

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

UNITED STATES OF AMERICA, *

PLAINTIFF, *

V. * CR. No. 2:10CR186-MHT

JARRELL W. WALKER, JR., *

DEFENDANT. *

PROPOSED RESPONSE TO JURY QUESTION

Defendant Walker, by counsel, submits the following proposed response to the jury note of August 6, 2011 [Doc. 1634]:

1. In answer to your note of August 6, 2011: I can only refer you to my instructions regarding the definition of conspiracy. A "conspiracy" is an agreement by two or more people to commit an unlawful act. It is for you to determine if a conspiracy has been proven beyond a reasonable doubt by the Government. Whether the Government has proven that an unlawful plan existed is for you to determine after a consideration of all the evidence. Further, in rendering your verdict you must consider all of my jury instructions as a whole.

2. Walker does not agree to the proposals submitted by the Government [Doc. 1635] or McGregor [Doc. 1636] on the

ground that the proposals give undue emphasis to the indictment without telling the jury that the indictment is not evidence of crime, and does not sufficiently inform the jury of the burden of proof placed on the Government. In addition the Government proposal goes far beyond answering the jury question, is confusing and gives undue emphasis to particular portions of the original jury charge.

Respectfully submitted this 7th day of August, 2011.

s/Jeffery C. Duffey
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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2011, I sent notification of this filing to the following: Justin Shur, USDOJ and all counsel of record, by email.

s /Jeffery C. Duffey
JEFFERY C. DUFFEY
Attorney for Jarrell Walker