

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

<p>UNITED STATES OF AMERICA, Plaintiff, vs. JAMES GARRETT, LEVI GARRETT. Defendants.</p>	<p>3:21-CR-30091-RAL FINAL JURY INSTRUCTIONS</p>
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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 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 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 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 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 defendant Levi Garrett in the same manner as you would judge the testimony of any other witness.

INSTRUCTION NO. 5

The superseding indictment in this case charges nine different crimes. James Garrett is charged with five counts of making False Statement in Connection with Federal Crop Insurance and two charges of Major Fraud Against the United States. Levi Garrett is charged with two counts of making False Statement in Connection with Federal Crop Insurance. The defendants have pleaded not guilty to these charges.

The superseding indictment is simply the document that formally charges the defendant with the crime for which they are on trial. The superseding indictment is not evidence of anything. At the beginning of the trial, I instructed you that you must presume the defendants to be innocent. Thus, the defendants began the trial with a clean slate, with no evidence against them. The presumption of innocence alone is sufficient to find the defendants not guilty. This presumption can be overcome only if the government proved during the trial, beyond a reasonable doubt, each element of a crime charged.

Keep in mind that each count charges a separate crime. You must consider each count separately, and return a separate verdict for each count.

Please remember that only the defendants, not anyone else, are on trial here, and that the defendants are on trial only for the crimes charged, not for anything else.

There is no burden upon the defendants to prove that they are innocent. Instead, the burden of proof remains on the government throughout the trial. Accordingly, the fact that defendant James Garrett did not testify must not be considered by you in any way, or even discussed, in arriving at your verdict.

INSTRUCTION NO. 6

The crime of False Statement in Connection with Federal Crop Insurance, as charged in Count I of the superseding indictment, has **three** elements, which are:

***One*, that on or about the 3rd day of June, 2016, the defendant, James Garrett, knowingly made a false statement that he planted 954.6 insured acres of soybeans between the 24th day of May, 2016, and the 28th day of May, 2016, to ADM Crop Risk Services.**

As used in this instruction, a statement is “false” if untrue when made.

***Two*, that James Garrett made the false statement for the purpose of influencing the action of ADM Crop Risk Services upon making a claim that the insured acres of soybeans were lost when no soybeans were in fact planted during that time.**

***Three*, that ADM Crop Risk Services was re-insured by Federal Crop Insurance Corporation at the time the statement was made.**

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

INSTRUCTION NO. 7

The crime of False Statement in Connection with Federal Crop Insurance, as charged in Count II of the superseding indictment, has **three** elements, which are:

***One*, that on or about the 3rd day of June, 2016, the defendant, Levi Garrett, knowingly made a false statement that he planted 796.9 insured acres of soybeans between the 26th day of May, 2016, and the 2nd day of June, 2016, to ADM Crop Risk Services.**

As used in this instruction, a statement is “false” if untrue when made.

***Two*, that Levi Garrett made the false statement for the purpose of influencing the action of ADM Crop Risk Services upon making a claim that the insured acres of soybeans were lost when no soybeans were in fact planted during that time.**

***Three*, that ADM Crop Risk Services was re-insured by Federal Crop Insurance Corporation at the time the statement was made.**

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

INSTRUCTION NO. 8

The crime of False Statement in Connection with Federal Crop Insurance, as charged in Count III of the superseding indictment, has **three** elements, which are:

***One*, that on or about the 5th day of July, 2017, the defendant, James Garrett, knowingly made a false statement that he planted 2,148.94 insured acres of soybeans between the 24th day of May, 2017, and the 9th day of June, 2017, to Crop Risk Services.**

As used in this instruction, a statement is “false” if untrue when made.

***Two*, that James Garrett made the false statement for the purpose of influencing the action of Crop Risk Services upon making a claim that the insured acres of soybeans were lost when less than that amount of soybeans were in fact planted.**

***Three*, that Crop Risk Services was re-insured by Federal Crop Insurance Corporation at the time the statement was made.**

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

INSTRUCTION NO. 9

The crime of False Statement in Connection with Federal Crop Insurance, as charged in Count IV of the superseding indictment, has **three** elements, which are:

***One*, that on or about the 6th day of July, 2018, the defendant, James Garrett, knowingly made a false statement that he planted 1,115.22 insured acres of sunflowers between the 10th day of June, 2018, and the 16th day of June, 2018, to Crop Risk Services.**

As used in this instruction, a statement is “false” if untrue when made.

***Two*, that James Garrett made the false statement for the purpose of influencing the action of Crop Risk Services upon making a claim that the insured acres of sunflowers were lost when less than that amount of sunflowers were in fact planted.**

***Three*, that Crop Risk Services was re-insured by Federal Crop Insurance Corporation at the time the statement was made.**

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

INSTRUCTION NO. 10

The crime of False Statement in Connection with Federal Crop Insurance, as charged in Count V of the superseding indictment, has **three** elements, which are:

***One*, that on or about the 6th day of July, 2018, the defendant, Levi Garrett, knowingly made a false statement that he planted 1,122.79 insured acres of sunflowers between the 10th day of June, 2018, and the 16th day of June, 2018, to Crop Risk Services.**

As used in this instruction, a statement is “false” if untrue when made.

***Two*, that Levi Garrett made the false statement for the purpose of influencing the action of Crop Risk Services upon making a claim that the insured acres of sunflowers were lost when less than that amount of sunflowers were in fact planted.**

***Three*, that Crop Risk Services was re-insured by Federal Crop Insurance Corporation at the time the statement was made.**

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

INSTRUCTION NO. 11

The crime of False Statement in Connection with Federal Crop Insurance, as charged in Count VI of the superseding indictment, has **three** elements, which are:

***One*, that on or about the 12th day of July, 2019, the defendant, James Garrett, knowingly made a false statement that he planted 47.5 insured acres of corn the 17th day of June, 2019, to Crop Risk Services.**

As used in this instruction, a statement is “false” if untrue when made.

***Two*, that James Garrett made the false statement for the purpose of influencing the action of Crop Risk Services upon making a claim that the insured acres of corn were lost when less than that amount of corn was in fact planted.**

***Three*, that Crop Risk Services was re-insured by Federal Crop Insurance Corporation at the time the statement was made.**

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

INSTRUCTION NO. 12

The crime of False Statement in Connection with Federal Crop Insurance, as charged in Count VII of the superseding indictment, has **three** elements, which are:

***One*, that on or about the 8th day of July, 2020, the defendant, James Garrett, knowingly made a false statement that he planted 1,475.81 insured acres of sunflowers between the 9th day of June, 2020, and the 14th day of June, 2020, to ARM Tech Insurance Services.**

As used in this instruction, a statement is “false” if untrue when made.

***Two*, that James Garrett made the false statement for the purpose of influencing the action of ARM Tech Insurance Services upon making a claim that the insured acres of sunflowers were lost when no sunflowers were in fact planted.**

***Three*, that ARM Tech Insurance Services was re-insured by Federal Crop Insurance Corporation at the time the statement was made.**

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

INSTRUCTION NO. 13

The crime of Major Fraud Against the United States, as charged in Count VIII of the superseding indictment, has **three** elements, which are:

One, on or about between the 15th day of October, 2020, and the 30th day of October, 2020, the defendant James Garrett knowingly executed a scheme or artifice with the intent to defraud the United States or to obtain money or property by means of materially false or fraudulent pretenses, representations, or promises;

The phrase “scheme to defraud” includes any plan or course of action intended to deceive or cheat another out of money by employing material falsehoods or concealing material facts. It also means the obtaining of money or property from another by means of material false representations or promises. A scheme to defraud need not be fraudulent on its face but must include some sort of fraudulent misrepresentation or promise reasonably calculated to deceive a reasonable person.

To act with “intent to defraud” means to act knowingly and with the intent to deceive someone for the purpose of causing some financial loss or loss of property to another or bringing about some financial gain to oneself or another to the detriment of a third party. With respect to false statements, the defendant must have known the statement was untrue when made or have made the statement with reckless indifference to its truth or falsity.

A pretense, representation, or promise is “material” if it has a natural tendency to influence, or is capable of influencing, the institution to which it is addressed. However, whether a pretense, representation, or promise is “material” does not depend on whether the institution was actually deceived.

A pretense, representation, or promise is “false” if untrue when made.

Two, the scheme took place as a part of acquiring money in any grant or other form of federal assistance, namely, money administered by the State of South Dakota from the Coronavirus Relief Fund established by the Coronavirus Aid, Relief, and Economic Security Act, or attempted to do so; and

Three, the value of the federal grant or federal assistance was \$1,000,000 or more.

In determining whether the value of the federal grant or federal assistance was \$1,000,000 or more, you may consider the amount of the entire grant being administered and are not limited to considering merely the constituent part that James Garrett received or sought to receive.

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

INSTRUCTION NO. 14

The crime of Major Fraud Against the United States, as charged in Count IX of the superseding indictment, has **three** elements, which are:

One, on or about between the 15th day of December, 2020, and the 16th day of December, 2020, the defendant James Garrett knowingly executed a scheme or artifice with the intent to defraud the United States or to obtain money or property by means of materially false or fraudulent pretenses, representations, or promises;

The phrase “scheme to defraud” includes any plan or course of action intended to deceive or cheat another out of money by employing material falsehoods or concealing material facts. It also means the obtaining of money or property from another by means of material false representations or promises. A scheme to defraud need not be fraudulent on its face but must include some sort of fraudulent misrepresentation or promise reasonably calculated to deceive a reasonable person.

To act with “intent to defraud” means to act knowingly and with the intent to deceive someone for the purpose of causing some financial loss or loss of property to another or bringing about some financial gain to oneself or another to the detriment of a third party. With respect to false statements, the defendant must have known the statement was untrue when made or have made the statement with reckless indifference to its truth or falsity.

A pretense, representation, or promise is “material” if it has a natural tendency to influence, or is capable of influencing, the institution to which it is addressed. However, whether a pretense, representation, or promise is “material” does not depend on whether the institution was actually deceived.

A pretense, representation, or promise is “false” if untrue when made.

Two, the scheme took place as a part of acquiring money in any grant or other form of federal assistance, namely, money administered by the State of South Dakota from the Coronavirus Relief Fund established by the Coronavirus Aid, Relief, and Economic Security Act, or attempted to do so; and

Three, the value of the federal grant or federal assistance was \$1,000,000 or more.

In determining whether the value of the federal grant or federal assistance was \$1,000,000 or more, you may consider the amount of the entire grant being administered and are not limited to considering merely the constituent part that James Garrett received or sought to receive.

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

INSTRUCTION NO. 15

The crimes of Major Fraud Against the United States as charged in Counts VIII and IX of the superseding indictment include an attempt to engage in that crime. The defendant James Garrett may be found guilty of an attempt if he intended to knowingly execute a scheme or artifice to defraud the United States or to obtain money or property by means of materially false or fraudulent pretenses, representations, or promises from a grant or federal assistance of \$1,000,000 (as this Court has defined in Instructions 13 and 14) or more and voluntarily and intentionally carried out some act which was a substantial step toward that scheme or artifice.

A substantial step, as used in this instruction, 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.

INSTRUCTION NO. 16

A person may also be found guilty of major fraud against the United States even if he personally did not do every act constituting the offense charged, if he aided and abetted the commission of Major Fraud Against the United States.

In order to have aided and abetted the commission of Major Fraud Against the United States, a person must:

***One*, have known Major Fraud Against the United States was being committed or going to be committed;**

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

***Three*, have knowingly acted in some way for the purpose of aiding the commission of Major Fraud Against the United States; and**

***Four*, have intended to defraud the United States or to obtain money or property by means of materially false or fraudulent pretenses, representations, or promises.**

For you to find the defendant James Garrett guilty of Major Fraud Against the United States by reason of aiding and abetting, the government must prove beyond a reasonable doubt that all of the elements of Major Fraud Against the United States were committed by some person or persons and that the defendant James Garrett aided and abetted the commission of that crime.

You may infer the defendant James Garrett had the requisite advance knowledge of the scheme or artifice with the intent to defraud the United States or to obtain money or property by means of materially false or fraudulent pretenses, representations, or promises if you find the defendant James Garrett failed to object or withdraw from actively participating in the commission of Major Fraud Against the United States after the defendant James Garrett observed another participant complete a scheme or artifice with the intent to defraud the United States or to obtain money or property by means of materially false or fraudulent pretenses, representations, or promises.

You should understand that 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.

INSTRUCTION NO. 17

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.

An act is done knowingly if the defendant is aware of the act and does not act through ignorance, mistake, or accident. The government is not required to prove that the defendants knew that their acts or omissions were unlawful. You may consider evidence of the defendants' words, acts, or omissions, along with all the other evidence, in deciding whether the defendants acted knowingly.

INSTRUCTION NO. 18

One of the issues in this case is whether the defendant James Garrett acted in good faith. Good faith is a complete defense to the crime of major fraud if the defendant did not act with the intent to defraud or the intent to obtain money or property by means of false or fraudulent pretenses, representations, or promises, which is an element of the charge. The essence of the good faith defense is that one who acts with honest intentions cannot be convicted of a crime requiring fraudulent intent.

Good faith includes, among other things, an opinion or belief that is honestly held, even if the opinion is in error or the belief is mistaken. However, even though a defendant honestly held a certain opinion or belief (such as a belief that a business venture would ultimately succeed, that investors would make a profit, or that investors would not lose money), a defendant does not act in good faith if he or she also knowingly made false or fraudulent representations or promises, or otherwise acted with the intent to defraud or deceive another. Proof of fraudulent intent requires more than proof that a defendant only made a mistake in judgment or management, or was careless.

The government has the burden of proving beyond a reasonable doubt that the defendant acted with the intent to defraud or the intent to obtain money or property by means of false or fraudulent pretenses, representations, or promises. Evidence that the defendant acted in good faith may be considered by you, together with all the other evidence, in determining whether or not the defendant acted with the intent to defraud the government or the intent to obtain money or property by means of false or fraudulent pretenses, representations, or promises.

INSTRUCTION NO. 19

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 the defendant's guilt. Proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

INSTRUCTION NO. 20

You have heard testimony from persons described as experts. Persons who, by knowledge, skill, training, education or experience, have become 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' 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.

INSTRUCTION NO. 21

You will remember that certain maps, charts, and summaries were admitted in evidence. You may use those summaries as evidence in addition to the underlying evidence, even though the underlying documents and records are not here. However, the accuracy of those maps, charts, and summaries have been challenged. It is for you to decide how much weight, if any, you will give to them. In making that decision, you should consider all of the testimony you heard about the way in which they were prepared.

INSTRUCTION NO. 22

As you know, there are two defendants on trial here: James Garrett and Levi Garrett. Each defendant is entitled to have his case decided solely on the evidence which applies to him. You may consider some of the evidence in this case only against a single defendant; you may not consider that evidence against the other defendant.

You may consider the evidence and testimony you have about James Garrett only against defendant James Garrett. You must not consider that evidence when you are deciding if the government has proved, beyond a reasonable doubt, its case against defendant Levi Garrett.

You may consider the evidence and testimony you have heard about Levi Garrett only against defendant Levi Garrett. You must not consider that evidence when you are deciding if the government has proved, beyond a reasonable doubt, its case against defendant James Garrett.

INSTRUCTION NO. 23

You have heard testimony about the character and reputation of Levi Garrett for truthfulness. You may consider this evidence only in deciding whether to believe the testimony of Levi Garrett and how much weight to give to it and in deciding whether or not the defendant Levi Garrett committed the crime of False Statement in Connection with Federal Crop Insurance.

INSTRUCTION NO. 24

This Court received in evidence Defendants' Exhibit 543, a form completed by Duane Vahl of Crop Risk Services, anticipating that Mr. Vahl would be called as a witness. Mr. Vahl did not testify and you cannot speculate as to what his testimony might have been. The only testimony about Defendants' Exhibit 543 was from witness Mark Opp that Defendants' Exhibit 543 concerned the 2019 prevented planting of corn claim and not the 47.5 acres of corn reportedly planted in 2019. The only testimony about Mr. Vahl having visited the Defendants' farm fields was from Defendant Levi Garrett testifying to Mr. Vahl visiting in 2018. Again, you cannot speculate about what any witness who did not testify might have said if they had been called.

INSTRUCTION NO. 25

In conducting your deliberations and returning your verdict, there are certain rules you must follow. I shall 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 the views of your fellow jurors. 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 one of both of the defendants are 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 court security officer, 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 this case. You may not use any electronic device or media, such as a telephone, smart phone, or computer; 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 Twitter, to communicate to anyone information about this case or to conduct any research about this 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. 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 this 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 court security officer that you are ready to return to the courtroom.

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

<p>UNITED STATES OF AMERICA, Plaintiff, vs. JAMES GARRETT, LEVI GARRETT. Defendants.</p>	<p>3:21-CR-30091-RAL 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 James Garrett, _____ (fill in either “not guilty” or “guilty”) of Making a False Statement in Connection with Federal Crop Insurance as charged in Count I of the superseding indictment.
2. We find the defendant Levi Garrett, _____ (fill in either “not guilty” or “guilty”) of Making a False Statement in Connection with Federal Crop Insurance as charged in Count II of the superseding indictment.
3. We find the defendant James Garrett, _____ (fill in either “not guilty” or “guilty”) of Making a False Statement in Connection with Federal Crop Insurance as charged in Count III of the superseding indictment.
4. We find the defendant James Garrett, _____ (fill in either “not guilty” or “guilty”) of Making a False Statement in Connection with Federal Crop Insurance as charged in Count IV of the superseding indictment.
5. We find the defendant Levi Garrett, _____ (fill in either “not guilty” or “guilty”) of Making a False Statement in Connection with Federal Crop Insurance as charged in Count V of the superseding indictment.
6. We find the defendant James Garrett, _____ (fill in either “not guilty” or “guilty”) of Making a False Statement in Connection with Federal Crop Insurance as charged in Count VI of the superseding indictment.

7. We find the defendant James Garrett, _____ (fill in either “not guilty” or “guilty”) of Making a False Statement in Connection with Federal Crop Insurance as charged in Count VII of the superseding indictment.
8. We find the defendant James Garrett, _____ (fill in either “not guilty” or “guilty”) of Major Fraud Against the United States as charged in Count VIII of the superseding indictment.
9. We find the defendant James Garrett, _____ (fill in either “not guilty” or “guilty”) of Major Fraud Against the United States as charged in Count IX of the superseding indictment.

Dated _____, 2022

Foreperson