

**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>RENO RONDEAU,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">24-CR-50182-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 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 – FIRST-DEGREE FELONY MURDER

For you to find Reno Rondeau guilty of “first-degree felony murder” as charged in the Indictment, the government must prove the following essential elements beyond a reasonable doubt:

One, that on or about October 19, 2024, Reno Rondeau unlawfully killed Tanya White Butterfly;

Two, that Reno Rondeau did so with malice aforethought;

As used in these instructions, “malice aforethought” means an intent, at the time of a killing, willfully to take the life of a human being, or an intent willfully to act in callous and wanton disregard of the consequences to human life. But “malice aforethought” does not necessarily imply any ill will, spite, or hatred towards the individual killed.

In determining whether Tanya White Butterfly was unlawfully killed with malice aforethought, you should consider all the evidence concerning the facts and circumstances preceding, surrounding, and following the killing which tend to shed light upon the question of intent.

Three, that the killing was committed during the perpetration of an arson;

An “arson” is perpetrated if Reno Rondeau willfully and maliciously set fire to or burned the dwelling of John Rondeau, Sr.

Four, that the killing occurred in Indian Country, in the District of South Dakota; and

Five, that Reno Rondeau is an Indian.

For you to find Mr. Rondeau guilty of this offense charged in the Indictment, the government must prove beyond a reasonable doubt all of the essential elements. Otherwise, you must find Mr. Rondeau not guilty of this offense charged in the Indictment.

FINAL INSTRUCTION NO. 3 – ASSAULT WITH INTENT TO COMMIT ARSON

For you to find Reno Rondeau guilty of “assault with intent to commit arson” as charged in the Indictment, the government must prove the following essential elements beyond a reasonable doubt:

One, that on or about October 19, 2024, Reno Rondeau assaulted John Rondeau, Sr;

“Assault” means any intentional and voluntary attempt or threat to injure another person, combined with the apparent present ability to do so, which is sufficient to put the other person in fear of immediate bodily harm or any intentional and voluntary harmful and offensive touching of another person without justification or excuse.

Two, that at the time of the assault, Reno Rondeau had the specific intent to commit arson;

To find specific intent, there must exist in the mind of the perpetrator the specific intent to commit arson. If the defendant acted without such specific intent, the crime of “assault with intent to commit arson” has not been committed.

“Arson” has been defined for you above.

Three, that the assault occurred in Indian Country, in the District of South Dakota; and

Four, that Reno Rondeau is an Indian.

For you to find Mr. Rondeau guilty of this offense charged in the Indictment, the government must prove beyond a reasonable doubt all of the essential elements. Otherwise, you must find Mr. Rondeau not guilty of this offense charged in the Indictment.

FINAL INSTRUCTION NO. 4 – ASSAULT RESULTING IN SERIOUS BODILY
INJURY

For you to find Reno Rondeau guilty of “assault resulting in serious bodily injury” as charged in the Indictment, the government must prove the following essential elements beyond a reasonable doubt:

One, that on or about October 19, 2024, Reno Rondeau assaulted John Rondeau, Sr.;

“Assault” has been defined for you above.

Two, that as a result of that assault, John Rondeau, Sr. suffered serious bodily injury;

“Serious bodily injury” means bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the functions of a bodily member, organ, or mental faculty.

Three, that the assault occurred in Indian Country, in the District of South Dakota; and

Four, that Reno Rondeau is an Indian.

For you to find Mr. Rondeau guilty of this offense charged in the Indictment, the government must prove beyond a reasonable doubt all of the essential elements. Otherwise, you must find Mr. Rondeau not guilty of this offense charged in the Indictment.

FINAL INSTRUCTION NO. 5 – ARSON

For you to find Reno Rondeau guilty of “arson” as charged in the Indictment, the government must prove the following essential elements beyond a reasonable doubt:

One, that on or about October 19, 2024, Reno Rondeau set fire to or burned a dwelling or attempted to do so;

A “dwelling” is a building or portion of a building which is used or intended for use as a human habitation, home, or residence.

A person may be found guilty of an attempt if he intended to commit arson and voluntarily and intentionally carried out some act which was a substantial step toward committing arson.

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, could conclude beyond a reasonable doubt that it was undertaken in accordance with a design to commit the substantive offense.

Two, the dwelling belonged to John Rondeau, Sr.;

Three, that Reno Rondeau acted willfully and maliciously;

An act is done “willfully” if it is a conscious, intentional act done knowingly and according to a purpose.

To act “maliciously” means to act with willful disregard of the likelihood that damage or injury would result.

Four, that the arson occurred in Indian Country, in the District of South Dakota; and

Five, that Reno Rondeau is an Indian.

For you to find Mr. Rondeau guilty of this offense charged in the Indictment, the government must prove beyond a reasonable doubt all of the

essential elements. Otherwise, you must find Mr. Rondeau not guilty of this offense charged in the Indictment.

FINAL INSTRUCTION NO. 6 – STIPULATED FACTS

The parties have stipulated—that is, they have agreed—that (1) Tanya White Butterfly is the individual whose deceased remains were recovered on October 19, 2024, from the residence of John Rondeau, Sr., near Manderson, South Dakota; (2) that the offenses occurred within Indian Country, in the District of South Dakota; and (3) that Reno Rondeau is an Indian person.

By entering into these stipulations, Reno Rondeau has not admitted his guilt of the offenses charged, and you may not draw any inference of guilt from these stipulated facts. The only effect of these stipulations is to establish that Tanya White Butterfly is the individual whose deceased remains were recovered on October 19, 2024, from the residence of John Rondeau, Sr., near Manderson, South Dakota; that the offenses occurred within Indian Country, in the District of South Dakota; and that Reno Rondeau is an Indian person.

FINAL INSTRUCTION NO. 7 – KNOWLEDGE AND INTENT

Intent or knowledge 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 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. 8 – PRIOR CONVICTION

You have heard evidence that Reno Rondeau was previously convicted of a crime. You may use that evidence only to help you decide whether to believe his testimony and how much weight to give it. The fact that he was previously convicted of a crime does not mean that he committed the crimes charged here, and you must not use that evidence as any proof of the crimes charged in this case.

FINAL INSTRUCTION NO. 9 - DEFENDANT'S PRIOR ACT

You have heard testimony that Reno Rondeau may have previously committed an act of setting fire to items by a tree in John Rondeau Sr.'s yard in approximately 2018. You may consider this evidence only if you unanimously find it is more likely true than not true that he committed this act. You decide that by considering all the evidence and deciding what evidence is more believable. This is a lower standard than proof beyond a reasonable doubt.

If you find that the evidence has not been proved, then you must disregard it. If you find that the evidence has been proved, then you may consider it only for the limited purpose of deciding whether Reno Rondeau had the intent and knowledge necessary to commit those crimes or whether Reno Rondeau committed the acts for which he is on trial by accident or mistake. You should give the evidence the weight and value you believe it is entitled to receive.

Remember, even if you find that Reno Rondeau may have committed this 2018 act, this is not evidence that he committed the crimes charged in the Indictment. You may not convict a person simply because you believe he may have committed a similar act in the past. Reno Rondeau is on trial only for the crimes charged, and you may consider the evidence of prior acts only on the issues stated above.

FINAL INSTRUCTION NO. 10 – 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. 11 – FLIGHT

The intentional flight of a defendant is not sufficient by itself to establish his guilt, but is a fact which, if proved, you may consider in light of all other evidence in this case in determining guilt or innocence. Whether or not evidence of flight or concealment shows a consciousness of guilt, and the significance to be attached to any such evidence, are matters exclusively within the province of the jury.

FINAL INSTRUCTION NO. 12 – EXPERT WITNESS

You have heard testimony from more than one person described as an expert. Persons who, by knowledge, skill, training, education or experience, have become an expert in some field may state their opinions on matters in that field and may also state the reasons for their opinion.

Expert testimony should be considered just like any other testimony. You may accept or reject it and give it as much weight as you think it deserves, considering the witness's education and experience, the soundness of the reasons given for the opinion, the acceptability of the methods used, and all the other evidence in the case.

FINAL INSTRUCTION NO. 13 – 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 offenses 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 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. 14 – 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. 15 – 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. 16 – 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 February 5th, 2026.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Camela C. Theeler', written over a horizontal line.

CAMELA C. THEELER
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA, <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> RENO RONDEAU, <p style="text-align: center;">Defendant.</p>	24-CR-50182-CCT VERDICT
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On the charges against the defendant, Reno Rondeau, we, the Jury, unanimously find as follows:

FIRST-DEGREE FELONY MURDER	VERDICT
On the charge of “first-degree felony murder” as explained in Final Instruction No. 2, please mark your verdict.	<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty

ASSAULT WITH INTENT TO COMMIT ARSON	VERDICT
On the charge of “assault with intent to commit arson” as explained in Final Instruction No. 3, please mark your verdict.	<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty

ASSAULT RESULTING IN SERIOUS BODILY INJURY	VERDICT
On the charge of “assault resulting in serious bodily injury” as explained in Final Instruction No. 4, please mark your verdict.	<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty

ARSON	VERDICT
On the charge of “arson” as explained in Final Instruction No. 5, please mark your verdict.	<input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty

Please sign and date this Verdict Form.

Date

Foreperson