

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
KYLE F. CONRAD,	)	
LINDA K. CONRAD,	)	
JOHN J. DUBAY,	)	
JON R. JACOBSON,	)	
HARRY S. KAPLAN,	)	
DAVID B. ROMSEY and,	)	
GRACE M. WOLLERMAN,	)	
	)	<u>JOINT SUBMISSION OF PROPOSED</u>
Defendants.	)	<u>JURY INSTRUCTIONS</u>
	)	

The United States of America, by and through its counsel, Steven M. Dettelbach, United States Attorney for the Northern District of Ohio, and Robert J. Patton, Assistant U.S. Attorney, and defense counsel, respectfully requests that the Court charge the jury with the following instructions in compliance with this Court's Pre-Trial Order (Court File No. 91).

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The parties are prepared to submit additional, amended, or alternative instructions on any aspect of this case should the Court or the circumstances require.

Respectfully submitted,

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Instructions Agreed Upon by the Parties

Defining the Crime and Related Matters - Introduction

(1) That concludes the part of my instructions explaining your duties and the general rules that apply in every criminal case. In a moment, I will explain the elements of the crimes that the defendants are accused of committing.

(2) But before I do that, I want to emphasize that each of the defendants are on trial for only the particular crimes charged in the indictment. Your job is limited to deciding whether the government has proved each crime charged.

(3) Also keep in mind that whether anyone else should be prosecuted and convicted for these crimes is not a proper matter for you to consider. The possible guilt of others is no defense to a criminal charge. Your job is to decide if the government has proved the defendants are guilty. Do not let the possible guilt of others influence your decision in any way.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 201 (2013).

Separate Consideration– Multiple Defendants Charged with the Same Crimes

(1) The defendants, KYLE F. CONRAD, LINDA K. CONRAD, JOHN J. DUBAY, JON R. JACOBSON, HARRY S. KAPLAN, DAVID B. ROMSEY, and GRACE M. WOLLERMAN, have been charged with several crimes. The number of charges is no evidence of guilt, and this should not influence your decision in any way. And in our system of justice, guilt or innocence is personal and individual. It is your duty to separately consider the evidence against each of the defendants on each charge, and to return a separate verdict for each one of them. For each one, you must decide whether the government has presented proof beyond a reasonable doubt that a particular defendant is guilty of a particular charge.

(2) Your decision on any one of the defendants on one charge, whether it is guilty or not guilty, should not influence your decision on any of the other defendants or charges.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 2.01C (2013).

On or About

(1) Next, I want to say a word about the dates mentioned in the indictment.

(2) The indictment charges that the crimes happened “on or about” or “in or around” dates stated for the various counts. The government does not have to prove that the crimes happened on those exact dates. But the government must prove that the crimes happened reasonably close to those dates.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 2.04 (2013).

Inferring Required Mental State

(1) Next, I want to explain something about proving a defendant's state of mind.

(2) Ordinarily, there is no way that a defendant's state of mind can be proved directly, because no one can read another person's mind and tell what that person is thinking.

(3) But a defendant's state of mind can be proved indirectly from the surrounding circumstances. This includes things like what the defendant's said, what the defendant's did, how the defendant's acted, and any other facts or circumstances in evidence that show what was in the defendant's mind.

(4) You may also consider the natural and probable results of any acts that the defendants knowingly did [or did not do], and whether it is reasonable to conclude that the defendants intended those results. This, of course, is all for you to decide.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 2.08 (2013).

Charges as set forth in the Indictment

(1) Defendants KYLE F. CONRAD, LINDA K. CONRAD, JOHN J. DUBAY, JON R. JACOBSON, HARRY S. KAPLAN, DAVID B. ROMSEY, and GRACE M. WOLLERMAN are each charged with one count of conspiracy to commit bank fraud, in violation of Title 18, United States Code, Section 1349; defendants KYLE F. CONRAD, LINDA K. CONRAD, and JOHN J. DUBAY are charged with one count of bank fraud, defendants JON R. JACOBSON, HARRY S. KAPLAN, DAVID B. ROMSEY, and GRACE M. WOLLERMAN are charged with two counts of bank fraud, in violation of Title 18, United States Code, Section 1344.

(2) Each of the defendants have pleaded not guilty to the charges.

Authority:

Indictment, filed 12/19/2013, Case No. 5:13CR560 (U.S. District Court, ND Ohio).

Instructions on Law and Elements of the Offenses Charged

Count 1 (Conspiracy to Commit Bank Fraud)

(1) Count 1 of the Indictment charges defendants, KYLE F. CONRAD, LINDA K. CONRAD, JOHN J. DUBAY, JON R. JACOBSON, HARRY S. KAPLAN, DAVID B. ROMSEY, and GRACE M. WOLLERMAN with the crime of conspiracy to commit bank fraud , Title 18, United States Code, Section 1344; all in violation of Title 18, United States Code, Section 1349.

(2) The relevant statute on this subject is Section 1349 of Title 18 of the United States Code. It provides:

Any person who attempts or conspires to commit any offense under this chapter shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

(3) The Indictment charges the offenses as follows: [The Court is requested to refer to Count 1 of the Indictment to the jury. Count 1 may be incorporated by reference or inserted here.]

Authority:

Indictment, United States v. Ileana Osborne, et al., Case No. 5:13CR560, filed 12/19/2013

Elements of Conspiracy to Commit an Offense – (18 U.S.C. § 1349)

(1) Count 1 of the Indictment accuses defendants KYLE F. CONRAD, LINDA K. CONRAD, JOHN J. DUBAY, JON R. JACOBSON, HARRY S. KAPLAN, DAVID B. ROMSEY, and GRACE M. WOLLERMAN of a conspiracy to commit the crime of bank fraud, in violation of federal law. It is a crime for two or more persons to conspire, or agree, to commit a criminal act, even if they never actually achieve their goal.

(2) A conspiracy is a kind of criminal partnership. To find any one of the defendants guilty of the conspiracy charge, the government must prove each and every one of the following elements beyond a reasonable doubt:

(A) First, that two or more persons conspired, or agreed, to commit the crime of bank fraud in Count 1, and

(B) Second, that the defendants knowingly and voluntarily joined the conspiracy;

(3) You must be convinced that the government has proved all of these elements beyond a reasonable doubt in order to find any one of these defendants guilty of the conspiracy charge.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 3.01A (2013) (modified); (Committee Commentary) 3.01A (2013) ("Some statutes contain their own separate conspiracy provisions that do not require an overt act)... see also 18 U.S.C. §§ 1349.

United States v. Warshak, 2008 WL 483339 (S.D. Ohio) (18 U.S.C. Section 1349 does not require an overt act).

See Pattern Crim. Jury Instr. 6th Cir. 3.01A and 3.04 (Committee Commentary) (2013) (in cases of conspiracy statutes, such as 18 U.S.C. § 1349, that contain their own separate conspiracy provisions that do not require an overt act, Instruction 3.04 [Overt Acts] should be omitted).

Agreement

(1) With regard to the first element--a criminal agreement--the government must prove that two or more persons conspired, or agreed, to cooperate with each other to commit the crime of violating the bank fraud statute as charged in Count 1.

(2) This does not require proof of any formal agreement, written or spoken. Nor does this require proof that everyone involved agreed on all the details. But proof that people simply met together from time to time and talked about common interests, or engaged in similar conduct, is not enough to establish a criminal agreement. These are things that you may consider in deciding whether the government has proved an agreement. But without more they are not enough.

(3) What the government must prove is that there was a mutual understanding, either spoken or unspoken, between two or more people, to cooperate with each other to commit the crime of violating the bank fraud statute as charged in Count 1. This is essential.

(4) An agreement can be proved indirectly, by facts and circumstances which lead to a conclusion that an agreement existed. But it is up to the government to convince you that such facts and circumstances existed in this particular case.

(5) One more point about the agreement. The Indictment accuses the defendants of conspiring to commit several federal crimes. The government does not have to prove that the defendants agreed to commit all these crimes. But the government must prove an agreement to commit at least one of them for you to return a guilty verdict on the conspiracy charge.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 3.02 (2013).

Defendant's Connection to the Conspiracy

(1) If you are convinced that there was a criminal agreement, then you must decide whether the government has proved that the defendants knowingly and voluntarily joined that agreement. You must consider each defendant in this regard. To convict any defendant, the government must prove that he or she knew the conspiracy's main purpose, and that he or she voluntarily joined it intending to help advance or achieve its goals.

(2) This does not require proof that the defendants knew everything about the conspiracy, or everyone else involved, or that he or she was a member of it from the very beginning. Nor does it require proof that the defendants played a major role in the conspiracy, or that his or her connection to it was substantial. A slight role or connection may be enough.

(3) But proof that the defendants simply knew about a conspiracy, or was present at times, or associated with members of the group, is not enough, even if he or she approved of what was happening or did not object to it. Similarly, just because the defendants may have done something that happened to help a conspiracy does not necessarily make him or her a conspirator. These are all things that you may consider in deciding whether the government has proved that the defendants joined a conspiracy. But without more they are not enough.

(4) A defendant's knowledge can be proved indirectly by facts and circumstances which lead to a conclusion that he or she knew the conspiracy's main purpose. But it is up to the government to convince you that such facts and circumstances existed in this particular case.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 3.03 (2013).

Pinkerton Liability for Substantive Offenses Committed by Others

(1) Count 1 accuses defendants KYLE F. CONRAD, LINDA K. CONRAD, JOHN J. DUBAY, JON R. JACOBSON, HARRY S. KAPLAN, DAVID B. ROMSEY, and GRACE M. WOLLERMAN, of committing the crime of conspiracy to commit bank fraud, respectively.

(2) There are two ways that the government can prove the defendants are guilty of this crime. The first is by convincing you that he or she personally committed or participated in this crime. The second is based on the legal rule that all members of a conspiracy are responsible for acts committed by the other members, as long as those acts are committed to help advance the conspiracy, and are within the reasonably foreseeable scope of the agreement.

(3) In other words, under certain circumstances, the act of one conspirator may be treated as the act of all. This means that all the conspirators may be convicted of a crime committed by only one of them, even though they did not all personally participate in that crime themselves.

(4) But for you to find any one of the defendants guilty of conspiracy to commit bank fraud based on this legal rule, you must be convinced that the government has proved each and every one of the following elements beyond a reasonable doubt:

(A) First, that the defendants were a member of the conspiracy charged in Count 1 of the indictment.

(B) Second, that after he or she joined the conspiracy and while he or she was still a member of it, one or more of the other members committed the crimes of conspiracy to commit bank fraud.

(C) Third, that these crimes were committed to help advance the conspiracy.

(D) And fourth, that these crimes were within the reasonably foreseeable scope of the unlawful project. The crimes must have been one that the defendants could have reasonably anticipated as a necessary or natural consequence of the agreement.

(5) This does not require proof that the defendants specifically agreed or knew that the crimes would be committed. But the government must prove that the crimes were within the reasonable contemplation of the persons who participated in the conspiracy. No defendants are responsible for the acts of others that go beyond the fair scope of the agreement as the defendants understood it.

(6) If you are convinced that the government has proved all of these elements, say so by returning a guilty verdict on this charge. If you have a reasonable doubt about any one of them, then the legal rule that the act of one conspirator is the act of all would not apply.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 3.10 (2013).

Unindicted, Unnamed or Separately Tried Co-Conspirators

(1) Now, some of the people who may have been involved in these events are not on trial. This does not matter. There is no requirement that all members of a conspiracy be charged and prosecuted, or tried together in one proceeding.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 3.06 (2013).

Venue

(1) Now, some of the events that you have heard about happened in other places.

There is no requirement that the entire conspiracy take place here in the Northern District of Ohio. But for you to return a guilty verdict on the conspiracy charge, the government must convince you that the agreement, or one of the acts in furtherance, took place here in the Northern District of Ohio.

(2) Unlike all the other elements that I have described, this is just a fact that the government only has to prove by a preponderance of the evidence. This means the government only has to convince you that it is more likely than not that part of the conspiracy took place here.

(3) Remember that all the other elements I have described must be proved beyond a reasonable doubt.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 3.07 (2013) (modified); *See* Committee Commentary 3.07, A conspiracy prosecution may be brought in the district where the agreement was made, or in any district where an overt act in furtherance of the conspiracy was committed.

See United States v. Miller, 358 F.2d 696, 697 (6th Cir. 1966) and Sandroff v. United States, 174 F.2d 1014, 1018-19 (6th Cir. 1949).

Relationship Between Conspiracy to Commit Offense and Substantive Offense

(1) Under the law, participating in a conspiracy to commit a crime is an entirely separate and distinct charge from the actual violation of the substantive charge which may be the object of the conspiracy.

(2) Therefore, all the underlying elements of the substantive offense of bank fraud as charged in Counts 4, 6, 7, 12, 17, 18, 20, 21, 22, 23 and 29 need not be met in order for you to find that there was a conspiracy to commit the crime of bank fraud as charged in Count 1.

(3) All that you must find is that there was an agreement to commit the crime of bank fraud as charged in Count 1, the commission of an overt act, and that the defendants voluntarily joined the conspiracy.

Authority:

United States v. Warshawsky, 20 F.3d 204, 208 (6th Cir. 1994) (“It is well established that a conspirator need not successfully complete all of the elements of the underlying offense to be guilty of conspiracy.”).

Essential Elements of Crimes Charged in the Conspiracy

(1) As I already instructed you, the Indictment accuses defendants KYLE F. CONRAD, LINDA K. CONRAD, JOHN J. DUBAY, JON R. JACOBSON, HARRY S. KAPLAN, DAVID B. ROMSEY, and GRACE M. WOLLERMAN of conspiring to commit the crime of bank fraud. The underlying offense is called a “substantive offense.” Participating in a conspiracy to commit a substantive offense is an entirely separate and distinct charge from the commission of the substantive offense itself, and thus the crime of conspiracy has its own essential elements which the government must prove beyond a reasonable doubt before you can find the defendants guilty of conspiracy. So, for example, conspiracy to commit bank fraud is a separate and distinct offense from the substantive offense of bank fraud. To prove the defendants are guilty of conspiracy to commit bank fraud, the government need not prove that the substantive offense of bank fraud were actually committed. It is enough that the defendants entered into a conspiracy which, if successful, would satisfy the elements of the substantive offense.

Authorities:

United States v. Freuhauf Corp., 577 F.2d 1038, 1071 (6th Cir. 1978) (“The gist of the crime of conspiracy is the agreement to commit an illegal act, not the accomplishment of the illegal act.”);

United States v. Sykes, 305 F.2d 172, 176 (6th Cir. 1962) (disagreeing with defendants’ contention that there was no conspiracy to rob a federally insured bank because bank had not been robbed), rev’d on other grounds, Preston v. United States, 376 U.S. 364 (1964));

Freeman v. United States, 146 F.2d 978, 979 (6th Cir. 1945) (conspiracy to commit a crime is different offense from the crime which is the object of the conspiracy); Moss v. United States, 132 F.2d 875 (6th Cir. 1943) (same);

United States v. Rosa, 17 F.3d 1531, 1544 (2d Cir. 1994) (conspiracy is separate and distinct from substantive offense that is the object of the conspiracy; “what matters in a conspiracy is whether

the defendants agreed to commit the underlying offense, not whether their conduct would actually have constituted that offense”).

Instructions Pertaining to Bank Fraud

18 U.S.C. § 1344 – Statute Defining the Offense Charged – Bank Fraud

(1) Counts 4, 6, 7, 12, 17, 18, 20, 21, 22, 23, 29 of the Indictment charges Defendants K. CONRAD, L. CONRAD, DUBAY, JACOBSON, KAPLAN, ROMSEY, and WOLLERMAN with the crime of Bank Fraud, in violation of Title 18, United States Code, Section 1344.

(2) The relevant statute on this subject is section 1344 of Title 18 of the United States Code. It provides:

Whoever, knowingly executes, or attempts to execute, a scheme or artifice, to defraud a financial institution, or to obtain any of the money, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.....

shall be guilty of a crime against the United States.

(3) The Indictment charges the offenses as follows: [The Court is requested to read Counts 4, 6, 7, 12, 17, 18, 20, 21, 22, 23, and 29 of the Indictment to the jury.]

Authority:

Indictment, filed 12/19/2013, Case No. 5:13CR560 (U.S. District Court, ND Ohio)

Bank Fraud (18 U.S.C. § 1344) – Elements

(1) Defendants K. CONRAD, L. CONRAD, DUBAY, JACOBSON, KAPLAN, ROMSEY, and WOLLERMAN are charged with the crime of bank fraud. For you to find the defendants guilty of bank fraud, you must find that the government has proved each and every one of the following elements beyond a reasonable doubt:

(A) First, that the defendants knowingly executed or attempted to execute a scheme to defraud a financial institution, to obtain money or other property owned by or in the control of a financial institution by means of false or fraudulent pretenses, representations or promises;

(B) Second, that the scheme included a material misrepresentation or concealment of a material fact;

(C) Third, that the defendants had the intent to defraud; and

(D) Fourth, that the financial institution was federally insured.

(2) Now I will give you more detailed instructions on some of these terms.

(A) A “scheme to defraud” includes any plan or course of action by which someone intends to deprive another of money or property by means of false or fraudulent pretenses, representations, or promises.

(B) The term “false or fraudulent pretenses, representations or promises” means any false statements or assertions that concern a material aspect of the matter in question, that were either known to be untrue when made or made with reckless indifference to their truth. They include actual, direct false statements as well as half-truths and the knowing concealment of material facts.

(C) An act is “knowingly” done if done voluntarily and intentionally, and not because of mistake or some other innocent reason.

(D) A misrepresentation or concealment is “material” if it has a natural tendency to influence or is capable of influencing the decision of a person of ordinary prudence and comprehension.

(E) To act with “intent to defraud” means to act with an intent to deceive or cheat for the purpose of either causing a financial loss to another or bringing about a financial gain to oneself [to another person].

(3) It is not necessary that the government prove [all of the details alleged concerning the precise nature and purpose of the scheme], [that the alleged scheme actually succeeded in defrauding anyone], [that the defendants benefitted personally from the scheme to defraud the financial institution or that the financial institution suffered a loss], [that someone relied on the misrepresentation or false statement], [that the defendant benefitted personally from the scheme to defraud the financial institution], [that the financial institution suffered a loss].]

(4) If you are convinced that the government has proved all of the elements, say so by returning a guilty verdict on the charge. If you have a reasonable doubt about any one of the elements, then you must find the defendant not guilty of the charge.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 10.03 (2013)

Causing an Act

(1) For you to find defendants K. CONRAD, L. CONRAD, DUBAY, JACOBSON, KAPLAN, ROMSEY and WOLLERMAN guilty of bank fraud, it is not necessary for you to find that he or she personally committed the act(s) charged in the indictment. You may also find him or her guilty if he or she willfully caused an act to be done which would be a federal crime if directly performed by him or her or another.

(2) But for you to find defendants K. CONRAD, L. CONRAD, DUBAY, JACOBSON, KAPLAN, ROMSEY and WOLLERMAN guilty of bank fraud you must be convinced that the government has proved each and every one of the following elements beyond a reasonable doubt:

(A) First, that the defendant(s) caused another to commit the act of bank fraud.

(B) Second, if the defendant or another person had committed the act it would have been the crime of bank fraud.

(C) And third, that the defendant(s) willfully caused the act to be done.

(3) Proof that the defendant(s) may have known about the crime, even if he or she was there when it was committed, is not enough for you to find him or her guilty. You may consider this in deciding whether the government has proved that he or she caused the act to be done, but without more it is not enough.

(4) What the government must prove is that the defendant(s) willfully did something to cause the act(s) to be committed

(5) If you are convinced that the government has proved all of these elements, say so by returning a guilty verdict on this charge. If you have a reasonable doubt about any one of these elements, then you cannot find the defendants guilty of bank fraud as an aider and abettor.

Authority:

Pattern Crim. Jury Inst. 6th Cir. 4.01A (2013)(modified).

Special Evidentiary Matters - Introduction

(1) That concludes the part of my instructions explaining the elements of the crimes.

Next I will explain some rules that you must use in considering some of the testimony and evidence.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 7.01 (2013).

Defendant's Election Not to Testify or Present Evidence (if applicable)

(1) The defendants have an absolute right not to testify [or present evidence]. The fact that the defendants did not testify [or present any evidence] cannot be considered by you in any way. Do not even discuss it in your deliberations.

(2) Remember that it is up to the government to prove the defendants are guilty beyond a reasonable doubt. It is not up to the defendants to prove that he or she is innocent.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 7.02A (2013).

Defendant's Testimony (if applicable)

(1) You have heard Defendants _____ testify. Earlier, I talked to you about the “credibility” or the “believability” of the witnesses. And I suggested some things for you to consider in evaluating each witness's testimony.

(2) You should consider those same things in evaluating the defendant's testimony.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 7.02B (2013).

Opinion Testimony (if applicable)

(1) You have heard the testimony of _____, who testified as an opinion witness.

(2) You do not have to accept _____'s opinion. In deciding how much weight to give it, you should consider the witness's qualifications and how he [she] reached his [her] conclusions. Also consider the other factors in these instructions for weighing the credibility of witnesses.

(3) Remember that you alone decide how much of a witness's testimony to believe, and how much weight it deserves.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 7.03 (2013).

Witness Testifying to Both Facts and Opinions (if applicable)

(1) You have heard the testimony of _____, who testified to both facts and opinions.

(2) As to the testimony on facts, consider the factors discussed earlier in these instructions for weighing the credibility of witnesses.

(3) As to the testimony on opinions, you do not have to accept _____'s opinion. In deciding how much weight to give it, you should consider the witness's qualifications and how he [she] reached his [her] conclusions. Also consider the other factors discussed in these instructions for weighing the credibility of witnesses.

(4) Remember that you alone decide how much of a witness's testimony to believe, and how much weight it deserves.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 7.03A (2013).

Impeachment of Defendant by Prior Conviction

(1) You have heard that before this trial the defendants, [name], was convicted of a crime.

(2) This earlier conviction was brought to your attention only as one way of helping you decide how believable his testimony was. You cannot use it for any other purpose. It is not evidence that he is guilty of the crime that he is on trial for now.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 7.05A (2013).

The Use Note states: "This instruction should not be given if evidence of other crimes has been admitted for one of the approved purposes under Fed. R. Evid. 404(b). Instead the jury should be specifically instructed on the purpose for which the evidence was submitted. See Instruction 7.13.

Impeachment of a Witness Other Than Defendant by Prior Conviction

(1) You have heard the testimony of _____. You have also heard that before this trial he was convicted of a crime.

(2) This earlier conviction was brought to your attention only as one way of helping you decide how believable his testimony was. You cannot use it for any other purpose. It is not evidence of anything else.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 7.05B (2013).

Testimony of Witness Under a Grant of Immunity or Reduced Criminal Liability

(1) You have heard the testimony of _____.
You have also heard that the government has promised him/her that [he/she will not be prosecuted for _____] [he/she will _____] in exchange for his/her cooperation.

(2) It is permissible for the government to make such a promise. But you should consider _____'s testimony with more caution than the testimony of other witnesses. Consider whether his/her testimony may have been influenced by the government's promise.

(3) Do not convict the defendant based on the unsupported testimony of such a witness, standing alone, unless you believe his/her testimony beyond a reasonable doubt.

Authority:

Sixth Circuit Pattern Criminal Jury Instructions, 7.07 (6-7-13).

Testimony of an Accomplice

(1) You have heard the testimony of _____. You have also heard that [he] [she] was involved in the same crime(s) that the defendants are charged with committing. You should consider _____'s testimony with more caution than the testimony of other witnesses.

(2) Do not convict the defendants based upon the unsupported testimony of such a witness, standing alone, unless you believe [his] [her] testimony beyond a reasonable doubt.

[(3) The fact that _____ has pleaded guilty to a crime is not evidence that the defendants are guilty, and you cannot consider this against the defendants in any way.]

Authority:

Pattern Crim. Jury Instr. 6th Cir. 7.08 (2013).

Character Evidence

You have heard testimony about the defendant's good character. You should consider this testimony, along with all the other evidence, in deciding if the government has proved beyond a reasonable doubt that he committed the crime charged.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 7.09 (2013).

Summaries and Other Materials Not Admitted in Evidence

During the trial you have seen counsel use summaries, charts, drawings, calculations, or similar material which were offered to assist in the presentation and understanding of the evidence. This material is not itself evidence and must not be considered as proof of any facts.

Authorities:

Pattern Crim. Jury Instr. 6th Cir. 7.12 (2013);

United States v. Mohney, 949 F.2d 1397, 1405-06 (6th Cir. 1991) (use of a flowchart as a **visual** aid to explain profit skimming was proper with a limiting instruction explaining that the chart itself did not constitute evidence).

Evidence Summaries Admitted in Evidence

(1) During the trial you have seen or heard summary evidence in the form of a chart, drawing, calculation, testimony, or similar material. This summary was admitted in evidence, in addition to the material it summarizes, because it may assist you in understanding the evidence that has been presented.

(2) But the summary itself is not evidence of the material it summarizes, and is only as valid and reliable as the underlying material is summarizes.

Authorities:

Pattern Crim. Jury Instr. 6th Cir. 7.12A (2013);

Other Acts of Defendant

(1) You have heard testimony that the defendants committed [crimes, acts, wrongs] other than the ones charged in the indictment. If you find the defendants did those acts, you can consider the evidence only as it relates to the government's claim on the defendant's intent, plan, knowledge and absence of mistake. You must not consider it for any other purpose.

(2) Remember that the defendants are on trial here only for the crimes charged in the indictment, not for the other acts. Do not return a guilty verdict unless the government proves the crimes charged in the indictment beyond a reasonable doubt.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 7.13 (2013).

Good Faith Defense

(1) The good faith of the defendant is a complete defense to the charge of Bank Fraud contained in _____ of the indictment because good faith on the part of the defendant is, simply, inconsistent with an intent to defraud.

(2) A person who acts, or causes another person to act, on a belief or an opinion honestly held is not punishable under this statute merely because the belief or opinion turns out to be inaccurate, incorrect, or wrong. An honest mistake in judgment or an honest error in management does not rise to the level of criminal conduct.

(3) A defendant does not act in good faith if, even though he honestly holds a certain opinion or belief, that defendant also knowingly makes false or fraudulent pretenses, representations, or promises to others.

(4) While the term “good faith” has no precise definition, it encompasses, among other things, a belief or opinion honestly held, an absence of malice or ill will, and an intention to avoid taking unfair advantage of another.

(5) The burden of proving good faith does not rest with the defendant because the defendant does not have any obligation to prove anything in this case. It is the government’s burden to prove to you, beyond a reasonable doubt, that the defendant acted with an intent to defraud.

(6) If the evidence in this case leaves you with a reasonable doubt as to whether the defendant acted with an intent to defraud or whether the defendant acted in good faith, you must acquit the defendant.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 10.04 (2013).

Instructions Proposed by the Government, But Opposed by Defendants

Deliberate Ignorance

(1) Next, I want to explain something about proving a defendant's knowledge.

(2) No one can avoid responsibility for a crime by deliberately ignoring the obvious.

If you are convinced that the defendants, KYLE F. CONRAD, LINDA K. CONRAD, JOHN J. DUBAY, JON R. JACOBSON, HARRY S. KAPLAN, DAVID B. ROMSEY, and GRACE M. WOLLERMAN deliberately ignored a high probability that several properties were obtained by defrauding financial institutions, then you may find that he/she knew that the scheme to defraud the financial institutions was by means of materially false and fraudulent pretenses.

(3) But to find this, you must be convinced beyond a reasonable doubt that the defendants, KYLE F. CONRAD, LINDA K. CONRAD, JOHN J. DUBAY, JON R. JACOBSON, HARRY S. KAPLAN, DAVID B. ROMSEY, and GRACE M. WOLLERMAN were aware of a high probability that false and fraudulent documents or documents containing false or fraudulent information were used to purchase properties at inflated appraised values, and that the defendants deliberately closed his/her eyes to what was obvious. Carelessness, or negligence, or foolishness on his/her part is not the same as knowledge, and is not enough to convict. This, of course, is all for you to decide.

Authority:

Pattern Crim. Jury Instr. 6th Cir. 2.09 (2013) (modified).

United States v. Mitchell, 681 F.3d 867, 876 n.51 (6th Cir. 2012). – In this case this instruction was used when two predicates are met: “(1) the defendant claims a lack of guilty knowledge; and (2) the facts and evidence support an inference of deliberate ignorance.”

United States v. Mari, 47 F.3d 782 (6th Cir. 1995) – The Sixth Circuit Court of Appeals held that the use of pattern jury instructions on deliberate ignorance, even if erroneous, was harmless as matter of law.

Failure of Victim to Detect Scheme

(1) It is not a defense to the crime of bank fraud to claim that the victims, First Tennessee/First Horizon or National City Bank, could have done something more than it did to discover or prevent the fraud. It is unimportant whether the victim might have discovered the fraud had it probed further. It is irrelevant whether you believe that the victim may have been careless, gullible or even negligent. In other words, if you find the government has proved all of the elements of bank fraud, it is no defense that such bank fraud might not have occurred if First Tennessee/First Horizon or National City Bank, had acted with greater care or had better internal controls.

(2) Therefore, any evidence that First Tennessee/First Horizon or National City Bank could have done something to prevent the bank fraud which you find occurred, or evidence that its procedures were somehow deficient, should not be considered by you as an excuse or defense to any bank fraud which you find has been proved beyond a reasonable doubt.

Authorities:

United States v. Callipari, 368 F.3d 22, 37 (1st Cir. 2004), vacated on other grounds, 543 U.S. 1098 (2005) (approving exclusion of “blame the victim” line of cross-examination, noting that “[t]he court was well within its discretion to exclude evidence suggesting that [the victim], rather than [the defendant] and his co-conspirators, was to blame for the loss.”);

United States v. Coyle, 63 F.3d 1239, 1244 (3d Cir. 1995) (“The negligence of the victim in failing to discover a fraudulent scheme is not a defense to criminal conduct.”);

United States v. Moore, 923 F.2d 910, 917 (1st Cir. 1991) (approving instruction that it is not a defense to claim that bank might have prevented its losses had it had better “internal controls or procedures”);

United States v. Breese, 173 F. 404, 412 (C.C.W.D.N.C. 1909) (instructing jury that even if official did not do all he could toward correcting bank irregularities, this would not be an excuse for otherwise illegal acts);

See United States v. Amico, 486 F.3d 764, 780 (2d Cir. 2007) (no defense to mail fraud in a mortgage fraud case that victim could have discovered false representations);

See United States v. Thomas, 377 F.3d 232, 243-44 (2d Cir. 2004) (collecting cases holding that negligence of the victim in failing to discover a fraudulent scheme is not a defense to criminal conduct).

18 U.S.C. § 2 – Statute Defining the Offense Charged

Aiding and Abetting Bank Fraud

(1) Counts 4, 6, 7, 12, 17, 18, 20, 21, 22, 23, and 29 of the indictment accuses K. CONRAD, L. CONRAD, DUBAY, JACOBSON, KAPLAN, ROMSEY, and WOLLERMAN with aiding and abetting the crime of bank fraud.

(2) The relevant statute on this subject is section 2 of Title 18 of the United States Code.

It provides:

(a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

(b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

Authorities:

Title 18, United States Code, Section 2.

Instructions - 18 U.S.C. § 2 - Aiding and Abetting Bank Fraud

(1) For you to find K. CONRAD, L. CONRAD, DUBAY, JACOBSON, KAPLAN, ROMSEY, and WOLLERMAN guilty of aiding and abetting the crime of bank fraud, it is not necessary for you to find that he/she personally committed the crime. You may also find him or her guilty if he or she intentionally helped someone else to commit the crime. A person who does this is called an aider and abettor.

(2) But for you to find K. CONRAD, L. CONRAD, DUBAY, JACOBSON, KAPLAN, ROMSEY, and WOLLERMAN guilty of bank fraud as an aider or abettor, you must be convinced that the government has proved each and every one of the following elements beyond a reasonable doubt:

(A) First, that the crime of bank fraud was committed.

(B) Second, that the defendant helped to commit the crime [or encouraged someone else to commit the crime].

(C) And third, that the defendant(s) intended to help commit [or encourage] the crime.

(3) Proof that the defendant may have known about the crime, even if he or she was there when it was committed, is not enough for you to find him/her guilty. You can consider this in deciding whether the government has proved that he or she was an aider and abettor, but without more it is not enough.

(4) What the government must prove is that the defendant(s) did something to help [or encourage] the crime with the intent that the crime be committed.

(5) If you are convinced that the government has proved all of these elements, say so by returning a guilty verdict on this charge. If you have a reasonable doubt about any of these elements, then you cannot find the defendants K. CONRAD, L. CONRAD, DUBAY, JACOBSON, KAPLAN, ROMSEY, and WOLLERMAN guilty of bank fraud as an aider and abettor.

Authorities:

Pattern Crim. Jury Instr. 6th Cir. 4.01 (2013).

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
KYLE F. CONRAD,	)	
	)	<u>VERDICT</u> – Count 1 (Conspiracy to
Defendant.	)	Commit Bank Fraud)

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, KYLE F. CONRAD, _____ (enter in ink “guilty” or “not guilty”) of Conspiracy to Commit Bank Fraud, in violation of Title 18, United States Code, Section 1349, as charged in Count 1 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____	7. _____
FOREPERSON	
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
KYLE F. CONRAD,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 22 (Bank Fraud)

We, the Jury in this case, having been duly impaneled and sworn, find the defendant,
KYLE F. CONRAD, _____ (enter in ink “guilty” or “not guilty”) of
Bank Fraud or Aiding and Abetting , in violation of Title 18, United States Code, Sections 1344
and 2, as charged in Count 22 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day
of _____, 2014.

1. _____ FOREPERSON	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
LINDA K. CONRAD,	)	
	)	<u>VERDICT</u> – Count 1 (Conspiracy to
Defendant.	)	Commit Bank Fraud)

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, LINDA K. CONRAD, _____ (enter in ink “guilty” or “not guilty”) of Conspiracy to Commit Bank Fraud, in violation of Title 18, United States Code, Section 1349, as charged in Count 1 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____ FOREPERSON	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
LINDA K. CONRAD,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 17 (Bank Fraud)

We, the Jury in this case, having been duly impaneled and sworn, find the defendant,
LINDA K. CONRAD, _____ (enter in ink “guilty” or “not guilty”) of
Bank Fraud or Aiding and Abetting, in violation of Title 18, United States Code, Sections 1344
and 2, as charged in Count 17 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day
of _____, 2014.

1. _____ FOREPERSON	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
JOHN J. DUBAY,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 1 (Conspiracy to Commit Bank Fraud)

We, the Jury in this case, having been duly impaneled and sworn, find the defendant,
JOHN J. DUBAY, _____ (enter in ink “guilty” or “not guilty”) of
Conspiracy to Commit Bank Fraud, in violation of Title 18, United States Code, Section 1349, as
charged in Count 1 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day
of _____, 2014.

1. _____ FOREPERSON	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
JOHN J. DUBAY,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 7 (Bank Fraud)

We, the Jury in this case, having been duly impaneled and sworn, find the defendant,
JOHN J. DUBAY, _____ (enter in ink “guilty” or “not guilty”) of Bank
Fraud or Aiding and Abetting, in violation of Title 18, United States Code, Sections 1344 and 2, as
charged in Count 7 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day
of _____, 2014.

1. _____ FOREPERSON	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
JON R. JACOBSON,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 1 (Conspiracy to Commit Bank Fraud)

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, JON R. JACOBSON, _____ (enter in ink “guilty” or “not guilty”) of Conspiracy to Commit Bank Fraud, in violation of Title 18, United States Code, Section 1349, as charged in Count 1 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____ FOREPERSON	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
JON R. JACOBSON,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 4 (Bank Fraud)
	)	

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, JON R. JACOBSON, _____ (enter in ink “guilty” or “not guilty”) of Bank Fraud or Aiding and Abetting, in violation of Title 18, United States Code, Sections 1344 and 2, as charged in Count 4 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____ FOREPERSON	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
JON R. JACOBSON,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 20 (Bank Fraud)
	)	

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, JON R. JACOBSON, _____ (enter in ink “guilty” or “not guilty”) of Bank Fraud or Aiding and Abetting, in violation of Title 18, United States Code, Sections 1344 and 2, as charged in Count 20 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____	7. _____
FOREPERSON	
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
HARRY S. KAPLAN,	)	
	)	<u>VERDICT</u> – Count 1 (Conspiracy to
Defendant.	)	Commit Bank Fraud)

We, the Jury in this case, having been duly impaneled and sworn, find the defendant,
HARRY S. KAPLAN, _____ (enter in ink “guilty” or “not guilty”) of
Conspiracy to Commit Bank Fraud, in violation of Title 18, United States Code, Section 1349, as
charged in Count 1 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day
of _____, 2014.

1. _____ FOREPERSON	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
HARRY S. KAPLAN,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 12 (Bank Fraud)
	)	

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, HARRY S. KAPLAN, _____ (enter in ink “guilty” or “not guilty”) of Bank Fraud or Aiding and Abetting, in violation of Title 18, United States Code, Sections 1344 and 2, as charged in Count 12 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____	7. _____
FOREPERSON	
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
HARRY S. KAPLAN,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 23 (Bank Fraud)
	)	

We, the Jury in this case, having been duly impaneled and sworn, find the defendant,
HARRY S. KAPLAN, _____ (enter in ink “guilty” or “not guilty”) of
Bank Fraud or Aiding and Abetting, in violation of Title 18, United States Code, Sections 1344
and 2, as charged in Count 23 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day
of _____, 2014.

1. _____	7. _____
FOREPERSON	
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
DAVID B. ROMSEY,	)	
	)	<u>VERDICT</u> – Count 1 (Conspiracy to
Defendant.	)	Commit Bank Fraud)

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, DAVID B. ROMSEY, _____ (enter in ink “guilty” or “not guilty”) of Conspiracy to Commit Bank Fraud, in violation of Title 18, United States Code, Section 1349, as charged in Count 1 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____	7. _____
FOREPERSON	
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
DAVID B. ROMSEY,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 6 (Bank Fraud)
	)	

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, DAVID B. ROMSEY, _____ (enter in ink “guilty” or “not guilty”) of Bank Fraud or Aiding and Abetting, in violation of Title 18, United States Code, Sections 1344 and 2, as charged in Count 6 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____	7. _____
FOREPERSON	
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
DAVID B. ROMSEY,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 21 (Bank Fraud)
	)	

We, the Jury in this case, having been duly impaneled and sworn, find the defendant,
DAVID B. ROMSEY, _____ (enter in ink “guilty” or “not guilty”) of
Bank Fraud or Aiding and Abetting, in violation of Title 18, United States Code, Sections 1344
and 2, as charged in Count 21 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day
of _____, 2014.

1. _____	7. _____
FOREPERSON	
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
GRACE M. WOLLERMAN,	)	
	)	<u>VERDICT</u> – Count 1 (Conspiracy to
Defendant.	)	Commit Bank Fraud)

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, GRACE M. WOLLERMAN, _____ (enter in ink “guilty” or “not guilty”) of Conspiracy to Commit Bank Fraud, in violation of Title 18, United States Code, Section 1349, as charged in Count 1 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____ FOREPERSON	7. _____
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
GRACE M. WOLLERMAN,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 18 (Bank Fraud)
	)	

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, GRACE M. WOLLERMAN, _____ (enter in ink “guilty” or “not guilty”) of Bank Fraud or Aiding and Abetting, in violation of Title 18, United States Code, Sections 1344 and 2, as charged in Count 18 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____	7. _____
FOREPERSON	
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 5:13CR560
	)	
Plaintiff,	)	JUDGE JOHN R. ADAMS
	)	
v.	)	
	)	
GRACE M. WOLLERMAN,	)	
	)	
Defendant.	)	<u>VERDICT</u> – Count 29 (Bank Fraud)
	)	

We, the Jury in this case, having been duly impaneled and sworn, find the defendant, GRACE M. WOLLERMAN, _____ (enter in ink “guilty” or “not guilty”) of Bank Fraud or Aiding and Abetting, in violation of Title 18, United States Code, Sections 1344 and 2, as charged in Count 29 of the Indictment.

Each of us jurors concurring in said verdict signs his/her name hereto on this _____ day of _____, 2014.

1. _____	7. _____
FOREPERSON	
2. _____	8. _____
3. _____	9. _____
4. _____	10. _____
5. _____	11. _____
6. _____	12. _____

Instructions Proposed by the Defense, But Opposed by Government

Defendant Conrad's Theory of the Defense

That concludes the part of the instructions explaining the elements of the crimes. Next I will explain Defendant's position. Defendant Conrad says:

Authority:

Sixth Circuit Criminal Pattern Jury Instructions, Instruction No. 6.01.

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2014, a copy of the foregoing Joint Submission of Proposed Jury Instructions and Verdict Forms was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Robert J. Patton
Robert J. Patton
Assistant U.S. Attorney