

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

COREY THOMAS and  
PRINCE P. BECK,

Defendants.

FINAL PRETRIAL  
CONFERENCE ORDER

08-cr-87-bbc

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On February 9, 2009 this court held the final pretrial conference. Defendant Corey Thomas was present with his attorney Robert Ruth. Defendant Prince Beck was present with his attorney Reed Cornia. The government was represented by Assistant United States Attorney's Elizabeth Altman and Stephen Sinnott.

Prior to the hearing, the court circulated draft voir dire questions and jury instructions. The parties had no substantive changes to either document, but had several minor requests that I granted. Final versions of the voir dire and the universe of jury instructions are attached to this order, along with four-count verdict forms.

All parties filed motions *in limine*. The government filed a notice of intent to offer evidence that fronted several topics to the court and the defendants. See dkt. 176. At this juncture, neither defendant needs to be heard on any of the issues raised in the government's notice. The government moved to exclude any alibi evidence by defendant Beck for the May 21 robbery. See dkt. 177. Beck does not need to be heard on this but as always, reserves his right to be heard if something new and different arises. The government moved to allow evidence at trial of the defendants' gang affiliation. See dkt. 178. At this juncture, neither defendant objects because it is each defendants' understanding that the government is not

alleging that he actually is a gang member, but simply that he associated with people who were. The government had no other *in limine* issues to bring to the court's attention.

Defendant Thomas filed a motion *in limine* to specify which evidence was to be excluded pursuant to the court's grant of Thomas's motion to suppress evidence. See dkt. 180. At this juncture, the parties appear to be in general agreement as to what's in and what's out. Prior to the final hearing, the parties will cross-reference their lists and bring any disputes in this regard to the court's attention. The second part of Thomas's motion was to exclude any evidence regarding a shot gun alleging hidden at Thomas's instruction. Thomas had no other *in limine* issues to bring to the court's attention.

Defendant Beck filed five motions *in limine* prophylactically, admittedly based on treatment he has received at the hands of various state prosecutors. See dkts. 171 - 175. Neither Beck nor the U.S. Attorney's Office needs to be heard on any of these five motions.

The parties had no other substantive matters to bring to the court's attention. By way of trial mechanics, the parties are predicating at least a four day trial, and maybe a fifth day. This presents possible logistical problems because trial begins on Tuesday, February 17, 2009. Because Judge Crabb cannot try this case on Saturday, any fifth day would have to be Monday, February 23.

The parties agree that two alternative jurors will suffice. The defendants will split their complement of peremptory strikes, with each defendant taking five personal peremptory strikes against the jury and one personal peremptory strike against the alternate pool. Defense counsel are aware that they are responsible to obtain street clothes for their clients. All counsel are aware that they must present evidence on the court's ELMO system. The defendants have asked to be seated at separate tables. I granted that request and directed counsel to follow up with court

staff, particularly with regard to obtaining a second set of electronics. The parties had no other matters to bring to the court's attention.

Entered this 11<sup>th</sup> day of February, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge

Voir Dire: United States v. Thomas & Beck, 08-cr-87-bbc

Statement of the case: This is a criminal case, in which the defendants, Corey Thomas and Prince Beck, are charged with conspiring with each other and with other people to rob two banks. They also are charged with the armed robberies of Bank Mutual in Middleton and US Bank in Blooming Grove and with unlawfully using a firearm during a bank robbery. Each defendant has entered a plea of not guilty to the charges against him.

Have any of you heard of this case before today? Would this affect your ability to serve impartially as a juror in this case?

1. Scheduling: this case will begin today and probably will conclude by this Friday, although it might possible continue on next Monday. Are any of you actually unable to sit as jurors because of this schedule?

2. Is there anything about the nature of the charges in this case that might affect your ability to be impartial in this case?

3. The court reads Pattern Jury Instructions of the Seventh Circuit:

Presumption of Innocence. Each defendant is presumed to be innocent of the charges. This presumption remains with the defendant throughout every stage of the trial and during your deliberations on the verdict, and is not overcome unless from all the evidence in the case you are convinced beyond a reasonable doubt that the defendant is guilty.

Burden of Proof. The government has the burden of proving the guilt of each defendant beyond a reasonable doubt, and this burden remains on the government throughout the case. A defendant is not required to prove his innocence or to produce any evidence.

Each defendant has an absolute right not to testify. The fact that the defendant does not testify cannot be considered by you in any way in arriving at your verdict.

Even though the defendants are being tried together, you must give each of them separate consideration. In doing this, you must analyze what the evidence shows about each defendant. Each defendant is entitled to have his or her case decided on the evidence and the law that applies to that defendant.

Would any of you be unable or unwilling to follow these instructions?

4. Ask counsel to introduce themselves, the defendants and the case agent. Ask whether jurors know them.

5. Invite each juror, in turn, to rise, and provide the following information:

Name, age, and city or town of residence.

Marital status and number of children, if any.

Current occupation (former if retired).

Current (or former) occupation of your spouse and any adult children.

Any military service, including branch, rank and approximate date of discharge.

Level of education, and major areas of study, if any.

Memberships in any groups or organizations.

Hobbies and leisure-time activities.

Favorite types of reading material.

Favorite types of television shows.

Whether you regularly listen to talk radio, and if so, to which programs.

Whether you have any bumper stickers on your vehicle and what they say.

6. Do any of you in the jury box know each other from before today?

7. The defendants are African American. Would any of you find it difficult to serve as an impartial juror in a case in which African American man is charged with crimes involving armed bank robbery?

8. Have any of you, your relatives or any close friends ever worked for any bank, savings and loan, credit union or similar business? [Follow up] Would this affect your ability to be impartial in this case?

9. Have any of you, your relatives or any close friends ever held any accounts at or had other business dealings with any branch of US Bank or Bank Mutual? [Follow up] Would this affect your ability to be impartial in this case?

10. Have any of you, your relatives or any close friends ever been the victim of any sort of robbery, burglary or other violent crime at home or at work, or been employed by a business that has been robbed or burglarized? [Follow up] Would this affect your ability to be impartial in this case?

11. Have any of you, your relatives, or close friends ever been the victim of any other crime? Would this affect your ability to be impartial in this case?

12. Have any of you, your relatives, or close friends ever been accused of, or convicted of any criminal offense? [Sidebar if necessary]. Would this affect your ability to be impartial in this case?

13. How many of you own firearms or live with someone who possesses firearms? Would this affect your ability to be impartial in this case?

14. Other than what you have already told us, do any of you belong to any groups or organizations that concern themselves with firearms or the possession of firearms, either for or against? Would this affect your ability to be impartial in this case?

15. Do any of you have any strong opinions or feelings about firearms or the possession of firearms? Would this affect your ability to be impartial in this case?

16. Have any of you, your family or close friends ever been injured by a firearm? Would this affect your ability to be impartial in this case?

17. Do any of you, by virtue of past dealings with the United States government, or for any reason, have any bias for or against the government in a criminal case?

18. Have any of you, your relatives, or close friends ever worked for the local, county, state, or federal government? Would this affect your ability to be impartial in this case?

19. Have any of you, your relatives, or close friends ever worked for, or had other professional contact with any law enforcement, investigative or security company or agency, or any prison? Would this affect your ability to be impartial in this case?

20. Have any of you ever belonged to any organization or group that excluded people because of their race, gender, or religion?

21. You may hear testimony in this case regarding DNA typing and matching. Do any of you have strong feelings or opinions about the government's use of DNA evidence in criminal cases? Would these feelings or opinions affect your ability to be impartial in this case?

22. Would any of you judge the credibility of a witness who was a law enforcement officer or government employee differently from other witnesses solely because of his or her official position?

23. Would any of you judge the credibility of a witness who had been convicted of a crime in the past differently from other witnesses solely because of this prior conviction?

24. You may hear testimony in this case from witnesses who have agreed to testify for the government in exchange for benefits such as a reduction in their criminal sentences. Do any of you have strong feelings or opinions about the government's use of plea bargaining to obtain testimony? Would these feelings or opinions affect your ability to be impartial in this case?

25. Would any of you judge the testimony of a witness who was African American differently from other witnesses solely because of the witness's race?

26. If the defendant were to choose to testify, would any of you judge his credibility differently from other witnesses solely because it was the defendant who was testifying?

27. Have any of you, your relatives, or close friends ever been a witness in a trial? Is there anything about this experience that might affect your ability to be impartial in this case?

28. Have any of you, your relatives, or close friends ever had any negative experience with any lawyer, any court, or any legal proceeding that would affect your ability to be impartial in this case?

29. How many of you have served previously as a juror in another case? Please tell us in which court you served, approximately when, the type of cases you heard, whether you were foreperson, and the verdicts.

30. If at the conclusion of the trial you were to be convinced of the defendant's guilt beyond a reasonable doubt, is there any one of you who would not, or could not, return a verdict of guilty?

31. If at the conclusion of the trial you were not to be convinced of the defendant's guilt beyond a reasonable doubt, is there any one of you who would not, or could not, return a verdict of not guilty?

32. The court will instruct you on the law to be applied in this case. You are required to accept and follow the court's instructions in that regard, even though you may disagree with the law. Is there any one of you who cannot accept this requirement?

33. Do you know of any reason whatever, either suggested by these questions or otherwise, why you could not sit as a trial juror with absolute impartiality to all the parties in this case?

## JUROR BACKGROUND INFORMATION

When asked to do so by the court, please stand and provide the following information about yourself:

Name, age, and city or town of residence.

Marital status and number of children, if any.

Current occupation (former if retired).

Current (or former) occupation of your spouse and any adult children.

Any military service, including branch, rank and approximate date of discharge.

Level of education, and major areas of study, if any.

Memberships in any groups or organizations.

Hobbies and leisure-time activities.

Favorite types of reading material.

Favorite types of television shows.

Whether you regularly listen to talk radio and if so, to which programs.

Whether you have any bumper stickers on your vehicle and what they say.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

JURY INSTRUCTIONS

v.

08-cr-87-bbc

COREY J. THOMAS and  
PRINCE P. BECK,

---

Members of the jury, you have seen and heard all the evidence and the arguments of the attorneys. Now I will instruct you on the law.

You have two duties as a jury. Your first duty is to decide the facts from the evidence in the case. This is your job, and yours alone.

Your second duty is to apply the law that I give you to the facts. You must follow my instructions on the law, even if you disagree with them. Each of the instructions is important. You must follow all of them.

Perform these duties fairly and impartially. Do not allow sympathy, prejudice, fear or public opinion to influence you. Do not allow any person's race, color, religion, national ancestry or sex to influence you.

Nothing I say now and nothing I said or did during the trial is meant to indicate any opinion on my part about what the facts are or about what your verdict should be.

The evidence consists of the testimony of the witnesses, the exhibits admitted in evidence and stipulations.

A stipulation is an agreement between both sides that certain facts are true.

I have taken judicial notice of certain facts that may be regarded as matters of common knowledge. You may accept those facts as proved, but you are not required to do so.

You are to decide whether the testimony of each of the witnesses is truthful and accurate, in part, in whole, or not at all, as well as what weight, if any, you give to the testimony of each witness. In evaluating the testimony of any witness, you may consider among other things: the witness's age; the witness's intelligence; the ability and opportunity the witness had to see, hear, or know the things the witness testified about; the witness's memory; any interest, bias, or prejudice the witness may have; the manner of the witness while testifying; and the reasonableness of the witness's testimony in light of all the evidence in the case. [You should determine the credibility of a defendant who testifies the same as any other witness].

You should use common sense in weighing the evidence. Consider the evidence in light of your own observations in life. You are allowed to draw reasonable inferences from facts. In other words, you may look at one fact and conclude from it that another fact exists. Any inferences you make must be reasonable and must be based on the evidence in the case.

Some of you have heard the phrases “circumstantial evidence” and “direct evidence.” Direct evidence is the testimony of someone who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a series of facts that tend to show whether the defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. You should decide how much weight to give to any evidence. You should consider all the evidence in the case, including the circumstantial evidence, in reaching your verdict.

Certain things are not evidence. I will list them for you:

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

Second, anything that you may have seen or heard outside the courtroom is not evidence and must be entirely disregarded. This includes any press, radio, or television reports you may have seen or heard. Such reports are not evidence and must not influence your verdict.

Third, questions and objections by the lawyers are not evidence. Lawyers have a duty to object when they believe a question is improper. You should not be influenced by any objection or by my ruling on it.

Fourth, the lawyers' statements to you are not evidence. The purpose of these statements is to discuss the issues and the evidence. If the evidence as you remember it differs from what the lawyers said, your collective memory is what counts.

It is proper for a lawyer to interview any witness in preparation for trial.

You may find the testimony of one witness or a few witnesses more persuasive than the testimony of a larger number. You need not accept the testimony of the larger number of witnesses.

You have received evidence of a statement said to be made by the defendant \_\_\_\_\_ to \_\_\_\_\_ on \_\_\_\_\_. You must decide whether the defendant did make the statement attributed to him. If you find that the defendant did make the statement, then you must decide what weight, if any, you believe the statement deserves. In making this decision, you should consider all matters in evidence having to do with the statement, including those concerning the defendant himself, and the circumstances under which the statement was made. [You may not consider this statement as evidence against any defendant other than the one who made it].

Each defendant has an absolute right not to testify. In arriving at your verdict, you must not consider the fact that a defendant did not testify.

You have heard evidence of acts of the defendant other than those charged in the indictment. Specifically, \_\_\_\_\_ You may consider this evidence only on the question \_\_\_\_\_. You should consider this evidence only for these limited purposes.

You have heard evidence that \_\_\_\_\_ have been convicted of crimes. You may consider this evidence only in deciding whether the testimony of any of these witnesses is truthful in whole, in part, or not at all. You may not consider this evidence for any other purpose.

You have heard evidence about the character trait of \_\_\_\_\_ for untruthfulness. You should consider this evidence in deciding the weight that you will give to their testimony.

You have heard evidence that before the trial, witnesses made statements that may be inconsistent with their testimony here in court. If you find that it is inconsistent, you may consider the earlier statement only in deciding the truthfulness and accuracy of that witness's testimony in this trial. You may not use it as evidence of the truth of the matters contained in that prior statement. If that statement was made under oath, you may also consider it as evidence of the truth of the matters contained in that prior statement.

You have heard evidence about a number of the witnesses that may affect your evaluation of their testimony:

You have heard testimony from \_\_\_\_\_, who admitted lying under oath.

You have heard testimony that \_\_\_\_\_ have received benefits from the government in connection with this case. Specifically, \_\_\_\_\_.

You have heard testimony from \_\_\_\_\_, who stated that they were involved in the commission of the alleged crimes charged against the defendant.

The witnesses \_\_\_\_\_ have pleaded guilty to crimes arising out of the same allegations for which the defendant is now on trial.

The witnesses \_\_\_\_\_ have received immunity; that is, a promise from the government that any testimony or other information she provided would not be used against her in a criminal case.

You may give the testimony of all these witnesses such weight as you believe it deserves, keeping in mind that it must be considered with caution and great care.

Moreover, the guilty pleas of witnesses \_\_\_\_\_ cannot be considered as evidence against the defendants on trial now.

### THE INDICTMENT

The defendant is charged in the indictment as follows:

*[Court reads the indictment]*

The indictment in this case is the formal method of accusing the defendants of crimes and placing the defendants on trial. It is not evidence against either defendant and it does not create any implication of guilt.

The defendants are not on trial for any act or any conduct not charged in the indictment.

Each defendant is presumed to be innocent of the charges against him. This presumption continues during every stage of the trial and your deliberations on the verdict. It is not overcome as to either defendant unless from all the evidence in the case you are convinced beyond a reasonable doubt that the defendant is guilty as charged.

The government has the burden of proving each defendant's guilt beyond a reasonable doubt. This burden of proof stays with the government throughout the case. A defendant is never required to prove his innocence or to produce any evidence at all.

### THE ELEMENTS OF COUNT 1: CONSPIRACY

In Count 1 the government has charged the defendants with conspiring with other people to rob two banks. A conspiracy is an agreement between two or more persons to accomplish an unlawful purpose. To sustain this charge, the government must prove these elements:

- 1) The conspiracy charged in Count 1 existed;
- 2) The defendant knowingly became a member of this conspiracy with the intention to further the conspiracy; and
- 3) An overt act was committed by at least one conspirator in furtherance of the conspiracy.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt as to the defendant you are considering, then you should find that defendant guilty of Count 1.

If, on the other hand, you find from your consideration of all of the evidence that any of these propositions has not been proved beyond a reasonable doubt as to the defendant you are considering, then you must find that defendant not guilty of Count 1.

A conspiracy may be established even if its purpose was not accomplished.

To be a member of the conspiracy, a defendant need not join at the beginning or know all the other members or all of the means by which its purpose was to be accomplished. The government must prove beyond a reasonable doubt that a defendant was aware of the common purpose of the conspiracy and was a willing participant.

As to the first element of Count 1, in deciding whether the charged conspiracy existed, you may consider the actions and statements of every one of the alleged participants. An agreement may be proved from all the circumstances and the words and conduct of all of the alleged participants which are shown by the evidence.

As to the second element of Count 1, in deciding whether a particular defendant joined the charged conspiracy, you must base your decision solely on what that defendant personally did or said. In determining what the defendant personally did or said, you may consider his own words and acts. You also may consider the words and acts of other people to help you determine what the defendant personally did or said, and you may use the words and acts of other people to help you understand and interpret the defendant's own words and acts. Keep in mind, however, that a defendant's membership in the charged conspiracy can only be proved by his own words or acts.

By themselves, a defendant's presence at the scene of a crime and knowledge that a crime is being committed are not sufficient to establish the defendant's guilt.

A defendant's association with conspirators is not by itself sufficient to prove his participation or membership in a conspiracy.

If a defendant performed acts that advanced a criminal activity but had no knowledge that a crime was being committed or was about to be committed, those acts alone are not sufficient to establish the defendant's guilt.

To meet its burden of proof as to Count 1, the government must prove that a defendant knowingly and intentionally joined the charged conspiracy, knowing the conspiracy's aim and intending to achieve that aim.

In meeting its burden of proof for the third element of Count 1, the government does not need to prove all of the overt acts charged in the conspiracy. It only needs to prove one. However, you must unanimously agree on at least one overt act. It is not sufficient for some of you to find that the government has proved one overt act and the rest of you to find that the government has proved a different overt act. All twelve of you must agree on a particular act or acts.

The overt act proved may itself be a lawful act.

A conspirator is responsible for other offenses committed by his fellow conspirators if he was a member of the conspiracy when the other offense was committed and if that offense was committed in furtherance of and as a foreseeable consequence of the conspiracy.

Therefore, if you find a defendant guilty of the conspiracy charged in Count 1 and if you find beyond a reasonable doubt that while he was a member of this conspiracy, his fellow conspirators committed any of the offenses charged in Counts 2, 3 or 4 in furtherance of and as a foreseeable consequence of this conspiracy, then you should find the defendant guilty of that count or those counts.

#### THE ELEMENTS OF COUNTS 2 AND 3: ARMED BANK ROBBERY

To sustain the charge in Count 2 or Count 3 against either defendant, the government must prove these elements:

1) The defendant took from the person or presence of another money belonging to, or in the care, custody, control, management or possession of the bank named in the count that you are considering;

2) On the day of the charged robbery, this bank had its deposits insured by the Federal Deposit Insurance Corporation;

3) The defendant took such money by means of force and violence, or by means of intimidation; and

4) The defendant assaulted or put in jeopardy the life of another person by the use of a dangerous weapon while committing the robbery.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt as to the defendant you are considering in the count that you are considering, then you should find that defendant guilty of that count.

On the other hand, if you find from your consideration of all the evidence that any of these propositions has not been proved beyond a reasonable doubt as to the defendant you are considering in the count that you are considering, then you must find that defendant not guilty of that count.

In order to meet its burden of proof as to the first element of Counts 2 and 3, the government must prove that the money allegedly taken belonged to, or was in the care, or the custody, or under the control, or under the management of the bank. The government does not need to prove all of these ways that the bank could have possessed and controlled the money, but it must prove at least one of them. Before you may find that the government has met this burden in any given count, all twelve of you must agree on whether the money specified in that count belonged to or was in the care, or the custody, or the control, or the possession, or under the management of the bank.

As used in the third element of Counts 2 and 3, “intimidation” means to say or do something in such a way as would place a reasonable person in fear. Actual fear is not required since intimidation may be inferred from conduct, words or circumstances reasonably calculated to produce fear. Such conduct, words and circumstances include both the actions and statements of the defendant and the victims.

As to the third element of Counts 2 and 3, the government must prove that the defendant you are considering took money either by force and violence, or by intimidation. It does not have to prove both. However, before you may find that the government has met its burden as to the third element, you must unanimously agree on at least one of these two methods. It is not sufficient for some of you to find that the defendant took money by means of force and violence, while the rest of you find that he took money by means of intimidation.

As used in the fourth element of Counts 2 and 3, the term “dangerous weapon” means any instrument or device capable of inflicting serious bodily injury or causing the death of another person. Both the physical capabilities of the object used and the manner in which the object is used may be considered by you in determining whether the object is a “dangerous weapon.”

As used in the fourth element of Counts 2 and 3, the phrase “put in jeopardy the life of any person” means knowingly to do an act which exposes another person to risk of death. In considering this element, you must focus on the actual risk of death created by the use of the dangerous weapon or device. This risk might include direct risk to the bank employees and indirect risk through a violent response by a customer or the police.

#### ELEMENTS OF COUNT 4: POSSESSING FIREARMS IN FURTHERANCE OF A CRIME OF VIOLENCE

To sustain the charge in Count 4 against either defendant, the government must prove these elements:

- 1) The defendant committed the crime of bank robbery charged in Count 3;
- 2) The defendant knowingly possessed the firearm specified in Count 4; and
- 3) The defendant possessed this firearm in furtherance of the bank robbery charged in Count 3.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt as to the defendant you are considering, then you should find that defendant guilty of Count 3.

If, on the other hand, you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt as to the defendant you are considering, then you should find the defendant not guilty of Count 3.

As used in Count 4, the word “firearm” means any weapon which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive. The government is not required to prove that a firearm was operable in order for it to fit within this definition.

Possession of an object is the ability to control it. Possession may exist even when a person is not in physical contact with the object, but knowingly has the power and intention to exercise direction or control over it, either directly or through others.

Possession may be sole or joint. If one person has possession of a thing, then possession is sole. If two or more persons share possession of a thing, then possession is joint. You may find that the element of possession, as defined in these instructions, is present if you find that the defendant the specified firearm either alone or jointly with others. Proof of ownership of the firearms is not required to prove possession.

As used in Count 4, the phrase “in furtherance” means that a defendant’s possession of the specified firearm facilitated, advanced, promoted or helped forward the bank robbery charged in Count 3. It is not sufficient for you to find that a defendant possessed this firearm but that this possession was not in furtherance of the bank robbery.

As used in Count 4, the term “crime of violence” means any offense that is a felony and that has as an element the use, attempted use or threatened use of physical force against the person or property of another. I instruct you as a matter of law that [*armed*] bank robbery is a felony.

As used throughout these instructions, all forms of the word “knowing” and “knowingly” mean that a defendant realized what he was doing and was aware of the nature of his conduct and did not act through ignorance, mistake or accident. Knowledge may be proved by a defendant's conduct and by all the facts and circumstances surrounding the case.

By themselves, a defendant's presence at the scene of a crime and knowledge that a crime is being committed are not sufficient to establish the defendant's guilt.

If a defendant performed acts that advanced a criminal activity but had no knowledge that a crime was being committed or was about to be committed, those acts alone are not sufficient to establish the defendant's guilt.

An offense may be committed by more than one person. A defendant's guilt may be established without proof that the defendant personally performed every act constituting the crime charged.

A defendant need not personally perform every act constituting the crime charged. Every person who willingly participates in the commission of a crime may be found guilty.

Whatever a person is legally capable of doing he can do through another person by causing that person to perform the act. If a defendant willfully ordered, directed or authorized the acts of another, he is responsible for such acts as though he personally committed them.

Any person who knowingly aids, abets, counsels, commands, induces or procures the commission of a crime is guilty of that crime. However, that person must knowingly associate himself or herself with the criminal venture, participate in it and try to make it succeed.

Upon retiring to the jury room, select one of your number as your presiding juror. This person will preside over your deliberations and will be your representative here in court. A verdict form for each defendant has been prepared for you. [Court reads the verdict forms.]

Take these forms to the jury room, and when you have reached unanimous agreement on the verdicts, your presiding juror will fill in, date and sign it.

Each count of the indictment charges each defendant with having committed a separate offense. You must give separate consideration to each defendant and to each count. You must consider each count and the evidence relating to it separate and apart from the other counts.

You should return a separate verdict as to each defendant and as to each count. Your verdict of guilty or not guilty of an offense charged in one count should not control your decision as to that defendant for any other count.

The verdict must represent the considered judgment of each juror. Whether your verdict is guilty or not guilty, it must be unanimous. You should make every reasonable effort to reach a verdict. In doing so, you should consult with one another, express your own views and listen to the opinions of your fellow jurors. Discuss your differences with an open mind. Do not hesitate to re-examine your own views and change your opinion if you come to believe it is wrong. But do not surrender your honest beliefs about the weight or effect of evidence solely because of the opinions of your fellow jurors or for the purpose of returning a unanimous verdict.

The twelve of you should give fair and equal consideration to all the evidence and deliberate with the goal of reaching an agreement consistent with the individual judgment of each juror. You are impartial judges of the facts. Your only interest is to determine whether the government has proved its case beyond a reasonable doubt.

If it becomes necessary during your deliberations to communicate with the court, you may send a note by a bailiff, signed by your foreperson or by one or more members of the jury. No member of the jury should ever attempt to communicate with the court by any means other than a signed writing, and the court will never communicate with any member of the jury on any subject touching the merits of the case otherwise than in writing, or orally here in open court.

You will note from the oath about to be taken by the bailiffs that they too, 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. You must not reveal to any person, including the

court, your numerical split on any verdict question until you have reached a unanimous verdict on every count.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

VERDICT

v.

08-cr-87-bbc

COREY J. THOMAS,

Defendant.

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COUNT 1

We, the Jury in the above-entitled cause, find the defendant, Corey J. Thomas,

\_\_\_\_\_  
("Guilty" or "Not Guilty")

of the offense charged in Count 1 of the indictment.

COUNT 2

We, the Jury in the above-entitled cause, find the defendant, Corey J. Thomas,

\_\_\_\_\_

("Guilty" or "Not Guilty")

of the offense charged in Count 2 of the indictment.

COUNT 3

We, the Jury in the above-entitled cause, find the defendant, Corey J. Thomas,

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("Guilty" or "Not Guilty")

of the offense charged in Count 3 of the indictment.

COUNT 4

We, the Jury in the above-entitled cause, find the defendant, Corey J. Thomas,

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("Guilty" or "Not Guilty")

of the offense charged in Count 4 of the indictment.

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Presiding Juror

Madison, Wisconsin

Date: \_\_\_\_\_

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

PRINCE P. BECK,

Defendant.

---

VERDICT

08-cr-87-bbc

COUNT 1

We, the Jury in the above-entitled cause, find the defendant, Prince P. Beck,

\_\_\_\_\_  
("Guilty" or "Not Guilty")

of the offense charged in Count 1 of the indictment.

COUNT 2

We, the Jury in the above-entitled cause, find the defendant, Prince P. Beck,

\_\_\_\_\_  
("Guilty" or "Not Guilty")

of the offense charged in Count 2 of the indictment.

COUNT 3

We, the Jury in the above-entitled cause, find the defendant, Prince P. Beck,

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("Guilty" or "Not Guilty")

of the offense charged in Count 3 of the indictment.

COUNT 4

We, the Jury in the above-entitled cause, find the defendant, Prince P. Beck,

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("Guilty" or "Not Guilty")

of the offense charged in Count 4 of the indictment.

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Presiding Juror

Madison, Wisconsin

Date: \_\_\_\_\_