

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

[],

Plaintiff,

v.

**Case No. []
Judge Edmund A. Sargus, Jr.
Magistrate Judge []**

[],

Defendant.

**CLOSING JURY INSTRUCTIONS
and
VERDICT FORM**

Table of Contents

PROVINCE OF THE COURT	3
PROVINCE OF THE JURY	4
ALL PERSONS EQUAL BEFORE THE LAW	5
DUTIES OF THE JURY	6
EVIDENCE	7
INADMISSIBLE AND STRICKEN EVIDENCE	8
STIPULATIONS.....	9
JUDICIAL NOTICE	10
DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE.....	11
INFERENCES DEFINED.....	12
CREDIBILITY OF WITNESSES	13
IMPEACHMENT—INCONSISTENT STATEMENT OR CONDUCT.....	15
BURDEN OF PROOF	16
PREPONDERANCE OF THE EVIDENCE	17
“IF YOU FIND” OR “IF YOU DECIDE”	18
ELEMENTS OF PLAINTIFF’S CLAIM.....	19
□.....	20
DAMAGES GENERALLY	21
COMPENSATORY DAMAGES.....	22
□.....	23
□.....	24
□.....	25
WRITTEN INSTRUCTIONS.....	26
DELIBERATIONS AND VERDICT INFORMATION	27
EXPERIMENTS, RESEARCH, AND INVESTIGATION.....	28
INSTRUCTIONS AND FORM DO NOT RECOMMEND ANY PARTICULAR VERDICT	29
NOTIFY COURT SECURITY OFFICER WHEN VERDICT IS READY	30
VERDICT FORM.....	31

Instruction No. 1
PROVINCE OF THE COURT

Ladies and Gentlemen of the Jury:

Now that you have heard the evidence and the arguments, the time has come to instruct you as to the law governing the case.

Although you as jurors are the sole judges of the facts, you are duty bound to follow the law as stated in the instructions of the Court and to apply the law so given to the facts as you find them from the evidence before you.

You are not to single out any one instruction alone as stating the law, but must consider the instructions as a whole.

Neither are you to be concerned with the wisdom of any rule of law. Regardless of any opinion that you may have as to what the law ought to be, it would be a violation of your sworn duty to base a verdict upon any other view of the law than that given in the instructions of the Court.

Instruction No. 2
PROVINCE OF THE JURY

You have been chosen and sworn as jurors in this case to try the issues of fact presented by Plaintiff [], whom I will refer to as “Plaintiff,” or by his/her individual name, “[]” or “Mr./Ms. [].” The Plaintiff filed his/her case against Defendant [], whom I will refer to as “Defendant,” or by his/her individual name, “[]” or “Mr./Ms. [].”

You are to perform this duty without bias or prejudice as to any party. The law does not permit jurors to be governed by sympathy, prejudice, or public opinion. The parties and the public expect that you will carefully and impartially consider all the evidence, follow the law as stated by the Court, and reach a just verdict, regardless of the consequences.

Instruction No. 3
ALL PERSONS EQUAL BEFORE THE LAW

This case should be considered and decided by you as a dispute between persons of equal standing in the community, of equal worth, and holding the same or similar stations in life. All persons stand equal before the law and are to be treated as equals.

Instruction No. 4
DUTIES OF THE JURY

Counsel in this case may have referred to some of the governing rules of law in their arguments. If, however, any difference appears to you between the law as stated by counsel and that stated by the Court in these instructions, you are of course to be governed by the Court's instructions.

Nothing I say in these instructions is to be taken as an indication that I have any opinions about the facts of the case, or what that opinion is. It is not my function to determine the facts, but rather yours.

Instruction No. 5
EVIDENCE

The evidence in this case consists of the sworn testimony of the witnesses and all the exhibits which have been received into evidence. The following things are not evidence, and you must not consider them as evidence in deciding the facts of this case: (1) statements and arguments of the attorneys; (2) questions and objections of the attorneys; (3) testimony that I instruct you to disregard; and (4) anything you may see or hear when court is not in session even if what you see or hear is done or said by one of the parties or by one of the witnesses.

You are to consider only the evidence in the case. However, you are not limited to the bald statements of the witnesses, but you are permitted to draw from the facts which you have found have been proved, such reasonable inferences as seem justified in the light of your own experience. This is to say, from the facts which have been proved, you may draw an inference based upon reason and common sense.

Instruction No. 6
INADMISSIBLE AND STRICKEN EVIDENCE

It is the duty of a lawyer to object when the other side offers testimony or other materials that the lawyer believes are not properly admissible in evidence. If, throughout the trial, I sustained an objection by one of the lawyers, you are to disregard the question and you must not guess about what the answer would have been. If a question was asked and the witness answered it, and I ruled that you should not consider the answer, then you must disregard both the question and the answer in your deliberations just as if the question and answer had never been spoken.

Instruction No. 7
STIPULATIONS

Statements and arguments of the lawyers are not evidence in the case, unless made as an admission or stipulation of fact. A stipulation is an agreement between both sides that certain facts are true. When the lawyers on both sides stipulate or agree to the existence of a fact, you must, unless instructed otherwise, accept the stipulation as evidence, and regard that fact as proved.

The parties have stipulated, or agreed, to the following facts:

1. [].
2. [].

You must treat these facts as having been proven for the purpose of this case.

Instruction No. 8
JUDICIAL NOTICE

Instruction No. 9
DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE

There are, generally speaking, two types of evidence from which a jury may properly find the truth as to the facts of a case. One is direct evidence, such as the testimony of an eyewitness. The other is indirect or circumstantial evidence. Indirect or circumstantial evidence is proof of a chain of circumstances pointing to the existence or non-existence of certain facts.

As a general rule, the law makes no distinction between direct or circumstantial evidence, but simply requires that the jury find the facts in accordance with the applicable burden of proof which is explained in these instructions.

Instruction No. 10
INFERENCES DEFINED

“Inferences” are deductions or conclusions that reason and common sense lead you to draw from facts established by the evidence in the case.

Instruction No. 11
CREDIBILITY OF WITNESSES

You, as jurors, are the sole judges of the credibility of the witnesses and the weight their testimony deserves. You may be guided by the appearance and conduct of the witness, or by the manner in which the witness testifies, or by the character of the testimony given, or by evidence to the contrary of the testimony given.

You should carefully scrutinize all the testimony given, the circumstances under which each witness has testified, and every matter in evidence which tends to show whether a witness is worthy of belief. Consider each witness's intelligence, motive and state of mind, and demeanor or manner while on the stand. Consider the witness's ability to observe the matters as to which he or she impresses you as having an accurate recollection of these matters. Consider also any relation each witness may bear to either side of the case; the manner in which each witness might be affected by the verdict; and the extent to which, if at all, each witness is either supported or contradicted by other evidence in the case.

Inconsistencies or discrepancies in the testimony of a witness, or between the testimonies of different witnesses, may or may not cause the jury to discredit such testimony. Two or more persons witnessing an incident or a transaction may see or hear it differently; and innocent misrecollection, like failure of recollection, is not an uncommon experience. In weighing the effect of a discrepancy, always consider whether it pertains to a matter of importance or an unimportant detail, and whether the discrepancy results from innocent error or intentional falsehood.

After making your own judgment, you will give the testimony of each witness such weight, if any, as you may think it deserves.

Also, the weight of the evidence is not necessarily determined by the number of witnesses testifying to the existence or non-existence of any fact. You may find the testimony of a small number of witnesses as to any fact is more credible than the testimony of a larger number of witnesses to the contrary.

Instruction No. 12
IMPEACHMENT—INCONSISTENT STATEMENT OR CONDUCT

A witness may be discredited or impeached by contradictory evidence or by evidence that at some other time the witness has said or done something, or has failed to say or do something that is inconsistent with the witness's present testimony.

If you believe any witness has been impeached and thus discredited, you may give the testimony of that witness such credibility, if any, you think it deserves.

If a witness is shown knowingly to have testified falsely about any material matter, you have a right to distrust such witness's other testimony and you may reject all the testimony of that witness or give it such credibility as you may think it deserves.

An act or omission is "knowingly" done, if the act is done voluntarily and intentionally, and not because of mistake or accident or other innocent reason.

Instruction No. 13
BURDEN OF PROOF

Unless I instruct you otherwise, the burden of proof in this case is on Mr./Ms. [] to prove his/her claim and any damages by a preponderance of the evidence, which I will define for you.

Instruction No. 14
PREPONDERANCE OF THE EVIDENCE

Preponderance of the evidence is the greater weight of the evidence; that is, evidence that you believe because it outweighs or overbalances in your mind the evidence opposed to it. A preponderance means evidence that is more probable, more persuasive, or of greater probative value. It is the quality of the evidence that must be weighted. Quality may, or may not, be identical with quantity.

In determining whether an issue has been proved by a preponderance of the evidence, you should consider all the evidence, regardless of who produced it.

If the weight of the evidence is equally balanced, or if you are unable to determine which side of an issue has the preponderance, the party who has the burden of proof has not established such issue by a preponderance of the evidence.

Instruction No. 15
“IF YOU FIND” OR “IF YOU DECIDE”

When I instruct you that a party has the burden of proof on any proposition, or use the expression “if you find,” or “if you decide,” I mean that you must be persuaded, considering all the evidence in the case that the proposition is more probably true than not.

Instruction No. 16
ELEMENTS OF PLAINTIFF'S CLAIM

Instruction No. 17

[]

Instruction No. 18
DAMAGES GENERALLY

Instruction No. 19
COMPENSATORY DAMAGES

Instruction No. 20

[]

.

Instruction No. 21

[]

Instruction No. 22
[]

Instruction No. 23
WRITTEN INSTRUCTIONS

The written form of the instructions on the law I have just given you will be available to you in the jury room. These instructions, which are contained in a three-ring binder, are placed in the charge of the foreperson you elect.

You are invited to use these instructions in any way that will assist you in your deliberations and in arriving at a verdict.

You may pass these instructions from juror to juror for individual reading and consideration, but you may not remove any one of the individual sheets from the binder.

These written instructions, which are in exactly the same language as I have given them to you orally, represent the law that is applicable to the facts, as you find the facts to be.

There is a table of contents on the first page of these instructions. You may readily locate any particular instruction by referring to this list.

Instruction No. 24
DELIBERATIONS AND VERDICT INFORMATION

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. The foreperson acts as the chairperson of the meeting and is your spokesperson in court. He or she must see to it that the charges and the issues are taken up as given to you; that everyone has a chance to speak to these matters; and that your deliberations proceed in an orderly way.

After you have arrived at the verdict, which must be unanimous, the foreperson and all jurors will sign the verdict forms on the lines as indicated. Once you start deliberating, do not talk to the courtroom deputy, 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, signed by any of you, and then give them to the Court Security Officer, who 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.

All of the exhibits will be sent to the jury room with you so you can review them during your deliberations.

One more thing about messages. Do not ever write down or tell anyone outside the jury room how you stand on your votes. For example, do not write down or tell anyone outside the jury room that you are split 5-3, or 7-1, or whatever your vote happens to be. That should stay confidential until you are finished.

Instruction No. 25
EXPERIMENTS, RESEARCH, AND INVESTIGATION

Remember that you must make your decision based only on the evidence that you saw and heard here in court. Do not try to gather any information about the case on your own while you are deliberating.

For example, do not conduct any experiments inside or outside the jury room; do not bring any books, like a dictionary, or anything else with you to help you with your deliberations; do not conduct any independent research, reading, or investigation about the case; and do not visit any of the places that were mentioned during the trial.

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, Blackberry, or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, application, or website, including but not limited to Facebook, MySpace, LinkedIn, Instagram, YouTube, Twitter/“X,” Snapchat, or TikTok; to communicate to anyone any information about this case or to conduct any research about this case until I accept your verdict.

Make your decision based only on the evidence that you saw and heard here in court.

Instruction No. 26

INSTRUCTIONS AND FORM DO NOT RECOMMEND ANY PARTICULAR VERDICT

I caution you that nothing said in these instructions and nothing in the verdict forms is to suggest or convey in any way the verdict I think you should return. The verdict you return is your exclusive duty and responsibility as jurors.

Instruction No. 27
NOTIFY COURT SECURITY OFFICER WHEN VERDICT IS READY

When you arrive at a verdict, you will notify the Court Security Officer, who will inform the Court.

Instruction No. 28
VERDICT FORM

The Court will provide you with the verdict form which you will have with you in the jury room. I will now read this to you.