

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

MAR 24 2016

D. MARK JONES, CLERK
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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY JOHNSON, et al.

Defendant.

Case No. 2:11-CR-501 DN

**[REDACTED] OBJECTION
TO PROPOSED ORDER
REGARDING JUROR
CONTACT**

Judge David Nuffer
Magistrate Judge Paul M. Warner

COMES NOW Pro Se Defendant Jeremy Johnson, herby objects to the Courts proposed order regarding juror contact. [DE 1384-1]

The Courts proposed order states “Issues arising during trial regarding civility and compliance with court rules and orders demonstrate a need to shield the jury. Issues arising during trial from possible contact with witnesses in violation of court orders and Utah Rules of Professional Conduct demonstrate a need to shield the jury from questioning and harassment”¹ The Courts proposed order while no doubt well intended, does not address harassment and intimidation of witnesses and may actually encourage the inappropriate behavior the Court is

¹ See DE 1384-1 p.1

seeking to curb.

In this case the Court heard testimony from two Government witnesses about the threats, intimidation and harassment from members of the prosecution team used to cajole favorable testimony in support of the Governments case.² In the case of Loyd Johnston, members of the prosecution team demanded that Mr. Johnston testify that iWorks had employed a scheme to deceive banks. Mr. Johnston was told that if he refused to testify according to the Governments narrative, his immunity would be revoked and he would be subjected to criminal charges.³ In his video testimony Mr. Johnston clearly demonstrates that the Governments motive was not one of a personal vendetta against him but rather purely a tactic to secure testimony the Prosecution needed to advance its theory of the instant case.⁴

There is no evidence to suggest that anyone including members of the prosecution team would engage in such tactics against jurors in this case after a verdict has been reached as the inappropriate acts noted in the Courts proposed order were not done in a vindictive manner but rather tactics used to secure favorable testimony for the Prosecution.

Mr. Johnson agrees that no person should harass any juror with repeated requests for interview who does not wish to give one, however, an outright prohibition against contacting any juror is overly restrictive. The Courts concern can be easily cured by a simple instruction to all parties that repeated requests for interview are not appropriate and will result in sanctions imposed by the Court.

As the Court is aware this case presents many novel and unique circumstances for both

² See Trial Transcripts of Kim Hackett and Loyd Johnston

³ Despite the threats, Mr. Johnston refused to alter his testimony in favor of the Governments narrative and was subsequently indicted in the instant case

⁴ See Exhibit 1, Video Testimony of Loyd Johnston. See also [REDACTED]

the parties in the case as well as the jurors and the interested public. For example, the defendants in this case were prohibited from impeaching Government witnesses at the outset of this case, in addition, Orders in Limine and limited time made defendants unable to defend certain elements of the Indictment. Regardless of the verdict, it is important for the defendants to understand what effect (if any) these restrictions along with other similar issues had on the jurors in this case. Likewise, the jurors themselves as well as the interested public have a First amendment right to speak about the issues in the case as they see fit.

Finally, an order prohibiting any party from understanding the effect of the inappropriate threats and intimidation of witnesses in this case as it relates to the jurors will likely only give assurance to the offending party that the effect of such acts on the jurors will be protected from disclosure if they endeavor to continue such antics in the future. Accordingly, Mr. Johnson respectfully requests that the Court limit its order regarding contact with Jurors to address only issues related to repeated attempts to contact jurors who do not wish to discuss matters related to the instant case.

Respectfully Submitted this 24th day of March, 2016.



JEREMY JOHNSON
Pro Se Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of March, 2016, a true and correct copy of the foregoing motion was served on the parties pursuant to Federal Rules of Civil Procedure via the Court's CM/ECF system:



JEREMY JOHNSON