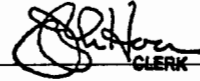


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

**FILED**

JUN 28 2017

  
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEITH HAGEN,

Defendant.

CR 16-10006-CBK

JURY INSTRUCTIONS

INSTRUCTION NO. 1

Ladies and gentlemen of the jury, it is my duty now to explain the rules of law you must apply to this case.

You as jurors are the sole judges of the facts. But it is your duty to follow the law stated in these instructions, and to apply that law to the facts as you find them from the evidence before you. It would be a violation of your sworn duty to base your verdicts upon any rules of law other than the ones given you in these instructions, regardless of your personal feelings as to what the law ought to be.

You are not to single out one instruction alone as stating the law, but must consider the instructions as a whole.

INSTRUCTION NO. 2

You have been chosen and sworn as jurors to try the issues of fact presented by the allegations of the indictment and the denials made by the defendant in his pleas of "not guilty." You are to perform this duty without bias or prejudice, because the law does not permit jurors to be governed by sympathy or public opinion. The accused and the public expect that you will carefully and impartially consider all of the evidence and will follow the law as stated by the Court, in order to reach just verdicts, regardless of the consequences to any party.

INSTRUCTION NO. 3

The indictment in this case charges the defendant with the crimes of conspiracy to commit mail fraud or wire fraud, three counts of wire fraud, and four counts of mail fraud. The defendant has pleaded not guilty to these charges.

As I told you at the beginning of the trial, an indictment is simply an accusation. It is not evidence of anything. To the contrary, the defendant is presumed to be innocent. Therefore, the defendant, even though charged, begins the trial with no evidence against him. This presumption of innocence alone is sufficient to find the defendant not guilty and can be overcome only if the government proves, beyond a reasonable doubt, each essential element of the crimes charged.

There is no burden upon the defendant to prove that he is innocent. Accordingly, the fact that the defendant did not testify must not be considered by you in any way, or even discussed, in arriving at your verdict.

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

INSTRUCTION NO. 4

A reasonable doubt is a doubt based upon reason and common sense, and not the mere possibility of innocence. A reasonable doubt is the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it. However, proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

INSTRUCTION NO. 5

I have mentioned the word “evidence.” The evidence in this case consists of the testimony of witnesses, and the documents and other things received as exhibits.

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 and questions that I struck from the record, or told you to disregard, are not evidence and must not be considered.

4. Anything you saw or heard about this case outside the courtroom is not evidence.

INSTRUCTION NO. 6

There are two types of evidence from which you may find the truth as to the facts of a case--direct and circumstantial evidence. Direct evidence is the testimony of one who asserts actual knowledge of a fact, such as an eyewitness; circumstantial evidence is proof of a chain of facts and circumstances indicating the guilt or innocence of the defendant. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should weigh all the evidence in the case. After weighing all the evidence, if you are not convinced of the guilt of the defendant beyond a reasonable doubt, you must find the defendant not guilty.

INSTRUCTION NO. 7

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 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.



INSTRUCTION NO. 8

The weight of the evidence is not necessarily determined by the number of witnesses testifying. You should consider all the facts and circumstances in evidence to determine which of the witnesses are worthy of a greater credence. 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.

INSTRUCTION NO. 9

A witness may be discredited or impeached by contradictory evidence, by a showing that he or she 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 which is inconsistent with the witness' present testimony.

If you believe that any witness has been so impeached, then it is your exclusive province to give the testimony of that witness such credibility or weight, if any, as you may think it deserves.

INSTRUCTION NO. 10

You have heard evidence that Amanda Holy Bull has made a plea agreement with the government that she is guilty of a conspiracy with Keith Hagen to defraud various cattle producers. Her testimony was received in evidence and may be considered by you. You may give her testimony such weight as you think it deserves. Whether or not her testimony may have been influenced by the plea agreement is for you to determine.

The witness' guilty plea cannot be considered by you as any evidence of this defendant's guilt. The witness' guilty plea can be considered by you only for the purpose of determining how much, if at all, to rely upon the witness' testimony.

INSTRUCTION NO. 11

You have heard testimony that Amanda Holy Bull used, and was otherwise addicted to certain controlled substances. This conduct constitutes the committing of other crimes, acts, or wrongs. If you find Ms. Holy Bull committed those other crimes, acts, or wrongs, you can only consider the evidence as it relates to her potential intent or motive. You may not consider it for any other purpose.

INSTRUCTION NO. 12

The crime of conspiracy as charged in Count 1 of the indictment has three essential elements, which are:

1. On or about between April 13, 2012, and June 4, 2014, the defendant and Amanda Holy Bull reached an agreement to commit mail fraud or wire fraud or both.
2. The defendant voluntarily and intentionally joined in the agreement, either at the time it was first reached or at some later time while it was still in effect; and
3. At the time the defendant joined in the agreement, he knew the purpose of the agreement.

For you to find the defendant guilty of this crime charged in Count 1 of the indictment, the government must prove all of these essential elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 13

Count 1 of the indictment charges a conspiracy to commit mail fraud or wire fraud or both. For you to find that the government has proved a conspiracy, you must unanimously find that there was an agreement to act for at least one of these crimes. You must unanimously agree which crime or crimes motivated the members of the agreement to act. If you are unable to unanimously agree on at least one of these crimes, you cannot find the defendant guilty of conspiracy.

The agreement between two or more people to commit the crime of mail fraud or wire fraud does not need to be a formal agreement or be in writing. A verbal or oral understanding can be sufficient to establish an agreement.

It does not matter whether the crime of mail fraud or wire fraud was actually committed or whether the alleged participants in agreement actually succeeded in accomplishing their unlawful plan.

The agreement may last a long time or a short time. The members of an agreement do not all have to join it at the same time. You may find that someone joined the agreement even if you find that person did not know all of the details of the agreement.

If you have determined that two or more people reached an agreement to commit the crime of mail fraud or wire fraud, you must next decide whether the defendant voluntarily and intentionally joined that agreement, either at the time it was first formed or at some later time while it was still in effect.

Earlier, in deciding whether two or more people reached an agreement to commit the crime of mail fraud or wire fraud, you could consider the acts and statements of each person alleged to be part of the agreement. Now, in deciding whether the defendant joined the agreement, you may consider only the acts and statements of the defendant.

A person joins an agreement to commit the crime of mail fraud or wire fraud by voluntarily and intentionally participating in the unlawful plan with the intent to further

the crime of mail fraud or wire fraud. It is not necessary for you to find that the defendant knew all the details of the unlawful plan.

Evidence that a person was present at the scene of an event, or acted in the same way as others or associated with others, does not, alone, prove that the person joined a conspiracy. A person who has no knowledge of a conspiracy, but who happens to act in a way that advances the purpose of the conspiracy, does not thereby become a member. A person's mere knowledge of the existence of a conspiracy, or mere knowledge that an objective of a conspiracy was being considered or attempted, or mere approval of the purpose of a conspiracy, is not enough to prove that the person joined in a conspiracy.

The defendant must have known the purpose of the agreement at the time the defendant joined the agreement.

A person knows the purpose of the agreement if he is aware of the agreement and does not participate in it through ignorance, mistake, carelessness, negligence, or accident. It is seldom, if ever, possible to determine directly what was in the defendant's mind. Thus, the defendant's knowledge of the agreement and its purpose can be proved like anything else, from reasonable conclusions drawn from the evidence.

It is not enough that the defendant and other alleged participants in the agreement to commit the crime of mail fraud or wire fraud simply met, discussed matters of common interest, acted in similar ways, or perhaps helped one another. The defendant must have known of the existence and purpose of the agreement. Without such knowledge, the defendant cannot be guilty of conspiracy, even if his acts furthered the conspiracy.

INSTRUCTION NO. 14

The crime of wire fraud, as charged in Count 2 of the indictment, has three essential elements, which are:

1. On or about between April 13, 2012, through June 4, 2014, in the District of South Dakota and elsewhere, the defendant voluntarily and intentionally devised, made up, or participated in a scheme to defraud John Haefner out of money by means of material false representations or promises which scheme is described as follows: Defendant agreed to provide cattle grazing services to John Haefner and caused John Haefner to pay \$30,000 to defendant knowing that defendant did not intend to permit John Haefner to graze his cattle for the full grazing season or at all.
2. The defendant acted with the intent to defraud; and
3. The defendant used, or caused to be used interstate wire facilities or a communication device in furtherance of, or in an attempt to carry out, some essential step in the scheme. The parties have agreed or stipulated that the payment was made possible by an interstate wire transmission on April 16, 2012.

It is not necessary that the government prove that the wire communication was an essential part of the scheme. A wire communication may be routine or sent for a legitimate purpose so long as it assists in carrying out the fraud.

For you to find the defendant guilty of this crime charged in Count 2 of the indictment, the government must prove all of these essential elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of this crime.



INSTRUCTION NO. 15

The crime of wire fraud, as charged in Count 3 of the indictment, has three essential elements, which are:

1. On or about between April 13, 2012, through June 4, 2014, in the District of South Dakota and elsewhere, the defendant voluntarily and intentionally devised, made up, or participated in a scheme to defraud Bruce Penner out of money by means of material false representations or promises which scheme is described as follows: Defendant agreed to provide cattle grazing services to Bruce Penner and caused Bruce Penner to pay \$46,000 to defendant knowing that defendant did not intend to permit Bruce Penner to graze his cattle for the full grazing season or at all.
2. The defendant acted with the intent to defraud; and
3. The defendant used, or caused to be used interstate wire facilities or a communication device in furtherance of, or in an attempt to carry out, some essential step in the scheme. The parties have agreed or stipulated that the payment was made possible by an interstate wire transmission on April 18, 2012.

It is not necessary that the government prove that the wire communication was an essential part of the scheme. A wire communication may be routine or sent for a legitimate purpose so long as it assists in carrying out the fraud.

For you to find the defendant guilty of this crime charged in Count 3 of the indictment, the government must prove all of these essential elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 16

The crime of wire fraud, as charged in Count 4 of the indictment, has three essential elements, which are:

1. On or about between April 13, 2012, through June 4, 2014, in the District of South Dakota and elsewhere, the defendant voluntarily and intentionally devised, made up, or participated in a scheme to defraud Robert Berg out of money by means of material false representations or promises which scheme is described as follows: Defendant agreed to provide cattle grazing services to Robert Berg and caused Robert Berg to pay \$35,000 to defendant knowing that defendant did not intend to permit Robert Berg to graze his cattle for the full grazing season or at all.
2. The defendant acted with the intent to defraud; and
3. The defendant used, or caused to be used interstate wire facilities or a communication device in furtherance of, or in an attempt to carry out, some essential step in the scheme. The parties have agreed or stipulated that the payment was made possible by an interstate wire transmission on June 4, 2014.

It is not necessary that the government prove that the wire communication was an essential part of the scheme. A wire communication may be routine or sent for a legitimate purpose so long as it assists in carrying out the fraud.

For you to find the defendant guilty of this crime charged in Count 4 of the indictment, the government must prove all of these essential elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 17

The crime of mail fraud, as charged in Count 5 of the indictment, has three essential elements, which are:

1. On or about April 30, 2013, in the District of South Dakota and elsewhere, the defendant voluntarily and intentionally devised, made up, or participated in a scheme to obtain money from Robert Kriz by means of material false representations or promises which scheme is described as follows: Defendant agreed to provide cattle grazing services to Robert Kriz, mailed a contract to Robert Kriz and received full payment for such services knowing that defendant did not intend to permit Robert Kriz to graze his cattle for the full grazing season or at all.
2. The defendant acted with the intent to defraud; and
3. The defendant used, or caused to be used either the U.S. Postal Service or a commercial interstate carrier in furtherance of, or in an attempt to carry out, some essential step in the scheme.

For you to find the defendant guilty of this crime charged in Count 5 of the indictment, the government must prove all of these essential elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 18

The crime of mail fraud, as charged in Count 6 of the indictment, has three essential elements, which are:

1. On or about August 21, 2013, in the District of South Dakota and elsewhere, the defendant voluntarily and intentionally devised, made up, or participated in a scheme to obtain money from Robert Kriz by means of material false representations or promises which scheme is described as follows: Defendant agreed to provide cattle grazing services to Robert Kriz, mailed a letter to Robert Kriz and received full payment for such services knowing that defendant did not intend to permit Robert Kriz to graze his cattle for the full grazing season or at all.
2. The defendant acted with the intent to defraud; and
3. The defendant used, or caused to be used either the U.S. Postal Service or a commercial interstate carrier in furtherance of, or in an attempt to carry out, some essential step in the scheme.

For you to find the defendant guilty of this crime charged in Count 6 of the indictment, the government must prove all of these essential elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 19

The crime of mail fraud, as charged in Count 7 of the indictment, has three essential elements, which are:

1. On or about August 21, 2013, in the District of South Dakota and elsewhere, the defendant voluntarily and intentionally devised, made up, or participated in a scheme to obtain money from John Stluka by means of material false representations or promises which scheme is described as follows: Defendant agreed to provide cattle grazing services to John Stluka, mailed a letter to John Stluka, and received full payment for such services knowing that defendant did not intend to permit John Stluka to graze his cattle for the full grazing season or at all.
2. The defendant acted with the intent to defraud; and
3. The defendant used, or caused to be used either the U.S. Postal Service or a commercial interstate carrier in furtherance of, or in an attempt to carry out, some essential step in the scheme.

For you to find the defendant guilty of this crime charged in Count 7 of the indictment, the government must prove all of these essential elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 20

The crime of mail fraud, as charged in Count 8 of the indictment, has three essential elements, which are:

1. On or about May 30, 2014, in the District of South Dakota and elsewhere, the defendant voluntarily and intentionally devised, made up, or participated in a scheme to obtain money from Robert Berg by means of material false representations or promises which scheme is described as follows: Defendant agreed to provide cattle grazing services to Robert Berg and received full payment for such services through a letter containing a check for \$35,000, knowing that defendant did not intend to permit Robert Berg to graze his cattle for the full grazing season or at all.
2. The defendant acted with the intent to defraud; and
3. The defendant used, or caused to be used, either the U.S. Postal Service or a commercial interstate carrier in furtherance of, or in an attempt to carry out, some essential step in the scheme.

For you to find the defendant guilty of this crime charged in Count 8 of the indictment, the government must prove all of these essential elements beyond a reasonable doubt. Otherwise, you must find the defendant not guilty of this crime.

INSTRUCTION NO. 21

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. It also means the obtaining of money 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.

A statement or representation is “false” when it is untrue when made or effectively conceals or omits a material fact.

A representation is “material” if it has a natural tendency to influence, or is capable of influencing, the decision of a reasonable person in deciding whether to engage or not to engage in a particular transaction.

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 to another or bringing about some financial gain to oneself 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.

It is not necessary that the use of an interstate wire communication (for Counts 2 through 4) or a mailing (for counts 5 through 8) by the participants themselves be contemplated or that the defendant do any actual sending of material by an interstate wire communication or by mail or specifically intend that an interstate wire communication or the mail be used. It is sufficient if an interstate wire communications facility or the mail was in fact used to carry out the scheme and the use of an interstate wire communication or the mail by someone was reasonably foreseeable.

Interstate wire communications or mailings which are designed to lull victims into a false sense of security, postpone inquiries or complaints, or make the transaction less suspect are communications in furtherance of the scheme.

Each separate interstate wire communication or mailing in furtherance of the scheme to defraud constitutes a separate offense.

The wire fraud counts and the mail fraud counts of the Indictment charge that the defendant, along with another person, devised or participated in a scheme. The government need not prove, however, that the defendant and another person met together to formulate the scheme charged, or that there was a formal agreement among them, in order for them to be held jointly responsible for the operation of the scheme and the use of interstate wire communications or mailings for the purpose of accomplishing the scheme. It is sufficient if only one person conceives the scheme and another knowingly, voluntarily and intentionally joins in and participates in some way in the operation of the scheme in order for such other to be held jointly responsible.

It is not necessary that the government prove all of the details alleged in the Indictment concerning the precise nature and purpose of the scheme, that interstate wire communication or mailing was itself false or fraudulent, that the alleged scheme actually succeeded in defrauding anyone, or that the interstate wire communication or mailing was intended as the specific or exclusive means of accomplishing the alleged fraud.



INSTRUCTION NO. 22

One of the issues in this case is whether the defendant acted in good faith. Good faith is a complete defense to the charges of wire fraud and mail fraud if the defendant did not act with the intent to defraud or with the intent to obtain money or property by means of false or fraudulent pretenses, representations, or promises, which is an element of the charges.

Intent to defraud is not presumed or assumed; it is personal and not imputed. One is chargeable with his own personal intent, not the intent of some other person. Bad faith is an essential element of intent to defraud. Good faith constitutes a complete defense to one charged with an offense of which intent to defraud is an essential element. One who acts with honest intentions is not chargeable with intent to defraud. Evidence which establishes only that a person made a mistake in judgment or an error in management, or was careless, does not establish intent to defraud. In order to establish intent to defraud on the part of a person, it must be established that such person knowingly and intentionally attempted to deceive another. One who knowingly and intentionally deceives another is chargeable with intent to defraud notwithstanding the manner and form in which the deception was attempted.

Evidence that the defendant acted in good faith may be considered by you together with all of the other evidence in determining whether or not he acted with the intent to defraud.

INSTRUCTION NO. 23

Intent may be proved like anything else. You may consider any statements and acts done by the defendant, and all the facts and circumstances in evidence which may aid in a determination of the defendant's 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.

INSTRUCTION NO. 24

The crimes charged in the indictment include an attempt to commit the crime in question. The defendant may be found guilty of an attempt if he intended to engage in the activities alleged in the indictment and he knowingly and intentionally carried out some act which was a substantial step toward the commission of the alleged activity.

INSTRUCTION NO. 25

A person may also be found guilty of the crime of wire fraud or mail fraud even if he personally did not do every act constituting the crime charged, if he aided and abetted the commission of the crime. In order to have aided and abetted the commission of a crime a person must, before or at the time the crime was committed:

1. have known the crime was being committed or going to be committed;
2. have had enough advance knowledge of the extent and character of the crime that he was able to make the relevant choice to walk away from the crime before all elements of the offense were complete;
3. have knowingly acted in some way for the purpose of causing, encouraging, or aiding the commission of the crime; and
4. have acted with the intent to defraud.

For you to find the defendant guilty of any of the crimes of wire fraud and mail fraud by reason of aiding and abetting, the government must prove beyond a reasonable doubt that all of the elements of the crime in question were committed by some person or persons and that the defendant 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.

INSTRUCTION NO. 26

The indictment charges that offenses were committed “on or about between” certain dates. The proof need not establish with certainty the exact date or dates of the alleged offenses. It is sufficient if the evidence in the case establishes beyond a reasonable doubt that the offense in question was committed on a date or dates reasonably near the date or dates alleged.

INSTRUCTION NO. 27

Upon retiring to the jury room, you will select one of your number to act as your foreperson. The foreperson will preside over your deliberations, and will be your spokesperson here in Court.

A verdict form has been prepared for your convenience.

You will take this form to the jury room and, when you have reached unanimous agreement as to your verdicts, you will have your foreperson fill in, date and sign the form to state the verdicts upon which you unanimously agree, and then notify the marshal that you have a verdict.

INSTRUCTION NO. 28

The verdicts must represent the considered judgment of each juror. In order to return any verdict, it is necessary that each juror agree thereto. Your verdicts must be unanimous.

It is your duty, as jurors, to consult with one another, and to deliberate with a view to reaching an agreement, if you can do so without violence to individual judgment. Each of you must decide the case for himself or herself, but do so only after an impartial consideration of the evidence in the case with the other jurors. In the course of your deliberations, do not hesitate to re-examine your own views, and change your opinion, if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of the evidence, solely because of the opinion of the other jurors, or for the mere purpose of returning a verdict.

Remember at all times, you are not partisans. You are judges—judges of the facts. Your sole interest is to seek the truth from the evidence in the case.

INSTRUCTION NO. 29

If you have questions, you may send a note by a marshal, signed by your foreperson, or by one or more members of the jury.

You will note from the oath about to be taken by the marshal that he, as well as all other persons, are forbidden to communicate in any way or manner with any member of the jury on any subject touching the merits of the case.

Bear in mind also that you are never to reveal to any person--not even to the Court--how the jury stands, numerically or otherwise, on the question of the guilt or innocence of the accused, until after you have reached unanimous verdicts.



INSTRUCTION NO. 30

It is proper to add a final caution.

Nothing that I have said in these instructions—and nothing that I have said or done during the trial—has been said or done to suggest to you what I think your verdicts should be.

What the verdicts shall be is your exclusive duty and responsibility.

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,  Plaintiff,  vs.  KEITH HAGEN,  Defendant.	CR 16-10006-CBK  VERDICT
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Please return a verdict by placing an "X" in the space provided.

We, the jury in the above entitled action, as to the crime of conspiracy to commit mail fraud or wire fraud as charged in Count 1 of the indictment, find Keith Hagen:

\_\_\_\_\_ NOT GUILTY      \_\_\_\_\_ GUILTY

We, the jury in the above entitled action, as to the crime of wire fraud as charged in Count 2 of the indictment, find Keith Hagen:

\_\_\_\_\_ NOT GUILTY      \_\_\_\_\_ GUILTY

We, the jury in the above entitled action, as to the crime of wire fraud as charged in Count 3 of the indictment, find Keith Hagen:

\_\_\_\_\_ NOT GUILTY      \_\_\_\_\_ GUILTY

We, the jury in the above entitled action, as to the crime of wire fraud as charged in Count 4 of the indictment, find Keith Hagen:

\_\_\_\_\_ NOT GUILTY      \_\_\_\_\_ GUILTY

We, the jury in the above entitled action, as to the crime of mail fraud as charged in Count 5 the indictment, find Keith Hagen:

\_\_\_\_\_ NOT GUILTY      \_\_\_\_\_ GUILTY

We, the jury in the above entitled action, as to the crime of mail fraud as charged in Count 6 of the indictment, find Keith Hagen:

\_\_\_\_\_ NOT GUILTY      \_\_\_\_\_ GUILTY

We, the jury in the above entitled action, as to the crime of mail fraud as charged in Count 7 of the indictment, find Keith Hagen:

\_\_\_\_\_ NOT GUILTY      \_\_\_\_\_ GUILTY

We, the jury in the above entitled action, as to the crime of mail fraud as charged in Count 8 of the indictment, find Keith Hagen:

\_\_\_\_\_ NOT GUILTY      \_\_\_\_\_ GUILTY

Dated this \_\_\_\_\_ day of June, 2017.

\_\_\_\_\_  
Foreperson