

United States District Court
Eastern District of California
Before the Honorable Lawrence K. Karlton

FILED

JUL 10 2008

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY _____
DEPUTY CLERK

UNITED STATES OF AMERICA,

v.

JULIE LEE,

CASE #: CR. S-05-0182 LKK

JURY INSTRUCTIONS GIVEN

DATED: 7/10/2008


Deputy Clerk

INSTRUCTION NO. 7

Because of the presumption of innocence, a defendant does not have to prove innocence. The burden of proof is always on the government and never shifts to the defendant, and the presumption of innocence is enough, in and of itself, to base a finding of not guilty.

The burden on the government is to prove by the evidence admitted in this trial the truth of the charge beyond a reasonable doubt. The standard does not require proof of guilt beyond all dispute because any issue depending on evidence is subject to unreasonable debate. The standard is beyond a reasonable doubt, which is proof of such a convincing character that upon deliberate and dispassionate consideration it satisfies a reasonable juror without reservation of guilt, with such abiding confidence that a reasonable juror would have no occasion to reconsider whether the verdict was proper if called upon to reanalyze the same evidence at some future time.

In sum, if after careful and impartial consideration of all the evidence in the case you are convinced beyond a reasonable doubt, you should convict; but if the evidence fails to convince you beyond a reasonable doubt, you should find the defendant not guilty. If you believe that the evidence reasonably permits either of two conclusions -- that the defendant is guilty, or that the defendant is innocent -- you must find the defendant not guilty.