

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
VS.) CASE NO. 2:10cr00186-MHT-WC
)
JOSEPH R. CROSBY)

**DEFENDANT JOSEPH R. CROSBY'S COMMENTS/OBJECTIONS
REGARDING DRAFT INSTRUCTIONS TO THE JURY**

Defendant Joseph R. Crosby has the following comments concerning the draft jury instructions:

1. Jurors have been taking notes during trial. Defendant Crosby's requested instruction number 2 covers note taking by jurors and should be given.
2. The lawyers on both sides have made a number of objections during the course of the trial. Defendant Crosby's requested instruction 3 covers lawyers' objections and should be given.
3. The draft instructions concerning the bribery charges in counts 15 and 16 (McGregor/Crosby) are not case/indictment specific enough. The instructions, at a minimum, should include specification of the alleged purpose of payments to Crosby, to-wit: drafting gambling legislation favorable to McGregor. Otherwise, the jury may be left to roam at large on a theory for conviction.

4. The government was able elicit evidence concerning various state laws and employment rules. There is a danger that the jury might think that violation of state laws or employment rules could serve as a basis for conviction. Defendant Crosby's requested instructions 62 and 53 cover that and should be given.

5. Defendant Crosby adopts and incorporates by reference the comments of Defendant Milton E. McGregor concerning the draft instructions.

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CERTIFICATE OF SERVICE

I hereby certify that I have on this the 3d day of August, 2011, electronically filed this document with the Clerk of the Court using the CM/ECF system which will send notification to all counsel of record.

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