
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JEREMY DAVID JOHNSON, SCOTT
LEAVITT, and RYAN RIDDLE
Defendants.

**NOTICE OF PROPOSED
INSTRUCTION AND ORDER**

Case No. 2:11 CR 501 DN-PMW

District Judge David Nuffer

Pursuant to [DUCivR 47-2](#), “[t]he court will instruct jurors that they are under no obligation to discuss their deliberations or verdict with anyone, although they are free to do so if they wish. The court may set special conditions or restrictions upon juror interviews or may forbid such interviews.”

An order similar to the attached draft order shall be entered by the court.

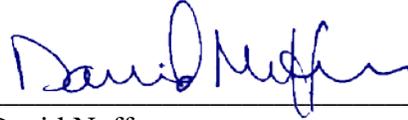
Following acceptance of the verdict, an instruction similar to the attached draft instruction will be given to the jury.

Any person wishing to comment on the draft instruction or draft order shall do so no later than noon Thursday March 24, 2016. Comments by parties shall be filed on the docket and comments by others shall be emailed to dj.nuffer@utd.uscourts.gov, and may then be lodged on the docket by court staff. Comments will be considered as they arrive, but comments submitted less than an hour before the return of the verdict will not be considered.

Persons may want to bring a copy of a blank verdict form to aid in following and taking notes as the verdict is read.

Dated March 23, 2016.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "David Nuffer", written over a horizontal line.

David Nuffer
United States District Judge

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

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Defendants.

**ORDER REGARDING
JUROR CONTACT**

Case No. 2:11 CR 501 DN-PMW

District Judge David Nuffer

Since the prospective jury panel was notified of the nature of this case in connection with questioning starting in January 2016, the jury, which includes jurors and alternate jurors, have not been permitted access to any news information on the case. News media have reported many matters not admitted in evidence in the trial and many matters occurring outside the presence of the jury.

Federal Rule of Evidence 606 imposes strict limitations on the admissibility of testimony by jurors. These limitations are intended to protect jurors from harassment; shield jurors from prying questions; increase the certainty and finality of the jury's verdict; reduce the possibility of jury tampering and intimidation; and reduce the number of meritless post-trial motions. 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.

This order imposes some limitations on jury contact as permitted by DUCivR 47-2.

IT IS HEREBY ORDERED that:

- a. No juror has an obligation to speak to any person about this case and may refuse all interviews or comments.
- b. No person may make repeated requests for interviews or questions after a juror has expressed the desire not to be interviewed.
- c. No juror who consents to be interviewed may disclose any information with respect to the following:
 1. The specific vote of any juror other than the juror being interviewed;
 2. The deliberations of the jury;
 3. Evidence of alleged improprieties in the jury's deliberation, other than whether
 - (A) extraneous prejudicial information was improperly brought to the jury's attention;
 - (B) an outside influence was improperly brought to bear on any juror; or
 - (C) a mistake was made in entering the verdict on the verdict form.¹
- d. No person shall contact, interview, examine or question a juror or any relative, friend or associate thereof, except as permitted in paragraph (e).
- e. Any person wishing to direct a communication to a juror may do so by providing a copy in an unsealed envelope with a separate written statement that the person desires the communication be sent to a juror identified by juror number, and stating the reason such contact is desired. If the court determines that good cause exists and that the content of the communication does not violate this order, the jury administrator shall mail the communication to the juror. The jury administrator shall enclose a copy of this order with the mailed communication.
- f. Any person violating this order is subject to contempt of court and other possible sanctions.

¹ Fed. R. Evid. 606(b)(2).

g. Any person aware of a violation of this order may file a motion or notify the jury administrator at (801) 524-6285 or utah_jury@utd.uscourts.gov.

Dated March 23, 2016.

BY THE COURT:

David Nuffer
United States District Judge

POST-VERDICT INSTRUCTION

Your duty as jurors is complete. You are discharged from service. Thank you for your service. You have been extraordinarily diligent. Your attention, timeliness, and dedication are appreciated by all the parties, attorneys, court staff and public. You are now relieved of the instructions I have given you not to talk or read or research about the case. You may do so if you choose.

Just so you know, your **notes and jury instruction copies** must be left in the jury room to be destroyed.

I have issued an Order Regarding Juror Contact which imposes limitations on contact and on statements you may make. Consider carefully your obligation to and the feelings of your fellow jurors before speaking with anyone about your service here. **Because of the special relationship of jurors to each other, you must not disclose:**

- 1. The specific vote of any juror other than the juror being interviewed;**
- 2. The deliberations of the jury; or**
- 3. Evidence of alleged improprieties in the jury's deliberation.**

The United States Supreme Court has stated that “full and frank discussion in the jury room, jurors’ willingness to return an unpopular verdict, and the community's trust in a system that relies on the decisions of lay people would all be undermined by a barrage of post-verdict scrutiny of juror conduct.”¹

The rules of evidence limit admission of any evidence about **jury deliberations** to “whether: (A) extraneous prejudicial information was improperly brought to the jury’s attention; (B) an outside influence was improperly brought to bear upon any juror; or (C) a mistake was

¹ *Tanner v. United States*, 107 S.Ct. 2739, 2748 (1989) (citing 96 Harv. L. Rev. at 888-892).

made in entering the verdict on the verdict form.”² Nothing else about jury discussion or deliberation would be admissible in court.

I have instructed you to make your decision only on the basis of the evidence presented in court and to ignore **outside information or influence**. So, as long as you kept your oath to consider only the evidence in this case, there is no reason to speak with anyone about your service here as a juror.

You may be contacted by parties to the case, or their attorneys, or media representatives. You are under no obligation to speak to any of them. The court does not provide your contact information but people may find you and try to speak with you.

If contacted, you may, if you wish, **discuss your own feelings or reactions to evidence presented or your reaction to jury service**. You may want to be careful about reacting to questions about evidence or ideas that were not presented to you in trial. Your duty was to consider the evidence presented at trial.

Again thank you very much for your service.

² Fed. R. Evid. 606(b)(2).