JURY INSTRUCTIONS
(before Opening Statements)

Those who participate in a trial must do so pursuant to established rules. This is true of the witnesses, the lawyers, and the Judge. It is equally true of you as jurors. The lawyers present the evidence according to rules; the Judge enforces the rules and determines what evidence may be admitted. It is also the duty of the Judge to instruct you in the law, and it is your duty to follow the law as I will state it to you, both now and during the trial.

If in these instructions, or in instructions that I will give you later, any principle or idea is repeated or stated in varying ways, no emphasis is intended, and none must be inferred by you. Therefore, you must not single out any particular sentence or individual point and ignore the others, but rather you are to consider all the instructions as a whole, and are to consider each instruction in relation to all the others. The fact that I give you some instructions now, and some later, has no significance as to their relative importance, nor does the order in which I give you these instructions.

The trial procedure is as follows: First, the lawyers outline in their opening statements what they believe the evidence will be. Then Plaintiff offers evidence; next Defendant may offer evidence; then Plaintiff may present a rebuttal. The trial concludes with closing arguments by the lawyers and final instructions of law from me, after which you will retire to deliberate on a verdict.

The lawyers will, of course, have active roles in the trial. They will make arguments, question witnesses, and perhaps make objections. Remember that lawyers are not witnesses, and since it is your duty to decide the case solely on the evidence that you see or hear in the courtroom, you must not consider as evidence statements of the lawyers.

There is an exception, and that is if the lawyers agree to any fact. Such agreement (called a stipulation or admission) will be brought to your attention, and it will then be your duty to regard such fact as being conclusively proved without the need for further evidence.

If a question is asked and an objection to the question is sustained, you will then not hear the answer, and you must not speculate as to what the answer might have been or the reason for the objection. If an answer is given to a question and the Court then grants a motion to strike out the answer, you are to completely disregard such question and answer and not consider them for any purpose. A question in and of itself is not evidence, and may be considered by you only as it supplies meaning to the answer.

Your role during this trial is to decide all questions of fact submitted to you. To do this, you must determine the effect and value of evidence, and you must not be influenced in your decision by sympathy, prejudice, or passion toward any party, witness, or lawyer in the case.

As jurors, you have the sole and exclusive duty to decide the credibility of the witnesses who testify in this case, which simply means that it is you who must decide whether to believe, or disbelieve, a particular witness. In determining these questions, you will apply the tests of truthfulness that you apply in your daily lives. These tests include the appearance of each witness on the stand; his or her manner of testifying; the reasonableness of the testimony; the opportunity he or she had to see, hear, and know the things concerning which he or she testified; his or her accuracy of memory; frankness or lack of it; intelligence; interest and bias, if any; together with all the facts and circumstances surrounding the testimony. Applying these tests you will assign to the testimony of each witness such weight as you deem proper.

You are not required to believe the testimony of any witness simply because it was given under oath. You may believe or disbelieve all or any part of the testimony of any witness.

You should not decide any issue of fact merely on the basis of the number of witnesses who testify on each side of an issue. Rather, the final test in judging evidence should be the force and weight of the evidence, regardless of the number of witnesses on each side of an issue. The testimony of one witness believed by you is sufficient to prove any fact.

Also, discrepancies in testimony between witnesses does not necessarily mean that you should disbelieve a witness, as people commonly forget facts or recollect them erroneously after the passage of time. You are certainly aware that two persons who witness the same incident may often see or hear it differently. In considering a discrepancy in testimony, you should consider whether such discrepancy concerns an important fact or a trivial one.

This concludes my general preliminary instructions. Now I will give you a short statement about some of the specifics of this case.

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[CRIMINAL]

Defendant pled not guilty to the crimes charged in the Indictment. Therefore, he/she starts the trial with a clean slate, with no evidence at all against him/her, and the law presumes that he/she is innocent. This presumption of innocence stays with him/her unless the Government presents evidence, here in Court, that overcomes the presumption and convinces you, beyond a reasonable doubt, that he/she is guilty.

This means Defendant has no obligation to testify or present any evidence at all, or prove to you in any way he/she is innocent. Simply put, it is up to the Government to prove he/she is guilty.

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Now for some specifics.