

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

<p>UNITED STATES OF AMERICA, Plaintiff, vs. EDWARD LEON WILSON, A/K/A EDDIE WILSON, Defendant.</p>	<p>3:23-CR-30079-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.

Some of you may have heard the terms “direct evidence” and “circumstantial evidence.” You are instructed that you should not be concerned with those terms. The law makes no distinction between direct and circumstantial evidence. You should give all evidence the weight and value you believe it is entitled to receive.

INSTRUCTION NO. 4

When you were instructed that evidence was received for a limited purpose, you must follow that instruction. The evidence and stipulation about the Defendant's prior convictions and the circumstances of those convictions were received for a limited purpose only. That limited purpose was as evidence of whether the Defendant, on at least two separate prior occasions before May 25, 26, and 28, 2023, had been convicted of an assault against a dating or intimate partner, which is an essential element of Counts II, IV, and VII.

You heard a recording of a 911 call and some statements that Clare Emery made to law enforcement that are inconsistent with her testimony. The content of the 911 call and Clare Emery's statements to law enforcement are hearsay and cannot be used substantively to prove the truth of the matters asserted. The 911 call and Clare Emery's statements to law enforcement were received to explain how and why the police responded and to assist you in assessing the credibility of the reporting party, Clare Emery.

You have heard evidence that the Defendant previously engaged in a domestic assault against Erin Brave. You may consider this as evidence of the Defendant's motive, intent, plan, knowledge, identity, absence of mistake, or lack of accident with respect to the charged offenses. You may not consider that evidence that the Defendant has some bad character or trait or habit.

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

INSTRUCTION NO. 5

Certain charts and diagrams have been shown to you in order to help explain facts or other underlying evidence in the case. Those charts or diagrams are used for convenience. They are not themselves evidence or proof of any facts. If they do not correctly reflect the facts shown by the evidence in the case, you should disregard these charts and diagrams and determine the facts from the evidence as presented.

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 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.

INSTRUCTION NO. 7

You have heard testimony from a person described as an expert. A person who, by knowledge, skill, training, education, or experience, has become an expert in some field may state opinions on matters in that field and may also state the reasons for those opinions.

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

INSTRUCTION NO. 8

You have heard testimony that certain witnesses may have made statements at an earlier time that are inconsistent with their testimony at trial. If you find that such prior inconsistent statements were indeed made, you may consider the witness's prior statements to evaluate the credibility of the witness but may not consider the prior inconsistent statement as proof of the matter asserted.

INSTRUCTION NO. 9

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

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

There is no burden upon the Defendant to prove that he is innocent. Instead, the burden of proof remains on the Government throughout the trial. 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. 10

The crime of Domestic Assault by an Habitual Offender, as charged in Count II, has three elements, which are:

One, that on or about the 25th day of May, 2023, at St. Francis, in Todd County, South Dakota, Edward Leon Wilson, a/k/a Eddie Wilson, committed a domestic assault, as defined in Instruction Number 15, upon Clare Emery;

Two, that on at least two separate prior occasions, Edward Leon Wilson, a/k/a Eddie Wilson, had been convicted of an assault against a spouse, intimate partner, or dating partner; and

Three, that the offense took place in Indian country.

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 the Defendant not guilty of this crime.

INSTRUCTION NO. 11

The crime of Domestic Assault by an Habitual Offender, as charged in Count IV, has three elements, which are:

One, that on or about the 26th day of May, 2023, at St. Francis, in Todd County, South Dakota, Edward Leon Wilson, a/k/a Eddie Wilson, committed a domestic assault, as defined in Instruction Number 15, upon Clare Emery;

Two, that on at least two separate prior occasions, Edward Leon Wilson, a/k/a Eddie Wilson, had been convicted of an assault against a spouse, intimate partner, or dating partner; and

Three, that the offense took place in Indian country.

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 the Defendant not guilty of this crime.

INSTRUCTION NO. 12

The crime of Domestic Assault by an Habitual Offender, as charged in Count VII, has three elements, which are:

One, that on or about the 28th day of May, 2023, at St. Francis, in Todd County, South Dakota, Edward Leon Wilson, a/k/a Eddie Wilson, committed a domestic assault, as defined in Instruction Number 15, upon Clare Emery;

Two, that on at least two separate prior occasions, Edward Leon Wilson, a/k/a Eddie Wilson, had been convicted of an assault against a spouse, intimate partner, or dating partner; and

Three, that the offense took place in Indian country.

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 the Defendant not guilty of this crime.

INSTRUCTION NO. 13

The term “spouse or intimate partner” as used in these instructions means:

1. A spouse or former spouse of the alleged abuser, a person who shares a child in common with the alleged abuser, or a person who cohabitates or has cohabitated as a spouse with the alleged abuser;
2. A person who is or has been in a social relationship of a romantic or intimate nature with the alleged abuser, as determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship; or
3. Any other person similarly situated to a spouse who is protected by the domestic or family violence laws of the State or tribal jurisdiction in which the injury occurred or where the alleged victim resides.

INSTRUCTION NO. 14

The term “dating partner ” as used in these instructions means a person who is or has been in a social relationship of a romantic or intimate nature with the alleged abuser. The existence of such a relationship is based on the consideration of:

1. The length of the relationship;
2. The type of the relationship; and
3. The frequency of interaction between the persons involved in the relationship.

INSTRUCTION NO. 15

An "assault" under Federal law is (1) any intentional and voluntary attempt or threat to do injury to another person, when coupled with the apparent present ability to do so, sufficient to put the person against whom the attempt is made in fear of immediate bodily harm or (2) any intentional or knowing harmful or offensive bodily touching or contact, however slight, without justification or excuse, with another's person, regardless of whether physical harm is intended or inflicted or whether the victim has a reasonable apprehension of bodily harm.

The term "Domestic Assault" as used in these instructions means an assault committed:

1. By a current or former spouse of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with or has cohabitated with the victim as a spouse; or
4. By a person similarly situated to a spouse of the victim.

INSTRUCTION NO. 16

The Indictment in this case alleges that the Defendant is an Indian and that the alleged offenses occurred in Indian country. The existence of those two factors is necessary in order for this Court to have jurisdiction over the crimes charged in the Indictment. Counsel for the Government, counsel for the Defendant, and the Defendant have agreed or stipulated that the Defendant is an Indian and that the place where the alleged incidents are claimed to have occurred is in Indian country. You must therefore treat those facts as having been proved.

The Defendant has not, by entering this agreement or stipulation, admitted his guilt of the offenses charged, and you may not draw any inference of guilt from the stipulation. The only effect of this stipulation is to establish the facts that the Defendant is an Indian and that the places where the alleged offenses are claimed to have occurred is in Indian country.

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 the 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 Defendant knew that his actions were unlawful. You may consider evidence of the Defendant's words, acts, or omissions, along with all the other evidence, in deciding whether the Defendant acted knowingly.

INSTRUCTION NO. 18

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. 19

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 the 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 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, cell phone, smart phone, iPhone, Blackberry, 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, LinkedIn, Instagram, YouTube, TikTok, X (formerly known as Twitter), or Truth Social, 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. EDWARD LEON WILSON, A/K/A EDDIE WILSON, Defendant.</p>	<p>3:23-CR-30079-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 Defendant Edward Leon Wilson, a/k/a Eddie Wilson, _____ (fill in either “not guilty” or “guilty”) of Domestic Assault by an Habitual Offender on May 25, 2023, as charged in Count II of the Indictment.
2. We find Defendant Edward Leon Wilson, a/k/a Eddie Wilson, _____ (fill in either “not guilty” or “guilty”) of Domestic Assault by an Habitual Offender on May 26, 2023, as charged in Count IV of the Indictment.
3. We find Defendant Edward Leon Wilson, a/k/a Eddie Wilson, _____ (fill in either “not guilty” or “guilty”) of Domestic Assault by an Habitual Offender on May 28, 2023, as charged in Count VII of the Indictment.

Dated this ____th day of October, 2023.

Foreperson