

**FILED**

OCT 06 2016

  
CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN RUSSELL SORENSEN,

Defendant.

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CR 16-40062

JURY INSTRUCTIONS

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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.

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. This is true even though some of those I gave you at the beginning of trial are not repeated here.

The instructions I am about to give you now are in writing and will be available to you in the jury room. I emphasize, however, that this does not mean they are more important than my earlier instructions. Again, *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” consists of the testimony of witnesses, the documents and other things received as exhibits, and the facts that have been stipulated—that is, formally agreed to by the parties.

You may use reason and common sense to draw deductions or conclusions from facts which have been established by the evidence in the case.

Certain things are not evidence. I will list those things again for you now:

1. Statements, arguments, questions and comments by lawyers representing the parties in the case are not evidence.
2. Objections are not evidence. 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 have stricken from the record, or have told you to disregard, is not evidence and must not be considered.
4. Anything you have seen or heard about this case outside the courtroom is not evidence, unless I specifically told you otherwise during the trial.

Finally, if you were instructed that some evidence was received for a limited purpose only, you must follow that instruction.

INSTRUCTION NO. 4

There are two types of evidence which are generally presented during a trial—direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. The law makes absolutely no distinction between the weight or value 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 him not guilty.

INSTRUCTION NO. 5

There is nothing particularly different in the way that you should consider the evidence in a trial from that in which any reasonable and careful person would treat any very important question that must be resolved by examining facts, opinions, and evidence. You are expected to use your good sense in considering and evaluating the evidence in the case for only those purposes for which it has been received and to give such evidence a reasonable and fair construction in the light of your common knowledge of the natural tendencies and inclinations of human beings.

Keep constantly in mind that it would be a violation of your sworn duty to base a verdict upon anything other than the evidence received in the case and the instructions of the Court. Remember as well that the law never imposes upon a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence because the burden of proving guilt beyond a reasonable doubt is always assumed by the government.

INSTRUCTION NO. 6

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. 7

If you took notes during the trial, your notes should be used only as memory aids. You should not give your notes precedence over your independent recollection of the evidence. If you did not take notes, you should rely on your own independent recollection of the proceedings and you should not be influenced by the notes of other jurors. I emphasize that notes are not entitled to any greater weight than the recollection or impression of each juror as to what the testimony may have been.

If any reference by the Court or by counsel to matters of testimony or exhibits does not coincide with your own recollection of that evidence, it is your recollection which should control during your deliberations and not the statements of the Court or of counsel.

You are the sole judges of the evidence received in this case.



INSTRUCTION NO. 8

You have heard that the witness, Gayle Hartz, plead guilty to a crime which arose out of the same events for which the defendant is on trial here. You must not consider that guilty plea as any evidence of this defendant's guilt. You may consider that witness's guilty plea only for the purpose of determining how much, if at all, to rely upon her testimony.

INSTRUCTION NO. 9

You have heard evidence that Gayle Hartz entered into a plea agreement whereby she received or hopes to receive a more lenient sentence or reduction of her sentence, in return for her cooperation with the Government in this case. 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's guilty plea cannot be considered by you as any evidence of this Defendant's guilt. The witness's guilty plea can be considered by you only for the purpose of determining how much, if at all, to rely upon the witness's testimony.

You have also heard evidence that Dawn Sorensen has received a promise from the Government that her testimony will not be used against her in a criminal case. 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 Government's promise is for you to determine.

INSTRUCTION NO. 10

You have heard testimony from Gayle Hartz who stated that she participated in the crimes charged against the defendant. 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 her desire to please the Government or to strike a good bargain with the Government about her own situations is for you to determine.

INSTRUCTION NO. 11

You have heard evidence that witnesses, Gayle Hartz and Dawn Sorensen, hope to receive reduced sentences on criminal charges pending against them in return for their cooperation with the Government in this case.

Gayle Hartz entered into a plea agreement with the United States Attorney's Office for the District of South Dakota through which she hopes to receive a reduced sentence.

Dawn Sorensen has state charges pending against her. For her testimony in this case, she hopes to receive a reduced sentence.

You may give the testimony of these witnesses such weight as you think it deserves. Whether or not the testimony of these witnesses may have been influenced by their hope of receiving a reduced sentence is for you to decide.

INSTRUCTION NO. 12

The testimony of a drug abuser must be examined and weighed by the jury with greater care than the testimony of a witness who does not abuse drugs. Gayle Hartz and Dawn Sorensen may be considered drug abusers.

The jury must determine whether the testimony of Gayle Hartz and Dawn Sorensen has been affected by drug use or the need for drugs.

INSTRUCTION NO. 13

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 reason 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. 14

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.

INSTRUCTION NO. 15

You must presume that the Defendant is innocent of the crimes charged. An indictment is only a formal method for beginning a criminal case. It does not create a presumption of guilt; it is merely an accusation. The fact that a person has been indicted does not create any inference, nor is it evidence, that he is guilty of any crime. The presumption of innocence alone is sufficient to acquit a defendant unless you as jurors are satisfied beyond a reasonable doubt of a defendant's guilt of the crimes charged from all the evidence that has been introduced in the case.

The burden is always upon the Government to prove guilt beyond a reasonable doubt. This burden never shifts to a defendant for the law never imposes upon a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence. Unless the Government proves, beyond a reasonable doubt, that a defendant committed each and every element of the offense charged against him in the Superseding Indictment, you must find that defendant not guilty of that offense.

There is no burden upon a 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.



INSTRUCTION NO. 16

A reasonable doubt is a 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 double 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. 17

Count 1 of the Superseding Indictment charges that beginning on an unknown date and continuing until on or about April 26, 2016, in the District of South Dakota and elsewhere, the Defendant, Shawn Russell Sorensen did knowingly and intentionally combine, conspire, confederate, and agree together, with others known and unknown, to knowingly and intentionally distribute a mixture and substance containing 500 grams or more of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 846.

The Defendant has pleaded not guilty to these charges. There is no burden upon the Defendant to prove that he is innocent of the charges against him.

INSTRUCTION NO. 18

Section 841(a)(1) of Title 21 of the United States Code provides, in pertinent part, that:

“(a) . . . it shall be unlawful for any person knowingly or intentionally –  
(1) to . . . distribute . . . a controlled substance[.]”

INSTRUCTION NO. 19

The crime of conspiracy, as charged in the Superseding Indictment, requires the prosecution to prove the following essential elements beyond a reasonable doubt:

**One, beginning on an unknown date and continuing until on or about April 26, 2016, two or more persons reached an agreement or came to an understanding to distribute 500 grams or more of a mixture or substance containing methamphetamine in the District of South Dakota or elsewhere.**

A conspiracy is an agreement of two or more persons to commit one or more crimes. It makes no difference whether any co-conspirators are defendants or named in the Indictment. For this element to be proved:

- The Defendant may have been, but did not have to be, one of the original conspirators.
- The crime that the conspirators agreed to commit did not actually have to be committed.
- The agreement did not have to involve every detail of the conspiracy; and
- The conspirators did not have to personally benefit from the conspiracy.

Here, the conspirators allegedly agreed to commit the crime of distribution of 500 grams or more of a mixture or substance containing methamphetamine. The elements of that offense are the following:

- One, that a person intentionally transferred 500 grams or more of a mixture or substance containing methamphetamine to another;
- And two, that at the time of the transfer, the person knew that what he was transferring was a controlled substance.

The prosecution does not have to prove that distribution of a mixture or substance containing methamphetamine actually occurred for this element of the “conspiracy” offense to be proved.

**Two, that the Defendant voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached or at some later time, while it was still in effect.**

The Defendant must have joined in the agreement, but he may have done so at any time during its existence. He may have joined in the agreement even if he agreed to play only a minor role in it.

The Defendant did not have to do any of the following to join the agreement:

- Join the agreement at the same time as all the other conspirators
- Know all of the details of the conspiracy, such as the names, identities, or locations of all the other members, or
- Conspire with every other member of the conspiracy.

On the other hand, each of the following, alone, is not enough to show that the Defendant joined the agreement:

- Evidence that he was merely present at the scene of an event
- Evidence that he merely acted in the same way as others
- Evidence that he merely associated with others
- Evidence that he was friends with or met socially with individuals involved in the conspiracy
- Evidence that he who had no knowledge of a conspiracy acted in a way that advanced an objective of the conspiracy
- Evidence that he merely knew of the existence of a conspiracy
- Evidence that he merely knew that an objective of the conspiracy was being considered or attempted, or
- Evidence that he merely approved of the objectives of the conspiracy.

Rather, the prosecution must prove that the Defendant had some degree of knowing involvement in the conspiracy.

In deciding whether an alleged conspiracy existed, you may consider the acts and statements of each person alleged to be part of the agreement. In deciding whether the Defendant joined the agreement, you may consider only his acts and statements.

**And three, that at the time the Defendant joined in the agreement or understanding, he knew the purpose of the agreement or understanding.**

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 a person's mind. Thus, the person'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 distribution of methamphetamine 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.

For you to find the Defendant guilty, the Government must prove all of the essential elements of this offense beyond a reasonable doubt. Otherwise, you must find the Defendant not guilty.

### **Quantity of Methamphetamine**

If you find the Defendant guilty of the "conspiracy" offense alleged in the Superseding Indictment, you must also determine beyond a reasonable doubt the quantity of methamphetamine involved in the conspiracy for which he can be held responsible. The Government does not have to prove that the offense involved the amount or quantity of methamphetamine charged in the Superseding Indictment, although the prosecution must prove

beyond a reasonable doubt the quantity of methamphetamine actually involved in the offense for which the Defendant can be held responsible. Therefore, you must ascertain whether or not the controlled substance in question was in fact methamphetamine, as charged in the Superseding Indictment, and you must determine beyond a reasonable doubt the amount of methamphetamine involved in the offense for which the Defendant can be held responsible. In so doing, you may consider all of the evidence in the case that may aid in the determination of these issues.

A defendant guilty of conspiracy to distribute methamphetamine, as charged in the Superseding Indictment, is responsible for quantities of methamphetamine that he actually distributed or agreed to distribute. Such a defendant is also responsible for those quantities of methamphetamine that fellow conspirators distributed or agreed to distribute, if you find that the Defendant could have reasonably foreseen, at the time he joined the conspiracy or while the conspiracy lasted, that those prohibited acts were a necessary or natural consequence of the conspiracy.

You must determine the total quantity of the controlled substance involved in the conspiracy for which the Defendant can be held responsible. You must indicate the range within which that total quantity falls. You must determine that total quantity in terms of grams of a mixture or substance containing a detectable amount of methamphetamine. In making your determination of quantity as required, it may be helpful to remember that one pound is equal to 453.6 grams, that one ounce is equal to 28.35 grams, and that one kilogram is equal to 1,000 grams.

Again, you must determine beyond a reasonable doubt the quantity of methamphetamine involved in the conspiracy for which the Defendant can be held responsible.

INSTRUCTION NO. 20

The Government must prove it is more likely true than not true that the offense charged was begun, continued, or completed in the District of South Dakota. You decide these facts by considering all of the evidence and deciding what evidence is more believable. This is a lower standard than proof beyond a reasonable doubt. The requirement of proof beyond a reasonable doubt applies to all other issues in the case.



INSTRUCTION NO. 21

It is not necessary for the Government to prove that the Defendant knew the precise nature of the controlled substance that he conspired to distribute.

The Government must prove beyond a reasonable doubt, however, that the Defendant did know that some type of controlled substance was distributed.

INSTRUCTION NO. 22

The Government is not required to prove that the Defendant was involved in a conspiracy that filled the entire period charged so long as the time frame proved was within the period alleged in the Superseding Indictment.

INSTRUCTION NO. 23

If a person enters into an agreement but withdraws from that agreement before anyone has committed an act in furtherance of it, then the crime of conspiracy was not complete at that time and the person who withdrew must be found not guilty of the crime of conspiracy.

In order for you to find that a person withdrew from a conspiracy, you must find that the person took a definite, positive step to disavow or defeat the purpose of the conspiracy. Merely stopping activities or a period of inactivity is not enough. That person must have taken such action before any member of the scheme had committed any act in furtherance of the conspiracy.

The Defendant has the burden of proving that he withdrew from the conspiracy, which means proving it is more likely true than not true that the Defendant withdrew from the conspiracy. You decide that by considering all the evidence and deciding what evidence is more believable on the question of whether the Defendant withdrew from the conspiracy. This is a lower standard than proof beyond a reasonable doubt. If the evidence appears to be equally balanced, or if you cannot say which is more believable, you must resolve that question against the Defendant. Deciding what evidence is more believable is not necessarily determined by the greater number of witnesses or exhibits a party has presented.

INSTRUCTION NO. 24

Count 2 of the Superseding Indictment charges that on or about April 26, 2016, in the District of South Dakota, Shawn Russell Sorensen, having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess firearms, to wit:

1. Davis Industries, model D22, .22 caliber Derringer, bearing serial number 338420;
2. Remington Arms, model 870 Magnum, 12 gauge shotgun, bearing serial number W588010M;
3. Remington Arms, model 870 Express Magnum, 20 gauge shotgun, bearing serial number B390429U; or
4. Approximately 133 rounds of various ammunition,

which had all been shipped and transported in interstate commerce, all in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

INSTRUCTION NO. 25

Section 922(g)(1) of Title 18 of the United States Code provides, in part, that:

“(g) It shall be unlawful for any person –

- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; . . . to . . . possess in or affecting commerce, any firearm or ammunition; . . . .”

INSTRUCTION NO. 26

It is a crime for a felon to possess a firearm, as charged in Count II of the Superseding Indictment. This crime has three essential elements, which are:

*One*, the Defendant had been convicted of a crime punishable by imprisonment for a term exceeding one year;

*Two*, after that, the Defendant knowingly possessed firearms, that is

- Davis Industries, model D22, .22 caliber Derringer, bearing serial number 338420;
- Remington Arms, model 870 Magnum, 12 gauge shotgun, bearing serial number W588010M;
- Remington Arms, model 870 Express Magnum, 20 gauge shotgun, bearing serial number B390429U; or
- Approximately 133 rounds of various ammunition; and

*Three*, at some time prior to the Defendant's possession of the firearms they were transported across a state line.

You are instructed that on or about December 2, 2002, the Defendant, Shawn Russell Sorensen, was convicted of a crime punishable by imprisonment for a term exceeding one year.

You are instructed that the Government and the Defendant have agreed that the Defendant has been convicted of a crime punishable by imprisonment for more than one year and you must consider the first element as proven.

If you have found beyond a reasonable doubt that the firearms in question were manufactured in a state other than South Dakota and that the Defendant possessed the firearms in the State of South Dakota, then you may, but are not required to, find that they were transported across a state line.

The term "firearm" means any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive.

Eighth Circuit Manual of Model Jury Instructions Criminal, 6.18.922A (2014) (modified); Government's Proposed Jury Instruction No. 8 (modified).

INSTRUCTION NO. 27

You heard a stipulation, Exhibit 119, read to you stating that in 2002 the Defendant was convicted of a crime which was punishable by imprisonment for a term exceeding one year. That information is no indication of what sentence was actually imposed. That conviction is received into evidence for a limited purpose only, that being Count II which as one of its elements requires proof beyond a reasonable doubt that Shawn Russell Sorensen was previously convicted of a crime punishable by imprisonment for a term exceeding one year. The fact of that conviction may not be used by you for any other purpose in your deliberations.



INSTRUCTION NO. 28

The term "to . . . possess" means to exercise control or authority over something at a given time. There are several types of possession—actual, constructive, sole, and joint.

The "possession" is considered to be actual possession when a person knowingly has direct physical control or authority over something. The "possession" is called constructive possession when a person does not have direct physical control over something, but can knowingly control it and intends to control it, sometimes through another person.

The "possession" may be knowingly exercised by one person exclusively which is called sole possession; or the "possession" may be knowingly exercised jointly when it is shared by two or more persons.

INSTRUCTION NO. 29

You are instructed that 18 U.S.C. § 922(g)(1), the crime for which the Defendant is charged, is, as a matter of law, a lawful and constitutional restriction of the Defendant's Second Amendment rights.

INSTRUCTION NO. 30

The Superseding Indictment charges that the offenses were committed “on or about” a certain date.

Although it is necessary for the Government to prove beyond a reasonable doubt that the offenses were committed on a date reasonably near the date alleged in the Superseding Indictment, it is not necessary to the Government to prove that the offenses were committed precisely on the date charged.

INSTRUCTION NO. 31

In conducting your deliberations and returning your verdict, there are certain rules you must follow. I will list those rules for you now.

*First*, when you go to the jury room, you must select one of your members as your foreperson. That person will preside over your discussions and speak for you here in court.

*Second*, it is your duty, as jurors, to discuss this case with one another in the jury room. You should try to reach agreement if you can do so without violence to individual judgment, because your verdicts – 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 a Defendant is found guilty, the sentence to be imposed is my responsibility. You may not consider punishment in any way in deciding whether the Government 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, 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 vote stands numerically.

*Fifth*, your verdicts must be based solely on the evidence and on the law which I have given to you in my instructions. The verdicts, whether guilty or not guilty, must be unanimous. Nothing I have said or done is intended to suggest what your verdicts should be—that is entirely for you to decide.

*Finally*, the verdict form is simply the written notice of the decisions that you reach in this case. You will take this form to the jury room, and when each of you has agreed upon the

verdicts, your foreperson will fill in the form, sign and date it, and advise the marshal that you are ready to return to the courtroom.

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN RUSSELL SORENSEN,

Defendant.

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CR 16-40062

VERDICT FORM

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Please return your verdicts by placing an "X" or "√" in the space provided.

VERDICT ONE

We, the jury in the above entitled numbered case, as to the crime of conspiracy to distribute 500 grams or more of a mixture or substance containing methamphetamine, find the Defendant, Shawn Russell Sorensen:

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

\_\_\_\_\_ GUILTY

**If you unanimously find Defendant guilty of the above crime, do not consider Verdicts Two and Three and go on to Verdict Four. If you unanimously find Defendant not guilty of the above crime, you must then consider in Verdict Two whether Defendant is guilty of conspiracy to distribute 50 grams or more of a mixture or substance containing methamphetamine. If you are unable to reach a unanimous decision on the above charge, leave the space blank and decide under Verdict two whether Defendant is guilty of conspiracy to distribute 50 grams or more of a mixture or substance containing methamphetamine.**

### VERDICT TWO

We, the jury in the above entitled numbered case, as to the crime of conspiracy to distribute 50 grams or more of a mixture or substance containing methamphetamine, find the Defendant, Shawn Russell Sorensen:

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

\_\_\_\_\_ GUILTY

If you unanimously find Defendant guilty of the above crime, do not consider Verdict Three and go on to Verdict Four. If you unanimously find Defendant not guilty of the above crime, you must then consider in Verdict Three whether Defendant is guilty of conspiracy to distribute some amount of methamphetamine. If you are unable to reach a unanimous decision on the above charge, leave the space blank and decide under Verdict Three whether Defendant is guilty of conspiracy to distribute some amount of a mixture or substance containing methamphetamine.

### VERDICT THREE

We, the jury in the above entitled numbered case, as to the crime of conspiracy to distribute some amount of a mixture or substance containing methamphetamine, find the Defendant, Shawn Russell Sorensen,

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

\_\_\_\_\_ GUILTY

Go on to consider Verdict Four.

### VERDICT FOUR

We, the jury in the above-entitled and numbered case, as to the crime felon in possession of a firearm, as charged in Count 2 of the Superseding Indictment, find the Defendant, Shawn Russell Sorensen:

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

\_\_\_\_\_ GUILTY

**Have your foreperson sign and date the Verdict Form below.**

Dated this \_\_\_\_\_ day of October, 2016.

\_\_\_\_\_  
Foreperson