

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	CR. NO. 98-20100
	)	
ANDREW L. THOMAS,	)	
	)	
	)	
Defendant.	)	

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Members of the Jury:

It is now my duty to instruct you on the rules of law that you must follow and apply in deciding this case. When I have finished you will go to the jury room and begin your discussions -- what we call your deliberations.

It will be your duty to decide whether the government has proved beyond a reasonable doubt the specific facts necessary to find the defendant guilty of the crimes charged in the indictment.

You must make your decision only on the basis of the testimony and other evidence presented here during the trial; and you must not be influenced in any way by either sympathy or prejudice for or against the defendant or the government.

You must also follow the law as I explain it to you whether you agree with that law or not; and you must follow all of my instructions as a whole. You may not single out, or disregard, any of the Court's instructions on the law.

The indictment or formal charge against the defendant is not evidence of guilt. Indeed, the defendant is presumed by the law to be innocent. The law does not require the defendant to prove his innocence or produce any evidence at all. As to each count, the government has the burden of proving the defendant guilty beyond a reasonable doubt, and if it fails to do so you must find the defendant not guilty as to that count.

While the government's burden of proof is a strict or heavy burden, it is not necessary that a defendant's guilt be proved beyond all possible doubt. It is only required that the government's proof exclude any "reasonable doubt" concerning a defendant's guilt.

A "reasonable doubt" is a real doubt, based upon reason and common sense after careful and impartial consideration of all the evidence in the case.

Proof beyond a reasonable doubt, therefore, is proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs. If you are convinced that the defendant has been proved guilty beyond a reasonable doubt, say so. If you are not convinced, say so.

The defendant has been charged with three crimes. The number of charges is no evidence of guilt, and this should not influence your decision in any way. It is your duty to separately consider the evidence that relates to each charge, and to return a separate verdict for each one. For each charge, you must decide whether the government has presented proof beyond a reasonable doubt that the defendant is guilty of that particular charge.

Your decision on one charge, whether it is guilty or not guilty, should not influence your decision on the other charges.

As stated earlier you must consider only the evidence that I have admitted in the case. The term "evidence" includes the testimony of the witnesses, the exhibits admitted in the record and any facts of which the court has taken judicial notice. Remember that anything the lawyers say is not evidence in the case. It is your own recollection and interpretation of the evidence that controls. What the lawyers say is not binding upon you.

In considering the evidence you may make deductions and reach conclusions which reason and common sense lead you to make; and you should not be concerned about whether the evidence is direct or circumstantial. "Direct evidence" is the testimony of one who asserts actual knowledge of a fact, such as an eye witness. "Circumstantial evidence" is proof of a chain of facts and circumstances indicating that the defendant is either guilty or not guilty. The law makes no distinction between the weight you may give to either direct or circumstantial evidence.

Also you should not assume from anything I may have said or done that I have any opinion concerning any of the issues in this case. Except for my instructions to you, you should disregard anything I may have said in arriving at your own decision concerning the facts.

7.19  
Judicial  
Notice

You are instructed that the Court has taken judicial notice of the fact that Memphis, Tennessee and the locations discussed in this proceeding are located in the Western District of Tennessee.

Since you are the fact-finders in this case, you may, but are not required to, accept this fact as conclusively established.

Number of Witnesses  
Credibility

Now, in saying that you must consider all of the evidence, I do not mean that you must accept all of the evidence as true or accurate. You should decide whether you believe what each witness had to say, and how important that testimony was. In making that decision you may believe or disbelieve any witness, in whole or in part. Also, the number of witnesses testifying concerning any particular dispute is not controlling. You may decide that the testimony of a smaller number of witnesses concerning any fact in dispute is more believable than the testimony of a larger number of witnesses to the contrary.

In deciding whether you believe or do not believe any witness, I suggest that you ask yourself a few questions: Did the person impress you as one who was telling the truth? Did he or she have any particular reason not to tell the truth? Did he or she have a personal interest in the outcome of the case? Did the witness seem to have a good memory? Did the witness have the opportunity and ability to observe accurately the things he or she testified about? Did he or she appear to understand the questions clearly and answer them directly? Did the witness's testimony differ from the testimony of other witnesses?

You should also ask yourself whether there was evidence tending to prove that the witness testified falsely concerning some important fact; or, whether there was evidence that at some other time the witness said or did something, or failed to say or do something, which was different from the testimony he or she gave before you during the trial.

The fact that a witness has been convicted of a felony offense is another factor you may consider in deciding whether you believe the witness's testimony.

You should keep in mind, of course, that a simple mistake by a witness does not necessarily mean that the witness was not telling the truth as he or she remembers it, because people naturally tend to forget some things or remember other things inaccurately. So, if a witness has made a misstatement, you need to consider whether that misstatement was simply an innocent lapse of memory or an intentional falsehood; and that may depend on whether it has to do with an important fact or with only an unimportant detail.



You have heard the defendant testify. Earlier, I talked to you about the "credibility" or the "believability" of the witnesses. And I suggested some things for you to consider in evaluating each witness's testimony.

You should consider those same things in evaluating the defendant's testimony.

Law Enforcement  
Witnesses

You have heard the testimony of law enforcement officials. The fact that a witness may be employed by the city, county, state, or federal government as a law enforcement official does not mean that his or her testimony is necessarily deserving of more or less consideration or greater or lesser weight than that of an ordinary witness.

It is your decision, after reviewing all the evidence, whether to accept the testimony of the law enforcement witnesses and to give to that testimony whatever weight, if any, you find it deserves.

You have heard the testimony of ATF Special Agent John Prickett, a firearms expert, and Jerry Sims, Memphis Police Department/Latent Fingerprint Section, a fingerprint expert. An expert witness has special knowledge or experience that allows the witness to give an opinion.

You do not have to accept an expert's opinion. In deciding how much weight to give it, you should consider the witness's qualifications and how he reached his conclusions.

Remember that you alone decide how much of a witness's testimony to believe, and how much weight it deserves.

7.07/7.08  
Testimony of a Witness  
Under Grant of Reduced  
Criminal Liability

You have heard the testimony of Anthony Mykael Bond. You have also heard that the government has promised him that they would file a motion pursuant to 5K1.1 of the Sentencing Guidelines to have his sentence reduced in exchange for his testimony against the defendant.

It is permissible for the government to make such a promise. But you should consider Anthony Mykael Bond's testimony with more caution than the testimony of other witnesses. Consider whether his testimony may have been influenced by the government's promise.

Do not convict the defendant based on the unsupported testimony of such a witness, standing alone, unless you believe his testimony beyond a reasonable doubt.

The fact that Anthony Mykael Bond has pleaded guilty to a crime is not evidence that the defendant is guilty, and you cannot consider this against the defendant in any way.

One of the questions in this case is whether the defendant was present during the commission of the crime.

The government has the burden of proving that the defendant was present at the time and place. Unless the government proves this beyond a reasonable doubt, you must find the defendant not guilty.

Indictment  
Not Guilty Plea

I told you at the outset that this case was initiated through an indictment. An indictment is but a formal method of accusing the defendant of a crime. It includes the government's theory of the case, and we will be going over in a few minutes the substance of the indictment. The indictment is not evidence of any kind against an accused.

The defendant has pleaded not guilty to the charges contained in the indictment. This plea puts in issue each of the essential elements of the offenses described in these instructions and imposes upon the government the burden of establishing each of these elements by proof beyond a reasonable doubt.

I will read the indictment to you once again so that you are well aware of the charges made in the indictment.

The indictment reads:

Count 1 of the indictment charges the defendant with obstructing interstate commerce through the use of robbery.

The indictment charges the defendant with violating section 1951 of Title 18 of the United States Code. That section, in pertinent part, provides:

Whoever in any way or degree obstructs, delays, or affects commerce or the movement of an article or commodity in commerce, by robbery or extortion, or attempts or conspires to do so, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this action [shall be guilty of a crime].



Definition of Robbery

Robbery is the unlawful taking of personal property from another person, against that person's will. This is done by threatening or actually using force, violence, or fear of injury, immediately or in the future to person or property.

In Count 1, in order to meet its burden of proof that the defendant committed robbery, the government must establish beyond a reasonable doubt each one of the following elements, or parts, of the crime.

1. That the defendant obtained or took the personal property (such as money) of another, or from the presence of another; and
2. That the defendant took this property against the victim's will by means of actual or threatened force, violence, or fear of injury, whether immediate or in the future; and
3. That, as a result of the defendant's actions, interstate commerce, or an item moving in interstate commerce, was delayed, obstructed, or affected in any way or degree.

In this case, there is no issue as to what constitutes "personal property" for purposes of the first element; nor is there an issue as to what is considered "interstate commerce" for purposes of the third element.

With respect to the first element - the obtaining of "the personal property of another, or from the presence of another" - whether the objects constitute personal property is a question of law for me to decide. It is not a question of fact for you, the jury, to determine. I instruct you that the items the defendant is charged with taking (i.e., money, checks, food stamps, and a courier satchel) are personal property.

With respect to the third element - that "interstate commerce, or an item moving in interstate commerce, was delayed, obstructed, or affected in some way as a result of the defendant's actions" - it is a question of fact for you, the jury to determine, in accordance with my instructions, whether such a delay, obstruction or effect has occurred. However, it is a question of law for me to decide whether an activity or business is considered interstate commerce. I instruct you that the objects or activity referred to in the indictment are interstate commerce.

Unlawful Taking by Force  
Violence or fear

Your main concern is with the second and third elements of the crime of obstructing interstate commerce by robbery. The first of these elements is the taking of a person's property against his will by the use, or threatened use, of force, violence, or fear. You must determine whether the defendant obtained the property by using any of these unlawful means, as set forth in the indictment. It is not necessary that the government prove that force, violence, and fear were all used or threatened. The government satisfies its burden of proving an unlawful taking if it proves beyond a reasonable doubt that any of these methods were employed.

In considering whether the defendant used, or threatened to use force, violence, or fear, you should give those words their common and ordinary meaning, and understand them as you normally would. The violence does not have to be directed at the person whose property was taken. The use or threat of force or violence might be aimed at a third person. A threat may be made verbally or by a physical gesture. Whether a statement or physical gesture by the defendant actually was a threat depends upon the surrounding facts.

As I have just instructed you, you must determine whether the defendant used, or threatened to use, force, violence, or fear, to unlawfully obtain the property. Fear exists if at least one victim experiences anxiety, concern, or worry over expected personal harm or business loss, or over financial or job security. The existence of fear must be determined by the facts existing at the time of the defendant's actions.

Your decision whether the defendant used or threatened fear of injury involves a decision about the victim's state of mind at the time of the defendant's actions. It is obviously impossible to ascertain or prove directly a person's subjective feeling. You cannot look into a person's mind to see what his state of mind is or was. But a careful consideration of the circumstances and evidence should enable you to decide whether fear would reasonably have been the victim's state of mind.

Looking at the situation and the actions of people involved may help you determine what their state of mind was. You can consider this kind of evidence - which is technically called "circumstantial evidence" - in deciding whether property was obtained by the defendant through the use or threat of fear.

You have also heard the testimony of Mr. Day describing his state of mind - that is, how he felt - in giving up the property. This testimony was allowed so as to help you in deciding whether the property was obtained by fear. You should consider this testimony for that purpose only.

Affecting Interstate Commerce

If you decide that the defendant obtained another's property, against his will, by the use or threat of force, violence, or fear of injury, you must then decide whether this action would affect interstate commerce in any way or degree. You must determine whether there is an actual or potential effect on commerce between any two or more states, or commerce within one state that goes through any place outside of that state.

Minimal Effect on Interstate Commerce

If you decide that there was any effect at all on interstate commerce, then that is enough to satisfy this element. The effect can be minimal. For example, if a successful robbery of money would prevent the use of those funds to purchase articles which travel through interstate commerce, that would be a sufficient effect on interstate commerce.

The term "obstructs, delays, or affects commerce" means any action which, in any manner or to any degree, interferes with, changes, or alters the movement or transportation or flow of goods, merchandise, money, or other property in commerce.

If the government proves beyond a reasonable doubt that the victim business engaged in business across state lines, or sold products obtained from out of state, purchased goods from out of state, or served out of state customers, then you may find that the defendant "obstructed, delayed, or affected" commerce as that term is used in these instructions.

If you decide that there was any effect at all on interstate commerce, then that is enough to satisfy this element. The effect can be minimal.



Also, it is not necessary for the government to prove that the defendant actually intended to obstruct, delay, or affect commerce. Further, you do not have to find that interstate commerce was actually affected. If you decide that interstate commerce would potentially or probably have been affected if the defendant had successfully or fully completed his actions, then the element of affecting interstate commerce is satisfied.

Potential Effect on Interstate Commerce

If you decide that interstate commerce would potentially or probably be affected if the defendant had successfully and fully completed his actions, then the element of affecting interstate commerce is satisfied. You do not have to find that interstate commerce was actually effected.

However, if the defendant has finished his actions, and done all he intended to do, and you determine there has been not effect on interstate commerce, then you cannot find the defendant guilty.

Type of Effect on Interstate Commerce

You do not have to decide whether the effect on interstate commerce was harmful or beneficial to a particular business or to commerce in general. The government satisfies its burden of proving an effect on interstate commerce if it proves beyond a reasonable doubt any effect, whether it was harmful or not.

Intent to Affect Interstate Commerce

The defendant need not have intended or anticipated an effect on interstate commerce. You may find the effect is a natural consequence of his actions. If you find that the defendant intended to take certain actions - that is, he did the acts charged in the indictment in order to obtain property - and you find those actions have either caused, or would probably cause, an effect on interstate commerce, then you may find the requirements of this element have been satisfied.

## Alibi

One of the questions in this case is whether the defendant was present at the commission of the crimes alleged in Counts 1 and 2 on or about April 21, 1997, at the Walgreens store on Summer Avenue in Memphis, Tennessee.

The government has the burden of proving that the defendant was present at that time and place on or about the date alleged. Unless the government proved this beyond a reasonable doubt as to each count you are considering, then you must find the defendant not guilty as to that count or those counts.

In Count 2 the defendant is charged with using a firearm to commit a crime of violence.

The relevant statute on this subject is Title 18, United States Code section 924(c), which provides:

Whoever, during and in relation to any crime of violence for which he may be prosecuted in a court of the United States, uses or carries a firearm, shall [be guilty of a crime].

Under Count 2, the defendant is charged with using or carrying a firearm during the commission of the crime of violence which is charged in Count 1.

If upon all of the evidence you find that the government has failed to prove Count 1 beyond a reasonable doubt, then you will not proceed to Count 2. Count 2 is to be considered only if you first find the defendant guilty under Count 1 as charged.

In reaching your verdict on Count 2, you may consider the evidence of Count 1 only for the purpose of determining whether the elements of Count 2 have been satisfied.

As to Count 2, the government must prove each of the following elements beyond a reasonable doubt to sustain its burden of proving the defendant guilty:

First, that the defendant committed a crime of violence for which might be prosecuted in a court of the United States (i.e., that defendant committed the crime set out in Count 1).

Second, that the defendant knowingly used a firearm during and in relation to the commission of the crime charged in Count 1.



First Element  
Commission of the Predicate Crime

The first element the government must prove beyond a reasonable doubt is that the defendant committed a crime of violence for which he might be prosecuted in a court of the United States.

Defendant is charged in Count 1 of the indictment with committing the crime of robbery. I instruct you that the crime of robbery is a crime of violence. However, it is for you to determine that the government has proven beyond a reasonable doubt that the defendant committed the crime of robbery as charged.

Second Element  
Knowing Use of Firearm During  
and in Relation to Commission  
of Predicate Crime

The second element the government must prove beyond a reasonable doubt is that the defendant knowingly used a firearm during and in relation to the commission of the crime charged in Count 1.

A "firearm" is any weapon which will or is designed to or may be readily converted to expel a projectile by the action of an explosive.

In order to prove that the defendant used the firearm, the government must prove beyond a reasonable doubt an active employment of the firearm by the defendant during and in relation to the commission of the crime of violence. This does not mean that the defendant must actually fire or attempt to fire the weapon, although those would obviously constitute use of the weapon. Brandishing, displaying or even referring to the weapon so that others present knew that the defendant had the firearm available if needed all constitute use of the firearm. However, the mere possession of a firearm at or near the site of the crime without active employment as I just described it is not sufficient.

To satisfy this element, you must also find that the defendant knowingly carried the firearm. This means that he carried the firearm purposely and voluntarily, and not by accident or mistake. It also means that he knew that the weapon was a firearm, as we commonly use the word. However, the government is not required to prove that the defendant knew that he was breaking the law.

For you to find the defendant guilty of Counts 1 and 2, it is not necessary for you to find that he personally committed the crime himself. You may also find him guilty if he intentionally helped or encouraged someone else to commit the crime. A person who does this is called an aider and abettor.

But for you to find the defendant guilty of Count 1 or Count 2, as an aider and abettor, you must be convinced that the government has proved each and every one of the following elements beyond a reasonable doubt as to the count you are considering:

(1) First, that the crime set out in the count you are considering was committed.

(2) Second, that the defendant helped to commit the crime or encouraged someone else to commit the crime in the count you are considering.

(3) And third, that the defendant intended to help commit or encourage the crime in the count you are considering.

Proof that the defendant may have known about the crime, even if he was there when it was committed, is not enough for you to find him guilty. You can consider this in deciding whether the government has proved that he was an aider and abettor, but without more it is not enough.

What the government must prove is that the defendant did something to help or encourage the crime with the intent that the crime be committed.

If you are convinced that the government has proved, as to the count you are considering, all of these elements, say so by returning a guilty verdict. If you have a reasonable doubt about any one of these elements, then you cannot find the defendant guilty of the count you are considering as an aider and abettor.

Title 18, United States Code, § 922(g)

Count 3 of the indictment charges the defendant with being a person convicted of a crime who possessed a firearm shipped in interstate commerce.

The relevant statute on the subject is 18 U.S.C. § 922(g) which provides:

It shall be unlawful for any person ... who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year ... to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate commerce.

Congress has passed a series of laws aimed at giving support to federal, state and local law enforcement officials in combating crime.

We are not concerned with the wisdom or the policy of those laws. If in fact a violation has occurred, the law should be enforced.

In general, these laws include provisions which prohibit certain categories of people from possessing or receiving firearms which were shipped in interstate commerce, and requires any person in the business of dealing in firearms to be licensed.

The government contends that the defendant was within the class of people prohibited from possessing firearms or ammunition shipped in interstate commerce because he had been convicted of a crime punishable by more than a year in jail.

The government must prove each of the following elements beyond a reasonable doubt in order to sustain its burden of proving the defendant to be guilty of Count 3:

First, that the defendant had been convicted, in any court, of a crime punishable by imprisonment for a term exceeding one year, as charged;

Second, that the defendant knowingly possessed a firearm as charged; and

Third, that the possession charged was in or affecting interstate commerce.



Defendant's Prior Conviction

The first element the government must prove beyond a reasonable doubt before you can convict is that before the date the defendant is charged with possessing the firearm, the defendant had been convicted of a crime punishable by imprisonment for a term exceeding one year.

The government and the defendant have stipulated that before the date the defendant is charged with possessing a firearm (April 24, 1997) the defendant had been convicted of a crime punishable by imprisonment for a term exceeding one (1) year.

Therefore, you may determine that the first element has been satisfied. This, of course, is for you, the jury to decide.

I instruct you, in this connection, that the prior convictions that are an element of the charge here and are not disputed, are only to be considered by you for the fact that they exist, and on the issue of defendant's credibility, and for nothing else. You are not to consider it for any other purpose. You are not to speculate as to what it was for. You may not consider the prior convictions in deciding whether it is more likely than not that the defendant was in knowing possession of the gun that is charged, which is a disputed element of the offense charged.

The second element which the government must prove beyond a reasonable doubt is that on or about the date set forth in the indictment the defendant knowingly possessed a firearm.

A "firearm" is any weapon which will or is designed to or may be readily converted to expel a projectile by the action of an explosive.

To "possess" means to have something within a person's control. This does not necessarily mean that the defendant must hold it physically, that is, have actual possession of it. As long as the firearm is within the defendant's control, he possesses it. If you find that the defendant either had actual possession of the firearm, or that he had the power and intention to exercise control over the firearm, even though it was not in his physical possession, you may find that the government has proven possession.

The law also recognizes that possession may be sole or joint. If one person alone possesses it, that is sole possession. However, it is possible that more than one person may have the power and intention to exercise control over the firearm. This is called joint possession. If you find that the defendant had such power and intention, then he possessed the firearm under this

element even if he possessed it jointly with another. Proof of ownership of the firearm or ammunition is not required.

To satisfy this element, you must also find that the defendant knowingly possessed the firearm. This means that he possessed the firearm purposely and voluntarily, and not by accident or mistake. It also means that he knew that the weapon was a firearm, as we commonly use the word. However, the government is not required to prove that the defendant knew that he was breaking the law.

Next, I want to explain something about possession. The government does not necessarily have to prove that the defendant physically possessed the firearm for you to find him guilty of this crime. The law recognizes two kinds of possession -- actual possession and constructive possession. Either one of these, if proved by the government, is enough to convict.

To establish actual possession, the government must prove that the defendant had direct, physical control over the firearm, and knew that he had control of it.

To establish constructive possession, the government must prove that the defendant had the right to exercise physical control over the firearm, and knew that he had this right, and that he intended to exercise physical control over the firearm at some time, either directly or through other persons.

For example, if you left something with a friend intending to come back later and pick it up, or intending to send someone else to pick it up for you, you would have constructive possession of it while it was in the actual possession of your friend.

But understand that just being present where something is located does not equal possession. The government must prove that the defendant had actual or constructive possession of the firearm, and knew that he did, for you to find him guilty of this crime. This, of course, is all for you to decide.

Firearm In or Affecting Commerce

The third element the government must prove beyond a reasonable doubt is that the firearm the defendant is charged with possessing was in or affecting interstate commerce.

This means that the government must prove that at some time prior to the defendant's possession, the firearm had traveled in interstate commerce. It is sufficient for the government to satisfy this element by proving that at anytime prior to the date charged in the indictment, the firearm crossed a state line. It is not necessary that the government prove who carried it across state lines or how it was transported. It is also not necessary for the government to prove that the defendant knew that the firearm had previously traveled in interstate commerce.

You will note that the indictment charges that the offense was committed "on or about" a certain date. The government does not have to prove with certainty the exact date of the alleged offense. It is sufficient if the government proves beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged.

The word "knowingly," as that term is used from time to time in these instructions, means that the act was done voluntarily and intentionally and not because of mistake or accident.



I caution you, members of the jury, that you are here to determine from the evidence in this case whether the defendant is guilty or not guilty on each count. The defendant is on trial only for the specific offenses alleged in the indictment.

Also, the question of punishment should never be considered by the jury in any way in deciding the case. If the defendant is convicted the matter of punishment is for the judge to determine.

You are here to determine the guilt or innocence of the accused defendant from the evidence in this case. You are not called upon to return a verdict as to the guilt or innocence of any other person or persons. You must determine whether or not the evidence in the case convinces you beyond a reasonable doubt of the guilt of the accused without regard to any belief you may have about guilt or innocence of any other person or persons.

Any verdict you reach in the jury room, whether guilty or not guilty, must be unanimous. In other words, to return a verdict you must all agree. Your deliberations will be secret; you will never have to explain your verdict to anyone.

It is your duty as jurors to discuss the case with one another in an effort to reach agreement if you can do so. Each of you must decide the case for yourself, but only after full consideration of the evidence with the other members of the jury. While you are discussing the case do not hesitate to re-examine your own opinion and change your mind if you become convinced that you were wrong. But do not give up your honest beliefs solely because the others think differently or merely to get the case over with.

Remember, that in a very real way you are judges -- judges of the facts. Your only interest is to seek the truth from the evidence in the case.

When you go to the jury room you should first select one of your members to act as your foreperson. The foreperson will preside over your deliberations and will speak for you here in court.

A form of verdict has been prepared for your convenience. The verdict form will be placed in a folder and handed to you by the Marshall. At any time that you are not deliberating (i.e., when at lunch or during a break in deliberations), the folder and verdict form should be delivered to the Marshall who will deliver it to the courtroom clerk for safekeeping.

[EXPLAIN VERDICT]

You will take the verdict form to the jury room and when you have reached unanimous agreement you will have your foreperson fill in the verdict form, date and sign it, and then return to the courtroom.

If you should desire to communicate with me at any time, please write down your message or question and pass the note to the marshal who will bring it to my attention. I will then respond as promptly as possible, either in writing or by having you returned to the courtroom so that I can address you orally. I caution you,

however, with regard to any message or question you might send, that you should not tell me your numerical division at the time.

If you feel a need to see the exhibits which are not being sent to you for further examination, advise the marshal and I will take up your request at that time.

[ANY JURY ALTERNATES NOT ALREADY EXCUSED,  
SHOULD BE EXCUSED AT THIS TIME].

You may now retire to begin your deliberations.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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UNITED STATES OF AMERICA,

)

)

Plaintiff,

)

)

VS.

)

CR. NO. 98-20100

)

ANDREW L. THOMAS,

)

)

)

Defendant.

)

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V E R D I C T

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We, the jury, on the charges in the indictment for our verdict  
say:

1. We find the defendant, Andrew L. Thomas, as to Count 1,  
\_\_\_\_\_. (Guilty or Not Guilty)

2. We find the defendant, Andrew L. Thomas, as to Count 2,  
\_\_\_\_\_. (Guilty or Not Guilty)

3. We find the defendant, Andrew L. Thomas, as to Count 3,  
\_\_\_\_\_. (Guilty or Not Guilty)

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DATE

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FOREPERSON

CRIMINAL CHARGE BOOK  
[Jury Instructions]

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4. Separate Consideration/Single Defendant Charged with Multiple Crimes (2.01A)
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20. Consider Only Specific Offense Charged
21. Disregard Belief as to Guilt or Innocence of Other Persons
22. Verdict Must Be Unanimous/Duty to Discuss With Each Other
23. Instructions/Selection of Foreperson/Verdict Form/Communication of the Court/Submission of Copy of Instructions and Indictment



24. Verdict Form