

guilt or innocence of any other person or persons not on trial as a defendant in this case.

### **Single Defendant—Multiple Counts**

Additionally, the crimes which you are to consider are those listed in the indictment. The indictment in this case consists of four separate counts, alleging four separate crimes. Each count, and the evidence pertaining to it, should be considered separately. The fact that you may find the defendant guilty or not guilty as to one of the crimes charged should not control your verdict as to any other crime.

### **Caution about Punishment**

Finally, if the defendant is found guilty, it will be the Court's duty to decide what the punishment will be. You should not be concerned with punishment in arriving at your verdict.

### **Relevant Terms Defined**

Before instructing you on the four counts charged in the indictment, the Court will define some relevant terms for you.

“Knowingly” means that the act was done voluntarily and intentionally, not because of mistake or accident.

You may find that a defendant had knowledge of a fact if you find that the defendant was “deliberately ignorant,” meaning that the defendant deliberately closed his eyes to what would otherwise have been obvious to him. Knowledge on the part of the defendant cannot be established merely by demonstrating that the defendant was negligent, careless, or foolish, however, knowledge can be inferred if the defendant deliberately blinded himself to the existence of a fact. “Deliberate ignorance” does not lessen the government’s burden to show, beyond a reasonable doubt, that the knowledge elements of the crimes have been satisfied.

“Possession,” as that term is used in this case, may be of two kinds: actual possession and constructive possession. A person who knowingly has direct physical control over an item, at a given time, is then in actual possession of said item.

A person who, although not in actual possession, knowingly has both the power and the intention, at a given time, to exercise dominion