

**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>ANFERNEE RONDEAU,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">24-CR-50152-CCT</p> <p style="text-align: center;">FINAL INSTRUCTIONS TO THE JURY</p>
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TABLE OF CONTENTS

FINAL INSTRUCTION NO. 1 – INTRODUCTION 1

FINAL INSTRUCTION NO. 2 – AGGRAVATED SEXUAL ABUSE OF A MINOR... 2

FINAL INSTRUCTION NO. 3 – LESSER-INCLUDED OFFENSE OF ABUSIVE
SEXUAL CONTACT 4

FINAL INSTRUCTION NO. 4 – EXPERT WITNESS 6

FINAL INSTRUCTION NO. 5 – IMPEACHMENT..... 7

FINAL INSTRUCTION NO. 6 – POLYGRAPH 8

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

FINAL INSTRUCTION NO. 8 – REASONABLE DOUBT 10

FINAL INSTRUCTION NO. 9 – DUTY TO DELIBERATE..... 11

FINAL INSTRUCTION NO. 10 – DUTY DURING DELIBERATIONS..... 12

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 – AGGRAVATED SEXUAL ABUSE OF A MINOR

For you to find Anfernee Rondeau guilty of “aggravated sexual abuse of a minor” as charged in Count 1 of the Indictment, the government must prove the following essential elements beyond a reasonable doubt:

One, that on or about between April 4, 2024, and April 5, 2024, Anfernee Rondeau did engage or attempt to engage in a sexual act, that is the intentional touching, not through the clothing, of the genitalia of C.A.C.A.;

For purposes of this charge, the term “sexual act” means the intentional touching, not through the clothing, of the genitalia of another person, who has not attained the age of 16 years, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

A person may be found guilty of an attempt if he intended to engage in a sexual act and voluntarily and intentionally carried out some act which was a substantial step toward engaging in a sexual act.

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 crime. 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 violate the statute.

Two, that Anfernee Rondeau did such acts knowingly;

An act is done “knowingly” if the defendant is aware of the act and does not act, or fails to 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 knowingly.

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 consequence of acts knowingly done or knowingly omitted.

Three, that at the time of the offense C.A.C.A. had not attained the age of 12 years;

Four, that Anfernee Rondeau is an Indian;

You are instructed that the prosecution and defendant have agreed that defendant is an Indian person.

The defendant, has not, by entering into this agreement, 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 present to the jury that the defendant is an Indian.

And Five, the offense took place in Indian Country, in the District of South Dakota.

You are instructed that the prosecution and defendant have agreed that the place where the alleged incident occurred is in Indian country.

The defendant, has not, by entering into this agreement, 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 present to the jury that the place where the alleged incident occurred is in Indian country.

For you to find Mr. Rondeau guilty of the offense of “aggravated sexual abuse of a minor” as charged in Count 1 of the Indictment, the government must prove all five of the essential elements beyond a reasonable doubt. If the government has not proved all five elements, then you need to consider whether Mr. Rondeau is guilty of the lesser-included offense of “abusive sexual contact,” which is described for you in Final Instruction No. 3.

FINAL INSTRUCTION NO. 3 – LESSER-INCLUDED OFFENSE OF ABUSIVE
SEXUAL CONTACT

If you should unanimously find Anfernee Rondeau “Not Guilty” of the crime of “aggravated sexual abuse of a minor” as charged in Count 1 of the Indictment, or if, after all reasonable efforts, you are unable to reach a verdict as to the crime charged in Count 1 of the Indictment, you should record that decision on the verdict form and go on to consider whether Anfernee Rondeau is guilty of the crime of “abusive sexual contact,” a lesser-included offense of “aggravated sexual abuse of a minor.”

For you to find Anfernee Rondeau guilty of “abusive sexual contact,” the government must prove the following essential elements beyond a reasonable doubt:

One, that on or about between April 4, 2024, and April 5, 2024, Anfernee Rondeau did engage in sexual contact or cause sexual contact, that is, the intentional touching, either directly or through the clothing, of the genitalia of C.A.C.A.;

The term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Two, that Anfernee Rondeau did such acts knowingly;

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

Three, that at the time of the offense C.A.C.A. had not attained the age of 12 years;

Four, that Anfernee Rondeau is an Indian;

You are instructed that the prosecution and defendant have agreed that the place where the alleged incident occurred is in Indian country.

The defendant, has not, by entering into this agreement, 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 present to the jury that the place where the alleged incident occurred is in Indian country.

And Five, the offense took place in Indian Country, in the District of South Dakota.

You are instructed that the prosecution and defendant have agreed that the place where the alleged incident occurred is in Indian country.

The defendant, has not, by entering into this agreement, 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 present to the jury that the place where the alleged incident occurred is in Indian country.

For you to find Mr. Rondeau guilty of “abusive sexual contact,” a lesser-included offense of the crime of “aggravated sexual abuse of a minor” as charged in Count 1 of the Indictment, the government must prove all five of the essential elements of “abusive sexual contact” beyond a reasonable doubt. Otherwise, you must find Mr. Rondeau not guilty of this crime.

FINAL INSTRUCTION NO. 4 – EXPERT WITNESS

You have heard testimony from persons described as experts. 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. 5 – 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. 6 – POLYGRAPH

You heard a witness make a reference to a polygraph examination. An accused has a constitutional right to decline interviews by law enforcement of any type at any time. Polygraph results are inadmissible and you are instructed not to speculate as to what the results would have been, because to do so would violate the Defendant's Constitutional rights. Any testimony about a polygraph examination should be disregarded

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 of the elements of the 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 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. 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 May 22, 2025.

BY THE COURT:



CAMELA C. THEELER
UNITED STATES DISTRICT JUDGE

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>ANFERNEE RONDEAU,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">5:24-CR-50152-CCT</p> <p style="text-align: center;">VERDICT FORM</p>
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We, the jury, duly empaneled and sworn to try the issues in this case, find as follows:

1. We find the defendant, Anfernee Rondeau, _____ (fill in either “not guilty” or “guilty”) of aggravated sexual abuse of a minor involving the intentional touching, not through the clothing, of C.A.C.A.’s genitalia as charged in Count 1 of the Indictment.

If, and only if, you found Anfernee Rondeau “not guilty” as to aggravated sexual abuse of a minor in question 1 of this form, or if, after reasonable efforts, you are unable to reach a verdict as to question 1 of this form, proceed to question 2.

2. We find the defendant, Anfernee Rondeau, _____ (fill in either “not guilty” or “guilty”) of the lesser-included offense of abusive sexual contact involving the intentional touching, either directly or through the clothing, of C.A.C.A.’s genitalia.

Dated May ____, 2025

Foreperson