

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at KNOXVILLE

UNITED STATES OF AMERICA,

v.

**GEORGE WILLIE BUFORD,
a/k/a YA-INSAAN HETEP,
a/k/a "Sandman."**

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No. 3:01-CR-102

Judge Curtis L. Collier

CHARGE TO THE JURY

_____ *April 10, 2002*

INTRODUCTION

Members of the jury, now it is time for me to instruct you about the law that you must follow in deciding this case.

I will start by explaining your duties and the general rules that apply in every criminal case.

Then I will explain the elements, or parts, of the crimes that the defendant is accused of committing.

Then I will explain the position of the defendant.

Next, I will explain some rules that you must use in evaluating particular testimony and evidence.

And last, I will explain the rules that you must follow during your deliberations in the jury room, and the possible verdicts that you may return.

Please listen very carefully to everything I say.¹

¹Sixth Circuit Pattern Criminal Jury Instructions § 1.01 — Introduction (1991).

JURORS' DUTIES

You have two main duties as jurors. The first one is to decide what the facts are from the evidence that you saw and heard here in court. Deciding what the facts are is your job, not mine, and nothing that I have said or done during this trial was meant to influence your decision about the facts in any way.

Your second duty is to take the law that I give you, apply it to the facts, and decide if the government has proved the defendant guilty beyond a reasonable doubt. It is my job to instruct you about the law, and you are bound by the oath that you took at the beginning of the trial to follow the instructions that I give you, even if you personally disagree with them. This includes the instructions that I gave you before and during the trial, and these instructions. All the instructions are important, and should be considered together as a whole.

The lawyers have talked about the law during their arguments. But if what they said is different from what I say, you must follow what I say. What I say about the law controls.

Perform these duties fairly. Do not let any bias, sympathy or prejudice that you may feel toward one side or the other influence your decision in any way.²

²Sixth Circuit Pattern Criminal Jury Instructions § 1.02 — General Principles, Jurors' Duties (1991).

**PRESUMPTION OF INNOCENCE,
BURDEN OF PROOF, REASONABLE DOUBT**

As you know, the defendant has pleaded not guilty to the crimes charged in the superseding indictment. The superseding indictment is not any evidence at all of guilt. It is just the formal way that the government tells a defendant what crimes he is accused of committing. It does not even raise any suspicion of guilt.

Instead, the defendant starts the trial with a clean slate, with no evidence at all against him, and the law presumes that he is innocent. This presumption of innocence stays with the defendant unless the government presents evidence here in court that overcomes the presumption, and convinces you beyond a reasonable doubt that the defendant is guilty.

This means that the defendant has no obligation to present any evidence at all, or to prove to you in any way that he is innocent. It is up to the government to prove that the defendant is guilty, and this burden stays on the government from start to finish. You must find the defendant not guilty unless the government convinces you beyond a reasonable doubt that he is guilty.

The government must prove every element of the crimes charged beyond a reasonable doubt. Proof beyond a reasonable doubt does not mean proof beyond all

possible doubt. Possible doubts or doubts based purely on speculation are not reasonable doubts. A reasonable doubt is a doubt based on reason and common sense. It may arise from the evidence, the lack of evidence, or the nature of the evidence.

Proof beyond a reasonable doubt means proof which is so convincing that you would not hesitate to rely and act on it in making the most important decisions in your own lives. If you are convinced that the government has proved the defendant guilty beyond a reasonable doubt, say so by returning a guilty verdict. If you are not convinced, say so by returning a not guilty verdict.³

³Sixth Circuit Pattern Criminal Jury Instructions § 1.03 — Presumption of Innocence, Burden of Proof, Reasonable Doubt (1991).

DEFENDANT'S FAILURE TO TESTIFY

The defendant has an absolute right not to testify. The fact that the defendant did not testify cannot be considered by you in any way. Do not even discuss it in your deliberations.

Remember that it is up to the government to prove the defendant guilty beyond a reasonable doubt. It is not up to the defendant to prove he is innocent.⁴

⁴Sixth Circuit Pattern Criminal Jury Instructions § 7.02A — Defendant's Failure to Testify (1991) (modified).

EVIDENCE DEFINED

You must make your decision based only on the evidence that you saw and heard here in court. Do not let rumors, suspicions, or anything else that you may have seen or heard outside of court influence your decision in any way.

The evidence in this case includes only what the witnesses said while they were testifying under oath; the stipulations the lawyers agreed to; and the exhibits that I allowed into evidence.

Nothing else is evidence. The lawyers' statements and arguments are not evidence. Their questions and objections are not evidence. My legal rulings are not evidence. And my comments and questions are not evidence.

During the trial I did not let you hear the answers to some of the questions that the lawyers asked. Do not speculate about what a witness might have said. These things are not evidence, and you are bound by your oath not to let them influence your decision in any way.

Make your decision based only on the evidence as I have defined it here, and nothing else.⁵

⁵Sixth Circuit Pattern Criminal Jury Instructions § 1.04 — Evidence Defined (1991).

CONSIDERATION OF EVIDENCE

_____ You should use your common sense in weighing the evidence. Consider it in light of your everyday experience with people and events, and give it whatever weight you believe it deserves. If your experience tells you that certain evidence reasonably leads to a conclusion, you are free to reach that conclusion.⁶

⁶Sixth Circuit Pattern Criminal Jury Instructions § 1.05 — Consideration of Evidence (1991).

DIRECT AND CIRCUMSTANTIAL EVIDENCE

Now, some of you may have heard the terms “direct evidence” and “circumstantial evidence.”

Direct evidence is simply evidence like the testimony of an eyewitness which, if you believe it, directly proves a fact. If a witness testified that he saw it raining outside, and you believed him, that would be direct evidence that it was raining.

Circumstantial evidence is simply a chain of circumstances that indirectly proves a fact. If someone walked into the courtroom wearing a raincoat covered with drops of water and carrying a wet umbrella, that would be circumstantial evidence from which you could conclude that it was raining.

It is your job to decide how much weight to give the direct and circumstantial evidence. The law makes no distinction between the weight that you should give to either one, nor does it say that one is any better evidence than the other. You should consider all the evidence, both direct and circumstantial, and give it whatever weight you believe it deserves.⁷

⁷Sixth Circuit Pattern Criminal Jury Instructions § 1.06 — Direct and Circumstantial Evidence (1991).

CREDIBILITY OF WITNESSES

Another part of your job as jurors is to decide how credible or believable each witness was. This is your job, not mine. It is up to you to decide if a witness's testimony was believable, and how much weight you think it deserves. You are free to believe everything that a witness said, or only part of it, or none of it at all. But you should act reasonably and carefully in making these decisions.

Let me suggest some things for you to consider in evaluating each witness's testimony.

Ask yourself if the witness was able to clearly see or hear the events. Sometimes even an honest witness may not have been able to see or hear what was happening, and may make a mistake.

Ask yourself how good the witness's memory seemed to be. Did the witness seem able to accurately remember what happened?

Ask yourself if there was anything else that may have interfered with the witness's ability to perceive or remember the events.

Ask yourself how the witness acted while testifying. Did the witness appear honest? Or did the witness appear to be lying?

Ask yourself if the witness had any relationship to the government or the defendant, or anything to gain or lose from the case, that might influence the witness's testimony. Ask yourself if the witness had any bias, or prejudice, or reason for testifying that might cause the witness to lie or to slant the testimony in favor of one side or the other.

And ask yourself how believable the witness's testimony was in light of all the other evidence. Was the witness's testimony supported or contradicted by other evidence that you found believable? If you believe that a witness's testimony was contradicted by other evidence, remember that people sometimes forget things, and that even two honest people who witness the same event may not describe it exactly the same way.

The testimony of a witness may be discredited or impeached by showing that the witness has been convicted of a felony. Prior conviction is a circumstance that you may consider in determining the credibility of a witness. You are to determine the weight, if any, to be given a prior felony conviction as impeachment.

These are only some of the things that you may consider in deciding how believable each witness was. You may also consider other things that you think shed some light on the witness's believability. Use your common sense and your everyday

experience in dealing with other people. And then decide what testimony you believe, and how much weight you think it deserves.⁸

⁸Sixth Circuit Pattern Criminal Jury Instructions § 1.07 — Credibility of Witnesses (1991).

IDENTIFICATION TESTIMONY

You have heard the testimony of Janie Hawkins Spivey, James Hicks, Andrea Blair, Debbie Phillips Baum, Marilyn Fletcher, and Linda Leslie, who have identified the defendant as the person who robbed the businesses identified in the indictment. You should carefully consider whether these identifications were accurate and reliable.

In deciding this, you should especially consider if the witnesses had a good opportunity to see the person at the time. For example, consider how long the witnesses had to see the person, and the visibility, and the distance, and whether the witnesses had known or seen the person before.

You should also consider the circumstances of the earlier identification that occurred outside of court. For example, consider how that earlier identification was conducted, and how much time passed after the alleged crime before the identification was made.

Consider all these things carefully in determining whether the identification was accurate and reliable.

Remember that the government has the burden of proving beyond a reasonable doubt that the defendant was the person who committed the crimes charged.⁹

NUMBER OF WITNESSES

⁹Sixth Circuit Pattern Criminal Jury Instructions § 7.11 — Identification Testimony (1991).

One more point about the witnesses. Sometimes jurors wonder if the number of witnesses who testified makes any difference.

Do not make any decisions based only on the number of witnesses who testified. What is more important is how believable the witnesses were, and how much weight you think their testimony deserves. Concentrate on that, not the numbers.¹⁰

¹⁰Sixth Circuit Pattern Criminal Jury Instructions § 1.08 — Number of Witnesses (1991).

STIPULATIONS

The evidence also includes certain stipulations of fact made by the attorneys. When the attorneys on both sides stipulate or agree as to the existence of a fact, you must accept the stipulation as evidence and regard the fact as proved.¹¹

¹¹*United States v. Barrow*, 118 F.3d 482 (6th Cir. 1997); *United States v. Jones*, 108 F.3d 668 (6th Cir. 1997).

LAWYERS' OBJECTIONS

There is one more general subject that I want to talk to you about before I begin explaining the elements of the crime charged.

The lawyers for both sides objected to some of the things that were said or done during the trial. Do not hold that against either side. The lawyers have a duty to object whenever they think that something is not permitted by the rules of evidence. Those rules are designed to make sure that both sides receive a fair trial.

And do not interpret my rulings on their objections as any indication of how I think the case should be decided. My rulings were based on the rules of evidence, not on how I feel about the case. Remember that your decision must be based only on the evidence that you saw and heard here in court.¹²

¹²Sixth Circuit Pattern Criminal Jury Instructions § 1.09 — Lawyers' Objections (1991).

INTRODUCTION TO THE ELEMENTS

That concludes the part of my instructions explaining your duties and the general rules that apply in every criminal case. In a moment, I will explain the elements of the crime that the defendant is accused of committing.

But before I do that, I want to emphasize that the defendant is only on trial for the particular crimes charged in the superseding indictment. Your job is limited to deciding whether the government has proved the crime charged.

Also keep in mind that whether anyone else should be prosecuted and convicted for these crimes is not a proper matter for you to consider. The possible guilt of others is no defense to a criminal charge. Your job is to decide if the government has proved the defendant guilty. Do not let the possible guilt of others influence your decision in any way.¹³

¹³Sixth Circuit Pattern Criminal Jury Instructions § 2.01 — Defining the Crime and Related Matters, Introduction (1991).

SEPARATE CONSIDERATION—

SINGLE DEFENDANT CHARGED WITH MULTIPLE CRIMES

The defendant has been charged with several 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 any of the other charges.¹⁴

¹⁴Sixth Circuit Pattern Criminal Jury Instructions § 2.01A — Separate Consideration — Single Defendant Charged with Multiple Crimes (1991).

ON OR ABOUT

Next, I want to say a word about the dates mentioned in the indictment.

The indictment charges that the crimes happened “on or about” various dates. The government does not have to prove that the crimes happened on those exact dates. But the government must prove that the crimes happened reasonably close to those dates.¹⁵

¹⁵Sixth Circuit Pattern Criminal Jury Instructions § 2.04 — On or About (1991).

COUNTS 1, 3, 5, 7, 9 AND 11: INTERFERING IN INTERSTATE

COMMERCE BY ROBBING SIX BUSINESSES

Counts 1, 3, 5, 7, 9, and 11 of the superseding indictment charge the defendant George Buford, also known as Ya-Insaan Hetep, with interfering in interstate commerce by robbing six different businesses, in violation of Title 18, United States Code, Section 1951. This statute provides, in part, that “Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery . . . or attempts or conspires to do so” shall be guilty of an offense against the United States.¹⁶

For you to find the defendant guilty of the crime charged in these counts, the government must prove the following elements beyond a reasonable doubt with respect to each count:

- (1) The defendant induced one or more employees of the business named in the count to part with the property described in the count;
- (2) The defendant did so knowingly and deliberately by robbery;
- (3) In so acting, interstate commerce was obstructed, delayed, or affected.¹⁷

¹⁶18 U.S.C. § 1951(a).

¹⁷O’Malley, Grenig, & Lee, *Federal Jury Practice & Instructions* § 53.03.

The First Element

With respect to element one, you are instructed the term “property” as used in these instructions means money or anything of value. The term “property” is not limited to tangible, physical items and includes the right to conduct a business free from wrongful force, coercion, or fear.¹⁸

The Second Element

With respect to element two, you are instructed the term “robbery” means the unlawful taking or obtaining of personal property from the person or in the presence of another, against his or her will, by means of actual or threatened force, or violence, or fear of immediate or future injury to his or her person or property, or property in his or her custody or possession, or the person or property of a relative or member of his or her family or of anyone in his or her company at the time of the taking or obtaining.”¹⁹

You are further instructed an act is done “knowingly” if done voluntarily and intentionally, and not because of mistake or accident or other innocent reason.²⁰

¹⁸O’Malley, Grenig, & Lee, *Federal Jury Practice & Instructions* § 53.10.

¹⁹18 U.S.C. § 1951(b)(1).

²⁰Devitt, Blackmar & Wolff § 17.04 — “Knowingly” — Defined (modified).

The Third Element

With respect to element three, you are instructed the phrase “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.

These counts each allege Defendant took money from a business involved in interstate commerce. If the government proves beyond a reasonable doubt the business purchased goods or services that came from outside the State of Tennessee and that, therefore, all or part of the money allegedly robbed could have been used to obtain such good or services from outside the State of Tennessee, then you are instructed that you may find the defendant obstructed, delayed, or affected commerce as that term is used in element three.

It is not necessary for the government to prove that the defendant actually intended to obstruct, delay, or affect commerce. The government must prove beyond a reasonable doubt, however, that the defendant deliberately performed an act, the ordinary and natural consequences of which would be to obstruct, delay, or affect commerce, and that commerce was, in fact obstructed delayed or affected.²¹

²¹O’Malley, Grenig, & Lee, *Federal Jury Practice & Instructions* § 53.04.

It is up to you to weigh the evidence and determine whether the government has proved beyond a reasonable doubt with respect to each count the defendant has committed the crime of interfering in interstate commerce by robbing the business named in the superseding indictment. If you find the government has carried this burden against the defendant, you will so state in your verdict. If, however, you find the government has not proved beyond a reasonable doubt the defendant committed the crimes charged in the superseding indictment, then you will find the defendant not guilty.

COUNTS 2, 4, 6, 8, AND 10: USING AND CARRYING A FIREARM
DURING AND IN RELATION TO A CRIME OF VIOLENCE

_____Counts 2, 4, 6, 8, and 10 of the superseding indictment charge that during and in relation to the robbery crimes charged in counts 1, 3, 7, 9, and 11 of the superseding indictment, the defendant knowingly and intentionally used, carried, possessed, or brandished a firearm in violation of Title 18, United States Code, Section 924(c). This statute makes it a federal crime for anyone to use or carry a firearm “during or in relation to any crime of violence.” You are instructed a robbery is a crime of violence.

For you to find the defendant guilty of the crime charged in these counts, the government must prove the following elements beyond a reasonable doubt with respect to each count:

- (1) The defendant committed the crime of robbery as charged in the superseding indictment.
- (2) During and in relation to the commission of the crime charged in the superseding indictment, the defendant knowingly used or carried a firearm.

To prove the defendant “used” a firearm in relation to a robbery, the government must prove that the defendant actively employed the firearm in the commission of the

crime, such as a use that is intended to or brings about a change in the circumstances of the commission of the crime. “Active employment” may include brandishing, displaying, referring to, bartering, striking with, firing, or attempting to fire the firearm. Use is more than mere possession of a firearm or having it available during the robbery.

To prove the defendant “carried” a firearm, the government must prove that the defendant carried the firearm in the ordinary meaning of the word “carry,” such as transporting a firearm on the person or in a vehicle. The defendant’s carrying of the firearm cannot be merely coincidental or unrelated to the robbery.

“In relation to” means that the firearm must have some purpose, role, or effect with respect to the crime of violence.²²

Finally, with respect to the requirement in element two that the defendant act “knowingly,” please recall my previous instruction that an act is done “knowingly” if done voluntarily and intentionally, and not because of mistake or accident or other innocent reason.²³

It is up to you to weigh the evidence and determine whether the government has proved beyond a reasonable doubt with respect to each count the defendant has committed the crime of using and carrying a firearm during and in relation to the

²²Fifth Circuit Pattern Jury Instructions § 2.49 (1997).

²³Devitt, Blackmar & Wolff § 17.04 — “Knowingly” — Defined (modified).

robbery described. If you find the government has carried this burden against the defendant, you will so state in your verdict. If, however, you find the government has not proved beyond a reasonable doubt the defendant committed the crime charged in the superseding indictment, then you will find the defendant not guilty.

COUNT 13: FELON IN POSSESSION OF A FIREARM

Count 13 charges that on or about June 22, 1998, in the Eastern District of Tennessee, the defendant having previously been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm, namely a Smith & Wesson .44 caliber revolver, in violation of Title 18, United States Code, Section 922(g)(1). This statute makes it a federal crime for anyone “who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year. . . . to . . . possess in or affecting commerce, any firearm or ammunition.”

For you to find the defendant guilty of the crime charged in count 13 of the superseding indictment, the government must prove the following three elements beyond a reasonable doubt:

- (1) The defendant was convicted in a court of the United States, or of a state or any political subdivision thereof, of a crime punishable by imprisonment for a term in excess of one year;
 - (2) Having been so convicted, the defendant knowingly possessed a firearm;
- and

(3) The firearm was in or affecting interstate or foreign commerce.²⁴

The First Element

The first element the government must prove is that, prior to the date of the offense charged in Count 13 of the superseding indictment, the defendant had been convicted of a felony. The parties have stipulated to this fact. Remember my prior instructions regarding stipulations when considering this element.

In this regard, you must remember the defendant is not on trial now for any act, conduct, or crime other than the acts alleged in the superseding indictment. Conviction for a prior crime is to be considered as evidence of whether the defendant was eligible to possess a firearm on or about the date in question. Conviction of a prior crime is not to be given any weight in determining, beyond a reasonable doubt, whether the defendant knowingly possessed a firearm on the date charged in the present superseding indictment.²⁵

The Second Element

With respect to the second element, please recall my previous instruction that an act is done “knowingly” if done voluntarily and intentionally, and not because of

²⁴*United States v. Bruce*, 704 F.2d 1048, 1049 (8th Cir. 1983); *United States v. Cable*, 446 F.2d 1007, 1009 (8th Cir. 1971).

²⁵*See United States v. Davis*, 792 F.2d 1299, 1306 (5th Cir. 1986).

mistake or accident or other innocent reason.²⁶ The government need not prove the defendant knew that, as a felon, his possession of a firearm violated the law. However, the second element of this offense has not been proved unless you find beyond a reasonable doubt the defendant knew he possessed the firearm.²⁷

It is immaterial who actually owned the firearm.²⁸ The government does not have to prove the defendant was the owner of the firearm. What matters is whether the defendant had “possession” of the firearm.

With respect to the meaning of the word “possession,” the government does not necessarily have to prove the defendant physically possessed the firearm for you to find him guilty of this crime. And keep in mind that possession does not mean ownership. 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

²⁶Devitt, Blackmar & Wolff § 17.04 — “Knowingly” — Defined (modified).

²⁷*United States v. Laymon*, 621 F.2d 1051, 1054 (10th Cir. 1980); *United States v. Woodland*, 527 F.2d 608, 609 (6th Cir. 1976).

²⁸*United States v. Johnson*, 683 F.2d 1187, 1188 (8th Cir. 1982).

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 the item 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.²⁹

One more thing about possession. The government does not have to prove that the defendant was the only one who had possession of the firearm. Two or more people can together share actual or constructive possession over property. And if they do, both are considered to have possession as far as the law is concerned.

The Third Element

With regard to the third element of the offense, the government must prove the firearm was manufactured outside the State of Tennessee. The parties have stipulated

²⁹Sixth Circuit Pattern Criminal Jury Instructions § 2.10 — Defining the Crime and Related Matters, Constructive Possession (1991) (modified).

to this fact. Remember my prior instructions regarding stipulations when considering this element.

It is up to you to weigh the evidence and determine whether the government has proved beyond a reasonable doubt the defendant has committed the crime charged in count 13. If you find the government has carried this burden against the defendant, you will so state in your verdict. If, however, you find the government has not proved beyond a reasonable doubt the defendant committed the crime charged in count 13, then you will find the defendant not guilty on that count.

INTRODUCTION TO DELIBERATION

That concludes the part of my instructions explaining the rules for considering some of the testimony and evidence. Now let me finish up by explaining some things about your deliberations in the jury room, and your possible verdicts.

The first thing that you should do in the jury room is choose someone to be your foreperson. This person will help to guide your discussions, and will speak for you here in court.

Once you start deliberating, do not talk to Ms. Holder, or to me, or to anyone else except each other about the case. If you have any questions or messages, you must write them down on a piece of paper, sign them, and then give them to Ms. Holder. Ms. Holder will give them to me, and I will respond as soon as I can. I may have to talk to the lawyers about what you have asked, so it may take me some time to get back to you. Any questions or messages normally should be sent to me through your foreperson.

One more thing about messages. Do not ever write down or tell anyone how you stand on your votes. For example, do not write down or tell anyone what your vote happens to be. That should stay secret until you are finished.³⁰

³⁰Sixth Circuit Pattern Criminal Jury Instructions § 8.01 — Introduction (1991).

UNANIMOUS VERDICT

Your verdict, whether it is guilty or not guilty, must be unanimous.

To find the defendant guilty, every one of you must agree that the government has overcome the presumption of innocence with evidence that proves the defendant's guilt beyond a reasonable doubt.

To find the defendant not guilty, every one of you must agree that the government has failed to convince you beyond a reasonable doubt.

Either way, guilty or not guilty, your verdict must be unanimous.³¹

³¹Sixth Circuit Pattern Criminal Jury Instructions § 8.03 — Unanimous Verdict (1991).

DUTY TO DELIBERATE

Now that all the evidence is in and the arguments are completed, you are free to talk about the case in the jury room. In fact, it is your duty to talk with each other about the evidence, and to make every reasonable effort you can to reach unanimous agreement. Talk with each other, listen carefully and respectfully to each other's views, and keep an open mind as you listen to what your fellow jurors have to say. Try your best to work out your differences. Do not hesitate to change your mind if you are convinced that other jurors are right and that your original position was wrong.

But do not ever change your mind just because other jurors see things differently, or just to get the case over with. In the end, your vote must be exactly that -- your own vote. It is important for you to reach unanimous agreement, but only if you can do so honestly and in good conscience.

No one will be allowed to hear your discussions in the jury room, and no record will be made of what you say. So you should all feel free to speak your minds.

Listen carefully to what the other jurors have to say, and then decide for yourself if the government has proved the defendant guilty beyond a reasonable doubt.³²

³²Sixth Circuit Pattern Criminal Jury Instructions § 8.04 — Duty to Deliberate (1991).

VERDICT FORM

I have prepared a verdict form that you should use to record your verdict. The form reads as follows:

_____.

If you decide that the government has proved a particular charge against the defendant beyond a reasonable doubt, say so by having your foreperson mark the appropriate place on the form. If you decide that the government has not proved a particular charge against him beyond a reasonable doubt, say so by having your foreperson mark the appropriate place on the form. Your foreperson should then sign the form, put the date on it, and return it to me.³³

³³Sixth Circuit Pattern Criminal Jury Instructions § 8.06 - Verdict Form (1991).

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EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA,

v.

GEORGE WILLIE BUFORD,
a/k/a YA-INSAAN HETEP,
a/k/a "Sandman."

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No. 3:01-CR-102

Judge Curtis L. Collier

VERDICT FORM

(1) As to count 1 of the superseding indictment, we, the jury, unanimously find Defendant _____ (IS NOT / IS) guilty of interfering in interstate commerce by robbing the Merita Thrift Store on or about June 16, 1998.

(2) As to count 2 of the superseding indictment, we, the jury, unanimously find Defendant _____ (IS NOT / IS) guilty of using or carrying a firearm on or about June 16, 1998 during and in relation to the robbery of the Merita Thrift Store charged in count 1.

(3) As to count 3 of the superseding indictment, we, the jury, unanimously find Defendant _____ (IS NOT / IS) guilty of interfering in interstate commerce by robbing the Spur gas station on or about June 18, 1998.

(4) As to count 4 of the superseding indictment, we, the jury, unanimously find Defendant _____ **(IS NOT / IS)** guilty of using or carrying a firearm on or about June 18, 1998 during and in relation to the robbery of the Spur gas station charged in count 3.

(5) As to count 5 of the superseding indictment, we, the jury, unanimously find Defendant _____ **(IS NOT / IS)** guilty of interfering in interstate commerce by robbing the Kwik Pantry on or about June 18, 1998.

(6) As to count 7 of the superseding indictment, we, the jury, unanimously find Defendant _____ **(IS NOT / IS)** guilty of interfering in interstate commerce by robbing the Delta Express convenience store on or about June 21, 1998.

(7) As to count 6 of the superseding indictment, we, the jury, unanimously find Defendant _____ **(IS NOT / IS)** guilty of using or carrying a firearm on or about June 18, 1998 during and in relation to the robbery of the Delta Express convenience store charged in count 7.

(8) As to count 9 of the superseding indictment, we, the jury, unanimously find Defendant _____ **(IS NOT / IS)** guilty of interfering in interstate commerce by robbing the McDonald's restaurant on or about June 21, 1998.

(9) As to count 8 of the superseding indictment, we, the jury, unanimously find Defendant _____ **(IS NOT / IS)** guilty of using or carrying a firearm on or about June 21, 1998 during and in relation to the robbery of the McDonald's restaurant charged in count 9.

(10) As to count 11 of the superseding indictment, we, the jury, unanimously find Defendant _____ **(IS NOT / IS)** guilty of interfering in interstate commerce by robbing the Kentucky Fried Chicken restaurant on or about June 22, 1998.

(11) As to count 10 of the superseding indictment, we, the jury, unanimously find Defendant _____ **(IS NOT / IS)** guilty of using or carrying a firearm on or about June 21, 1998 during and in relation to the robbery of the Kentucky Fried Chicken restaurant charged in count 11.

(12) As to count 13 of the superseding indictment, we, the jury, unanimously find Defendant _____ **(IS NOT / IS)** guilty of being a previously convicted felon in possession of a firearm.

Signature of FOREPERSON

DATE