


UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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BY 
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UNITED STATES OF AMERICA)
)
 v.)
)
 VON SIMMONDS)

Case No. 5:13-cr-42

JURY CHARGE

Members of the Jury:

In light of your verdict that defendant VON SIMMONDS is guilty of conspiracy to distribute cocaine base, you must now decide whether he should surrender to the government his ownership interest in certain property as a penalty for committing that crime. We call this "forfeiture."

FORFEITURE

On this charge, federal law provides that the government is entitled to forfeiture, if it proves, by a preponderance of the evidence, that the property in question was proceeds of the crime or derived from proceeds of the crime.

Note that this is a different standard of proof than you have used for the conspiracy charge in the indictment. A "preponderance of the evidence" means an amount of evidence that persuades you that something is more likely true than not true. It is not proof beyond a reasonable doubt.

"Proceeds" are any property that the defendant obtained, directly or indirectly, as the result of the crime.

If the government proves that property was acquired by the defendant during the period of the conspiracy charged in the indictment or within a reasonable time after such period and there was no likely source other than the conspiracy for the property, you may presume that the property is proceeds or traceable to the proceeds of the conspiracy. You may presume this even if the government has presented no direct evidence to trace the

property to drug proceeds, but you are not required to make this presumption. The defendant may present evidence to rebut this presumption, but he is not required to present any evidence.

While deliberating, you may consider any evidence admitted during the trial. However, you must not re-examine your previous determination regarding the defendant's guilt of the conspiracy charged in the indictment. All of my previous instructions concerning consideration of the evidence, the credibility of witnesses, your duty to deliberate together and to base your verdict solely on the evidence without prejudice, bias or sympathy, and the requirement of unanimity apply here as well.

On the verdict form, I have listed the item that the government claims the defendant should forfeit. You must indicate whether the defendant shall forfeit it. Do not concern yourselves with claims that others may have to the property. That is for the judge to determine later.

I appoint Mitchell Komer as your foreperson. *CR 9/18/14*

Dated at Rutland, in the District of Vermont, this 4th day of June, 2014.



Christina Reiss, Chief Judge
United States District Court