

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA)
)
) **No. 08 CR 846**
) **Honorable Joan H. Lefkow**
vs.)
JON BURGE)

DEFENDANT’S SUPPLEMENTAL JURY INSTRUCTIONS

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Count One alleges that defendant Jon Burge submitted Answers to the Plaintiff's First Set of Interrogatories, which included answers to Questions 13 and 14. The government need not prove that defendant corruptly obstructed, influenced, and impeded an official proceeding, and attempted to do so, by signing an Answer that contained false statements in response to both questions. However, the government must prove that defendant willfully made at least one false statement in response to Questions 13 or 14. In order to find that the government has proved that the defendant did so, the jury must unanimously agree on which specific answer the defendant willfully answered falsely.

For example, if some you find defendant willfully answered Question 13 falsely and the rest of you find defendant willfully answered Question 14 falsely, then there is no unanimous agreement. On the other hand, if all jurors find the government has proved that defendant willfully answered either Question 13 or 14 falsely, then there is unanimous agreement.

Defendant's Supplemental Inst. 1

Seventh Circuit Committee 4.03 (modified)

In questioning a suspect in police custody, police officers are permitted to use reasonable investigative methods, procedures or techniques. For example, use of photographs or polygraph testing are proper interrogation methods, procedures and techniques. Police are also permitted to restrain a person in custody through reasonable use of handcuffs or leg restraints. In addition, police are permitted to use deception, misinformation or trickery in questioning a suspect, so long as it remains possible for the arrested person to make a rational decision about whether or not to make a statement.

Defendant's Supplemental Inst. 2

See Deft's Inst. 29 for case citations

Certain demonstrative exhibits have been shown to you. Those are used for convenience and to help explain the facts of the case. They are not themselves evidence or proof of any facts.

Defendant's Supplemental Inst. 3

Seventh Circuit Committee Civil 1.24

Under the rules governing procedures in civil lawsuits, interrogatories must be answered by the party to whom they are directed. An attorney for the party may make objections to interrogatories. Each interrogatory must, to the extent it is not objected to, be answered separately and fully in writing under oath. The person who makes the answers must sign them, and the attorney who objects must sign any objections.

Defendant's Supplemental Inst. 4

Fed.R.Civ.P. 33

To the extent Andrew Wilson asserted his privilege against self-incrimination in response to questions posed to him on cross-examination during prior testimony, you may, but are not required to, assume that Andrew Wilson's testimony would have been unfavorable to him.

Defendant's Supplemental Inst. 5

Baxter v. Palmigiano, 425 U.S. 308 (1976)

See Seventh Circuit Committee Civil 1.19

CERTIFICATE OF SERVICE

MARC W. MARTIN, an attorney for the Defendant Jon Burge, hereby certifies that I caused filing of the foregoing supplemental jury instructions this 20th day of June 2010, on the CM/ECF system for the Northern District of Illinois, constituting service of the same.

Respectfully submitted,

/s Marc W. Martin

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