

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

v.

CASE NO. 3:16-cr-93-J-32JRK

CORRINE BROWN

**COURT'S INSTRUCTIONS TO THE JURY**

Members of the Jury:

It's my duty to instruct you on the rules of law that you must use in deciding this case. After I've completed these instructions you will go to the jury room and begin your discussions - - what we call your deliberations.

You must decide whether the Government has proved the specific facts necessary to find the Defendant guilty beyond a reasonable doubt as to each crime charged.

## **JURY INSTRUCTION NO. 1**

Your decision must be based only on the evidence presented during the trial. You must not be influenced in any way by either sympathy for or prejudice against the Defendant or the Government.

You must follow the law as I explain it– even if you do not agree with the law– and you must follow all of my instructions as a whole. You must not single out or disregard any of the Court's instructions on the law.

The indictment or formal charge against a defendant isn't evidence of guilt. The law presumes every defendant is innocent. The Defendant does not have to prove her innocence or produce any evidence at all. The Government must prove guilt beyond a reasonable doubt. If it fails to do so, you must find the Defendant not guilty.

## **JURY INSTRUCTION NO. 2**

The Government's burden of proof is heavy, but it doesn't have to prove a Defendant's guilt beyond all possible doubt. The Government's proof only has to exclude any "reasonable doubt" concerning the Defendant's guilt.

A "reasonable doubt" is a real doubt, based on your reason and common sense after you've carefully and impartially considered all the evidence in the case.

"Proof beyond a reasonable doubt" is proof so convincing that you would be willing to rely and act on it without hesitation in the most important of your own affairs. If you are convinced that the Defendant has been proved guilty beyond a reasonable doubt, say so. If you are not convinced, say so.

### **JURY INSTRUCTION NO. 3**

As I said before, you must consider only the evidence that I have admitted in the case. Evidence includes the testimony of witnesses and the exhibits admitted. But, anything the lawyers say is not evidence and isn't binding on you.

You shouldn't assume from anything I've said that I have any opinion about any factual issue in this case. Except for my instructions to you on the law, you should disregard anything I may have said during the trial in arriving at your own decision about the facts.

Your own recollection and interpretation of the evidence is what matters.

In considering the evidence you may use reasoning and common sense to make deductions and reach conclusions. You shouldn't be concerned about whether the evidence is direct or circumstantial.

"Direct evidence" is the testimony of a person who asserts that he or she has actual knowledge of a fact, such as an eyewitness.

"Circumstantial evidence" is proof of a chain of facts and circumstances that tend to prove or disprove a fact. There's no legal difference in the weight you may give to either direct or circumstantial evidence.

### **JURY INSTRUCTION NO. 4**

When I say you must consider all the evidence, I don't mean that you must accept all the evidence as true or accurate. You should decide whether you believe what each witness had to say, and how important that testimony was. In making that decision you may believe or disbelieve any witness, in whole or in part. The number of witnesses testifying concerning a particular point doesn't necessarily matter.

To decide whether you believe any witness I suggest that you ask yourself a few questions:

- Did the witness impress you as one who was telling the truth?
- Did the witness have any particular reason not to tell the truth?
- Did the witness have a personal interest in the outcome of the case?
- Did the witness seem to have a good memory?
- Did the witness have the opportunity and ability to accurately observe the things he or she testified about?
- Did the witness appear to understand the questions clearly and answer them directly?
- Did the witness's testimony differ from other testimony or other evidence?

## **JURY INSTRUCTION NO. 5**

You should also ask yourself whether there was evidence that a witness testified falsely about an important fact. And ask whether there was evidence that at some other time a witness said or did something, or didn't say or do something, that was different from the testimony the witness gave during this trial.

But keep in mind that a simple mistake doesn't mean a witness wasn't telling the truth as he or she remembers it. People naturally tend to forget some things or remember them inaccurately. So, if a witness misstated something, you must decide whether it was because of an innocent lapse in memory or an intentional deception. The significance of your decision may depend on whether the misstatement is about an important fact or about an unimportant detail.

To decide whether you believe a witness, you may consider the fact that the witness has been convicted of a felony or a crime involving dishonesty or a false statement.

A defendant has a right not to testify. But since the Defendant did testify, you should decide whether you believe the Defendant's testimony in the same way as that of any other witness.

## **JURY INSTRUCTION NO. 6**

You must consider some witnesses' testimony with more caution than others.

In this case, the Government has made a plea agreement with a co-defendant, Elias "Ronnie" Simmons, and another alleged co-conspirator, Carla Wiley, in exchange for their respective testimony. Such "plea bargaining," as it's called, provides for the possibility of a lesser sentence than Simmons and Wiley would normally face. Plea bargaining is lawful and proper, and the rules of this court expressly provide for it.

But a witness who hopes to gain more favorable treatment may have a reason to make a false statement in order to strike a good bargain with the Government.

So while a witness of that kind may be entirely truthful when testifying, you should consider that testimony with more caution than the testimony of other witnesses.

And the fact that a witness has pleaded guilty to an offense is not evidence of the guilt of any other person.

## **JURY INSTRUCTION NO. 7**

The indictment charges the Defendant with twenty-two (22) separate crimes, called “counts.” Each count has a number. You’ll be given an excerpt of the indictment to refer to during your deliberations.

Count One charges that the Defendant conspired to commit mail fraud and wire fraud.

Note that the Defendant is not charged in Count One with committing a substantive offense – the Defendant is charged with conspiring to commit mail fraud and wire fraud.

Counts Two through Seventeen charge that the Defendant committed what are called “substantive offenses” of Aiding and Abetting Mail Fraud (Counts Two through Eight) and Aiding and Abetting Wire Fraud (Counts Nine through Seventeen).

The Defendant was not charged in Count Eighteen. You will not consider that count during your deliberations.

Count Nineteen charges the Defendant with engaging in a scheme to conceal material facts related to her income on certain financial disclosure forms.



The Defendant was not charged in Count Twenty. You will not consider that count during your deliberations.

Count Twenty-One charges the Defendant with corruptly endeavoring to obstruct and impede the due administration of the Internal Revenue laws in connection with the filing of her U.S. Individual Income Tax Returns (IRS Form 1040) for tax years 2008 through 2014.

Counts Twenty-Two, Twenty-Three, and Twenty-Four charge the Defendant with filing false U.S. Individual Income Tax Returns (IRS Form 1040) for tax years 2012 (Count Twenty-Two), 2013 (Count Twenty-Three), and 2014 (Count Twenty-Four).

I will now discuss the charges with you in more detail.

## **JURY INSTRUCTION NO. 8**

Count One is a conspiracy count. It's a separate federal crime for anyone to knowingly and willfully conspire or agree with someone to do something that, if actually carried out, would result in the crimes of mail fraud or wire fraud. I will explain what mail fraud and wire fraud are in a moment. But first I will explain to you the law of conspiracy.

A "conspiracy" is an agreement by two or more persons to commit an unlawful act. In other words, it is a kind of partnership for criminal purposes. Every member of the conspiracy becomes the agent or partner of every other member.

The Government does not have to prove that all the people named in the indictment were members of the plan, or that those who were members made any kind of formal agreement. The heart of a conspiracy is the making of the unlawful plan itself, so the Government does not have to prove that the conspirators succeeded in carrying out the plan.

A Defendant can be found guilty of this conspiracy offense only if the Government proves the following beyond a reasonable doubt:

- (1) two or more persons, in some way or manner, agreed to try to accomplish a common and unlawful plan to commit

mail fraud or to commit wire fraud, as charged in the indictment; and

- (2) the Defendant knew the unlawful purpose of the plan and willfully joined in it.

A person may be a conspirator even without knowing all the details of the unlawful plan or the names and identities of all the other alleged conspirators.

If a Defendant played only a minor part in the plan but had a general understanding of the unlawful purpose of the plan – and willfully joined in the plan on at least one occasion – that’s sufficient for you to find the Defendant guilty.

But simply being present at the scene of an event or merely associating with certain people and discussing common goals and interests doesn’t establish proof of a conspiracy. Also, a person who doesn’t know about a conspiracy but happens to act in a way that advances some purpose of one doesn’t automatically become a conspirator.

### **JURY INSTRUCTION NO. 9**

The Defendant is charged in Count One with conspiring to commit mail fraud and to commit wire fraud. In other words, the Defendant is charged with conspiring to commit two separate substantive crimes.

The Government does not have to prove that the Defendant willfully conspired to commit both crimes. It is sufficient if the Government proves beyond a reasonable doubt that the Defendant wilfully conspired to commit one of those crimes. But to return a verdict of guilty, you must all agree on which of the two crimes the Defendant conspired to commit.

## **JURY INSTRUCTION NO. 10**

The mail fraud statute is relevant to both Count One, the conspiracy charge, and Counts Two through Eight, which charge the Defendant with aiding and abetting mail fraud. It's a federal crime to transmit something by private or commercial interstate carrier in carrying out a scheme to defraud someone.

A Defendant can be found guilty of this crime only if the Government proves the following beyond a reasonable doubt:

- (1) the Defendant knowingly devised or participated in a scheme to defraud someone, or obtain money or property, using false or fraudulent pretenses, representations, or promises;
- (2) the false or fraudulent pretenses, representations, or promises were about a material fact;
- (3) the Defendant intended to defraud someone; and
- (4) the Defendant used a private or commercial interstate carrier by depositing or causing to be deposited with the carrier something meant to help carry out the scheme to defraud.

A "private or commercial interstate carrier" includes any business that transmits, carries, or delivers items from one state to another (such as Federal Express). It doesn't matter whether the message or item actually moves from

one state to another as long as the message or item is delivered to the carrier.

The Government does not have to prove that the material deposited with an interstate carrier was itself false or fraudulent. It also does not have to prove that the use of the interstate carrier was intended as the specific or exclusive means of carrying out the fraud, or that the Defendant did the actual depositing. It doesn't even have to prove that anyone was actually defrauded.

To "cause" an interstate carrier to be used is to do an act knowing that the use of the carrier will usually follow in the ordinary course of business or where that use can reasonably be foreseen.

Each separate use of an interstate carrier as part of the scheme to defraud is a separate crime.

## **JURY INSTRUCTION NO. 11**

The wire fraud statute is relevant to both Count One of the indictment, the conspiracy charge, and Counts Nine through Seventeen, which charge the Defendant with aiding and abetting wire fraud. It's a federal crime to use interstate wire communications (including e-mail and bank deposits) to carry out a scheme to defraud someone else.

A Defendant can be found guilty of this crime only if the Government proves the following beyond a reasonable doubt:

- (1) the Defendant knowingly devised or participated in a scheme to defraud, or to obtain money or property by using false pretenses, representations, or promises;
- (2) the false pretenses, representations, or promises were about a material fact;
- (3) the Defendant acted with the intent to defraud; and
- (4) the Defendant transmitted or caused to be transmitted by wire some communication in interstate commerce to help carry out the scheme to defraud.

The government doesn't have to prove that the material transmitted by interstate wire was itself false or fraudulent; or that using the wire was intended as the specific or exclusive means of carrying out the alleged fraud; or that the Defendant personally made the transmission over the wire. And

it doesn't have to prove that the alleged scheme actually succeeded in defrauding anyone.

To "use" interstate wire communications is to act so that something would normally be sent through wire communications in the normal course of business.

Each separate use of the interstate wire communications as part of the scheme to defraud is a separate crime.



## **JURY INSTRUCTION NO. 12**

In considering the conspiracy to commit mail fraud and wire fraud count (Count One), the aiding and abetting mail fraud counts (Counts Two through Eight), and the aiding and abetting wire fraud counts (Counts Nine through Seventeen), you are instructed as follows:

A “scheme to defraud” includes any plan or course of action intended to deceive or cheat someone out of money or property using false or fraudulent pretenses, representations, or promises.

The Government does not have to prove all the details alleged in the indictment about the precise nature and purpose of the scheme.

A statement or representation is “false” or “fraudulent” if it is about a material fact, it is made with intent to defraud, and the speaker either knows it is untrue or makes it with reckless indifference to the truth. It may be false or fraudulent if it is made with the intent to defraud and is a half-truth or effectively conceals a material fact.

A “material fact” is an important fact that a reasonable person would use to decide whether to do or not do something. A fact is “material” if it has the capacity or natural tendency to influence a person’s decision. It doesn’t matter whether the decision-maker actually relied on the statement or knew

or should have known that the statement was false.

To act with “intent to defraud” means to act knowingly and with the specific intent to deceive or cheat someone, usually for personal financial gain or to cause financial loss to someone else.

### **JURY INSTRUCTION NO. 13**

Counts Two through Eight charge the Defendant with aiding and abetting mail fraud. Counts Nine through Seventeen charge the Defendant with aiding and abetting wire fraud. It's possible to prove a Defendant guilty of a crime even without evidence that the Defendant personally performed every act charged.

A Defendant "aids and abets" a person if the Defendant intentionally joins with the person to commit a crime.

Additionally, any act a person can do may be done by directing another person, or "agent." Or it may be done by acting with or under the direction of others.

A Defendant is criminally responsible for the acts of another person if the Defendant aids and abets the other person. A Defendant is also responsible if the Defendant willfully directs or authorizes the acts of an agent, employee, or other associate.

But finding that a Defendant is criminally responsible for the acts of another person requires proof that the Defendant intentionally associated with or participated in the crime – not just proof that the Defendant was simply present at the scene of a crime or knew about it.

In other words, you must find beyond a reasonable doubt that the Defendant was a willful participant and not merely a knowing spectator.

## **JURY INSTRUCTION NO. 14**

Count Nineteen charges the Defendant with engaging in a scheme to conceal material facts related to her “earned income” on required financial disclosure forms filed with the Clerk of the United States House of Representatives for calendar years 2012, 2013, 2014, and 2015. The Defendant can be found guilty of this crime only if the Government proves the following beyond a reasonable doubt:

- (1) the Defendant concealed a fact by a trick, scheme, or device;
- (2) the Defendant acted knowingly and willfully;
- (3) the falsity concerned a material fact;
- (4) the fact was within the jurisdiction of the legislative branch of the Government of the United States; and
- (5) the Defendant had a legal duty to disclose the concealed fact.

The concealment of a fact through a trick, scheme, or device is not a crime unless the fact is material. A “material fact” is an important fact – not some unimportant or trivial detail – that has a natural tendency to influence a decision of the legislative branch in reaching a required decision. The Government does not have to show that the legislative branch was, in fact, deceived or misled by the concealment of the material fact.

I am instructing you that under the law, the Defendant was required to file an annual disclosure form reporting “earned income” for calendar years 2012, 2013, 2014, and 2015. The reporting category “earned income” is defined to include “all income from whatever source derived” other than income from employment with the House of Representatives. The term “earned income” is different from “unearned income,” which includes things like income received as a return on an investment. “Earned income” does not include other categories that must be reported on the annual disclosure form including gifts and travel payments and reimbursements.

The Defendant’s financial disclosure forms were required to be submitted to, and filed with, the Clerk of the United States House of Representatives and were subject to review for completeness and accuracy by the House Committee on Ethics, an office within the legislative branch.

## **JURY INSTRUCTION NO. 15**

It's a federal crime to corruptly obstruct or impede the proper administration of the Internal Revenue laws. The Defendant is charged in Count Twenty-One with this crime.

The Defendant can be found guilty of this crime only if the Government proves the following beyond a reasonable doubt:

- (1) the Defendant knowingly tried to obstruct or impede the due administration of the Internal Revenue laws; and
- (2) the Defendant did so corruptly.

To "try to obstruct or impede" is to consciously attempt to act, or to take some step to hinder, prevent, delay, or make more difficult the proper administration of the Internal Revenue laws.

To act "corruptly" means to act knowingly and dishonestly for a wrongful purpose.

The Government does not have to prove that the administration of the Internal Revenue laws was actually obstructed or impeded. It only has to prove that the Defendant corruptly tried to do so.

## **JURY INSTRUCTION NO. 16**

It's a federal crime to willfully and knowingly prepare and file a false tax return or other tax-related documents. The Defendant is charged with this crime in Counts Twenty-Two (tax year 2012), Twenty-Three (tax year 2013), and Twenty-Four (tax year 2014).

A Defendant can be found guilty of this crime only if the Government proves the following beyond a reasonable doubt, for each of the years in question:

- (1) the Defendant made or caused to be made an IRS Form 1040 for the tax year alleged in the pertinent counts in the indictment;
- (2) the IRS Form 1040 contained a written declaration that it was made under the penalty of perjury;
- (3) when the Defendant made or helped to make the IRS Form 1040, she knew it contained false material information;
- (4) when the Defendant did so, she intended to do something she knew violated the law; and
- (5) the false matter in the IRS Form 1040 related to a material statement.

A declaration is "false" if it is untrue when it is made and the person making it knows it is untrue. A declaration in a document is "false" if it is untrue when the document is used and the person using it knows it is untrue.



A declaration is “material” if it concerns a matter of significance or importance, not a minor or insignificant or trivial detail. A false matter is “material” if the matter was capable of influencing the Internal Revenue Service.

The Government does not have to show that any taxes were not paid because of the false return, or that any additional taxes are due. It only has to prove that the Defendant intentionally helped to file a materially false return, which Defendant knew violated the law.

## **JURY INSTRUCTION NO. 17**

You'll see that the indictment charges that crimes were committed "on or about" certain dates. The Government doesn't have to prove that a crime occurred on an exact date. The Government only has to prove beyond a reasonable doubt that the crime was committed on a date reasonably close to the date alleged.

The word "knowingly" means that an act was done voluntarily and intentionally and not because of a mistake or by accident.

As used in my instructions generally, the word "willfully" means that the act was committed voluntarily and purposely, with the intent to do something the law forbids; that is, with the bad purpose to disobey or disregard the law. While a person must have acted with the intent to do something the law forbids before you can find that the person acted "willfully," the person need not be aware of the specific law or rule that his or her conduct may be violating.

However, as it pertains to Counts Twenty-Two, Twenty-Three, and Twenty-Four (the filing of false tax return counts), the word "willfully" means that the act was done voluntarily and purposely with the specific intent to violate a known legal duty, that is, with the intent to do something the law

forbids. Disagreement with the law or a belief that the law is wrong does not excuse willful conduct.

## **JURY INSTRUCTION NO. 18**

Each count of the indictment charges a separate crime. You must consider each crime and the evidence relating to it separately. If you find the Defendant guilty or not guilty of one crime, that must not affect your verdict for any other crime.

I caution you that the Defendant is on trial only for the specific crimes charged. You're here to determine from the evidence in this case whether the Defendant is guilty or not guilty of those specific crimes.

You must never consider punishment in any way to decide whether the Defendant is guilty or not guilty. If you find the Defendant guilty, the punishment is for the Judge alone to decide later.

## **JURY INSTRUCTION NO. 19**

Your verdict on each count, whether guilty or not guilty, must be unanimous – in other words, you must all agree. Your deliberations are secret, and you'll never have to explain your verdict to anyone.

Each of you must decide the case for yourself, but only after fully considering the evidence with the other jurors. So you must discuss the case with one another and try to reach an agreement. While you're discussing the case, don't hesitate to reexamine your own opinion and change your mind if you become convinced that you were wrong. But don't give up your honest beliefs just because others think differently or because you simply want to get the case over with.

Remember that, in a very real way, you're judges – judges of the facts. Your only interest is to seek the truth from the evidence in the case.

## **JURY INSTRUCTION NO. 20**

When you get to the jury room, choose one of your members to act as foreperson. The foreperson will direct your deliberations and will speak for you in court.

A verdict form has been prepared for your convenience.

Take the verdict form with you to the jury room. When you've all agreed on the verdict, your foreperson must fill in the form, sign it, date it, and carry it. Then you'll return it to the courtroom.

If you wish to communicate with me at any time, please write down your message or question and give it to the Court Security Officer. The Court Security Officer will bring it to me and I'll respond as promptly as possible – either in writing or by talking to you in the courtroom. But I caution you not to tell me how many jurors have voted one way or the other at that time.