

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 v.) Case No. 09-00296-03-CR-W-FJG
)
)
 ROBERT E. STEWART,)
)
)
 Defendant.)

**DEFENDANT ROBERT STEWART'S
PROPOSED JURY INSTRUCTIONS**

Defendant Robert Stewart respectfully submits his attached proposed Jury Instructions.

Respectfully submitted,

/s/ Ronald E. Partee
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed electronically with the Court, with notice of case activity to be generated and sent electronically by the Clerk of the Court this 1st day of December, 2009, to all counsel of record.

/s/ Ronald E. Partee
Ronald E. Partee

INSTRUCTION NO. _____

The indictment in this case charges that the defendant committed the crime of participating in a drug conspiracy. The defendant has pleaded not guilty to those charges.

As I told you at the beginning of the trial, an indictment is simply an accusation. It is not evidence of anything. To the contrary, the defendant is presumed to be innocent. Thus the defendant, even though charged, begins the trial with no evidence against him. The presumption of innocence alone is sufficient to find the defendant not guilty and can be overcome only if the Government proves, beyond a reasonable doubt, each element of the crime charged.

Defendant's Instruction No. 1
SOURCE: Eighth Circuit Model Jury Instructions
No. 3.05 Modified

INSTRUCTION NO. _____

You have heard testimony that the defendant made statements to various persons. With respect to each of the statements attributed to the defendant, it is for you to decide:

First, whether the defendant made the statement, and

Second, if so how much weight you should consider all of the evidence, including the circumstances under which the statement may have been made.

Defendant's Instruction No. 2

SOURCE: Eighth Circuit Manual of Model Jury Instructions (Criminal), 2003
No. 2.07

INSTRUCTION NO. _____

You have heard evidence that the defendant was previously convicted of a crime. You may use this evidence only to help you decide whether to believe his testimony and how much weight to give it. That evidence does not mean that he committed the crime charged here, and you must not use that evidence as any proof of the crime charged in this case.

Defendant's Instruction No. 3

SOURCE: Eighth Circuit Manual of Model Jury Instructions (Criminal), 2003
No. 2.16

INSTRUCTION NO. _____

You have heard evidence that Dennis Anthony, Michael Clary, Michael Hensley, Donald Street, Steven Street, John B. Angell and Nicholas E. Donkersloot have plead guilty to a crime which arose out of the same events for which the defendant is on trial here. You must not consider those guilty pleas as any evidence of this defendant's guilt. You may consider that witness's guilty plea only for the purpose of determining how much, if at all, to rely upon that witness's testimony.

Defendant's Instruction No. 4

SOURCE: Eighth Circuit Manual of Model Jury Instructions (Criminal), 2003
No. 2.19

INSTRUCTION NO. _____

You have heard testimony from Dennis Anthony, Michael Clary, Michael Hensley,

Donald Street, Steven Street, John B. Angell and Nicholas E. Vandersloot who stated that they participated in the crimes charged against the defendant. Their testimony was received in evidence and may be considered by you. You may give their testimony such weight as you think it deserves. Whether or not their testimony may have been influenced by their desire to please the Government or to strike a good bargain with the Government about their own situation is for you to determine.

Defendant's Instruction No. 5

SOURCE: Eighth Circuit Manual of Model Jury Instructions (Criminal), 2003
No. 4.05