UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. JEREMY YOUNG, Defendant.	3:23-CR-30050-RAL FINAL JURY INSTRUCTIONS

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

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. 5

The Indictment in this case charges the defendant, Jeremy Young, with one count of Assaulting, Resisting, and Impeding a Federal Officer. The defendant has pleaded not guilty to this charge.

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 United States proved during the trial, beyond a reasonable doubt, each element of the crime charged.

Please remember that only the defendant, not anyone else, is on trial here, and that the defendant is on trial only for the crime 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 United States 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. 6

The crime of Assaulting, Resisting, and Impeding a Federal Officer, as charged in the Indictment, has four elements, which are:

***One*, that on or about the 15th day of March, 2023, in Todd County, in the District of South Dakota, the defendant, Jeremy Young, acted forcibly to either assault, resist, oppose, impede, intimidate, or interfere with Rosebud Sioux Tribal Law Enforcement Officer Sergeant Samuel Antoine;**

These terms are defined in Instruction No. 7.

***Two*, that the defendant's act or acts involved physical contact with Sergeant Samuel Antoine;**

***Three*, the defendant's act or acts were done voluntarily and intentionally; and**

***Four*, that at the time of the defendant's act or acts, Sergeant Samuel Antoine was employed as a law enforcement officer with the Rosebud Sioux Tribe Law Enforcement Services and was engaged in the performance of his official duties at the time.**

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

INSTRUCTION NO. 7

As used in these instructions:

"Forcibly" means by use of force. Physical force is sufficient, but actual physical contact is not required. You may also find that a person who, in fact, has the present ability to inflict bodily harm upon another and who threatens or attempts to inflict bodily harm upon such a person acts forcibly. In such a case, the threat must be a present one.

An "assault" is any intentional and voluntary attempt or threat to do injury to the person of another, 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. An assault may also be any intentional or knowing harmful or offensive 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.

To "resist" means to exert force in opposition; to exert oneself so as to counteract or defeat; to withstand the force or effect of.

To "oppose" means to offer resistance to.

To "impede" means to interfere with or slow the progress of.

To "interfere" means to interpose in a way that hinders or impedes.

To "intimidate" means to make timid or fearful; to compel or deter by or as if by threats.

INSTRUCTION NO. 8

If you should unanimously find the defendant "Not Guilty" of the crime of Assaulting, Resisting, and Impeding a Federal Officer, as charged in the Indictment, or if, after reasonable efforts, you are unable to reach a verdict as to the crime charged in the Indictment, then you must proceed to determine whether the defendant is guilty or not guilty of the crime of Simple Assault of a Federal Officer under this instruction.

The crime of Simple Assault of a Federal Officer, a lesser included offense of the crime of Assaulting, Resisting, and Impeding a Federal Officer, as charged in the Indictment, has three elements, which are:

***One*, that on or about the 15th day of March, 2023, in Todd County, in the District of South Dakota, the defendant, Jeremy Young, acted forcibly to either assault, resist, oppose, impede, intimidate, or interfere with Rosebud Sioux Tribal Law Enforcement Officer Sergeant Samuel Antoine by committing simple assault;**

These terms have the same definitions as those set forth in Instruction No. 7.

***Two*, the defendant's act or acts were done voluntarily and intentionally; and**

***Three*, that at the time of the defendant's acts or acts, Sergeant Samuel Antoine was employed as a law enforcement officer with the Rosebud Sioux Tribe Law Enforcement Services and was engaged in the performance of his official duties at the time.**

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

The difference between the crime charged in the Indictment and this lesser included offense is that this lesser included offense does not require proof that the defendant's act or acts involved voluntary and intentional physical contact with Sergeant Samuel Antoine.

INSTRUCTION NO. 9

The Court has determined, as a matter of law, that law enforcement officers working for the Rosebud Sioux Tribe Law Enforcement Services funded under a Public Law 93-638 contract qualify as federal officers for purposes of the offense charged in the Indictment. It is for you to determine if Sergeant Samuel Antoine is an officer of the Rosebud Sioux Tribe Law Enforcement Services, and if he was engaged in the performance of his official duties at the time in question.

"Engaged in the performance of his official duties" simply means acting within the scope of what the person is employed to do. It is not defined by whether the officer is abiding by laws and regulations in effect at the time of the incident. The test is whether the person is acting within that area of responsibility, that is, whether the officer's actions fall within the agency's overall mission, in contrast to engaging in a personal frolic of his own.

INSTRUCTION NO. 10

The defendant need not know that the victim was a federal officer at the time of the offense charged in the Indictment.

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INSTRUCTION NO. 11

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 United States 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. 12

When a defendant flees from law enforcement immediately after commission of the alleged crime in question, you may consider whether or not this evidence points to a consciousness of guilt. The significance, if any, to be attached to any such evidence is for you to determine.

INSTRUCTION NO. 13

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. 14

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 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, 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, mobile application, 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

UNITED STATES OF AMERICA, Plaintiff, vs. JEREMY YOUNG, Defendant.	3:23-CR-30050-RAL VERDICT FORM

We, the jury, duly empaneled and sworn to try the issues in this case, find as follows:

1. We find the defendant, Jeremy Young, _____ (fill in either "not guilty" or "guilty") of Assaulting, Resisting, and Impeding a Federal Officer as charged in the Indictment.

2. ***Answer if, and only if, you found the defendant "not guilty" or you are not able to reach a verdict after reasonable efforts as to question 1. If you find the defendant "guilty" of the charge in the Indictment, then leave this blank.***

   We find the defendant, Jeremy Young, _____ (fill in either "not guilty" or "guilty") of the lesser included offense of simple assault of a federal officer.

Dated November _____, 2023

_____
Foreperson