with the government about his own situation is for you to determine.

FINAL INSTRUCTION NO. 5 – INTENT AND KNOWLEDGE

Intent or knowledge 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 that may aid in a 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.

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, the statements 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 the elements of an 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 an 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 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 July 30, 2026.

BY THE COURT:



---

CAMELA C. THEELER  
UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION**

|                                                                                                                         |                                                |
|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>vs.<br><br>DALE JOSEPH MARTIN, JR., a/k/a<br>SCUD,<br><br>Defendant. | 5:26-CR-50011-CCT-3<br><br><b>VERDICT FORM</b> |
|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|

We, the Jury, unanimously find the defendant, Dale Joseph Martin, Jr., as follows:

| <b>ROBBERY</b>                                                                                                                 | <b>VERDICT</b>                                                         |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| On the charge of "robbery" or "aiding and abetting robbery" as explained in Final Instruction No. 2, please mark your verdict. | <input type="checkbox"/> Not Guilty<br><input type="checkbox"/> Guilty |

Please sign and date this Verdict Form.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Foreperson