

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOEL MILLER,

Defendant.

3:25-CR-30044-MAM

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, 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 will 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. The 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, then 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.

INSTRUCTION NO. 4

In determining 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.

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

INSTRUCTION NO. 5

The Indictment in this case charges Joel Miller with assault by striking, beating, and wounding. He has pleaded not guilty to this charge.

The Indictment is simply the document that formally charges Miller 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 Miller to be innocent. Thus, Miller began the trial with a clean slate, with no evidence against him.

The presumption of innocence alone is sufficient to find Miller not guilty. This presumption can be overcome only if the United States proved during the trial, beyond a reasonable doubt, each element of a crime charged.

There is no burden upon Miller to prove he is innocent. Instead, the burden of proof remains on the United States throughout the trial.

INSTRUCTION NO. 6

The crime of assault by striking, beating, and wounding, as charged in the Indictment, has four essential elements, which are:

One on or about the 19th day of May, 2025, in Todd County, in the District of South Dakota, Joel Miller assaulted Heath Whipple, by means of striking, beating, or wounding;

Two, the assault occurred in Indian country;

Three, Whipple is an Indian; and

Four, Miller did not act in self-defense or defense of others as defined in Instruction 9.

"Assault" means any intentional and voluntary harmful and offensive touching of another person without justification or excuse.

If all of these elements have been proved beyond a reasonable doubt as to Miller, then you must find him guilty of the crime charged; otherwise, you must find him not guilty of the crime.

INSTRUCTION NO. 7

The Indictment charges the offense was committed “on or about” May 19, 2025. The United States must prove that the offense alleged occurred reasonably close to that date, but is not required to prove the alleged offense happened on that exact date.

INSTRUCTION NO. 8

The Indictment in this case alleges that Heath Whipple is an Indian and that the alleged offense occurred in Indian country. The existence of those two factors is necessary for the Court to have jurisdiction over the crime charged in the Indictment.

Counsel for the United States and Joel Miller have agreed or stipulated that Whipple is an Indian and that the place where the alleged incident is claimed to have occurred is in Indian country.

Miller 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 that Whipple is an Indian and that the place where the alleged offense is claimed to have occurred is in Indian country.

INSTRUCTION NO. 9

If a person reasonably believes that force is necessary to protect himself or others from what he reasonably believes to be unlawful physical harm about to be inflicted by another and uses such force, then he acted in self-defense or in defense of others.

However, self-defense or defense of others that involves using force likely to cause death or great bodily harm is justified only if the person reasonably believes that such force is necessary to protect himself or others from what he reasonably believes to be a substantial risk of death or great bodily harm.

INSTRUCTION NO. 10

Intent or knowledge may be proved like anything else. You may consider any statements made and acts done by Joel Miller and all the facts and circumstances in evidence which may aid in the determination of his 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.

An act is done knowingly if one is aware of the act and does not act through ignorance, mistake, or accident. The United States is not required to prove that Miller knew his actions were unlawful. You may consider evidence of Miller's words, acts, or omissions, along with all the other evidence, in deciding whether he acted knowingly.

INSTRUCTION NO. 11

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 Joel Miller's guilt. Proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

INSTRUCTION NO. 12

In conducting your deliberations and returning your verdict, there are certain rules you must follow. I will 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 their views. 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 Joel Miller 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 bailiff, 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 the case. You may not use any electronic device or media, such as a telephone, cellphone, smartphone, PDA, computer or like devices and equipment; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website such as Facebook, Snapchat, Instagram, YouTube, or X (formerly known as Twitter), TikTok, or other social media site, to communicate to anyone information about the case or to conduct any research about the 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. The verdict must be unanimous. 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 the 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 bailiff that you are ready to return to the courtroom.

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VERDICT FORM

We, the jury, duly empaneled and sworn to try the issues in this case, find as follows:

1. We find Joel Miller, _____ (fill in either "not guilty" or "guilty")
of assault by striking, beating, and wounding as charged in the Indictment.

Dated August __, 2025.

Foreperson