

COPY

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA §

V. §

Criminal No. H-09-342-01-S

ROBERT ALLEN STANFORD, §

a/k/a Sir Allen Stanford, §

a/k/a Allen Stanford §

§

JURY INSTRUCTIONS

INSTRUCTION NO. 1

INTRODUCTION

Members of the Jury:

In any jury trial there are, in effect, two judges. I am one of the judges; the other is the jury. It is my duty to preside over the trial and to determine what testimony and evidence is relevant under the law for your consideration. It is also my duty at the end of the trial to explain to you the rules of law that you must follow and apply in arriving at your verdict.

First, I will give you some general instructions which apply in every case, for example, instructions about burden of proof and how to judge the believability of witnesses. Then I will give you some specific rules about this particular case, and finally I will explain to you procedures you should follow in your deliberations.

INSTRUCTION NO. 2

DUTY TO FOLLOW INSTRUCTIONS, ETC.

You, as jurors, are the judges of the facts. But in determining what actually happened in this case -- that is, in reaching your decision as to the facts -- it is your sworn duty to follow all of the rules of law as I explain them to you.

You have no right to disregard or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. You must not substitute or follow your own notion or opinion as to what the law is or ought to be. It is your duty to apply the law as I give it to you, regardless of the consequences.

It is also your duty to base your verdict solely upon the evidence, without prejudice or sympathy. That was the promise you made and the oath you took before being accepted by the parties as jurors, and they have the right to expect nothing less.

INSTRUCTION NO. 3

**PRESUMPTION OF INNOCENCE, BURDEN OF PROOF,
REASONABLE DOUBT**

The indictment or formal charge against a defendant is not evidence of guilt. Indeed, the defendant is presumed by the law to be innocent. The law does not require a defendant to prove his innocence or produce any evidence at all. The government has the burden of proving him guilty beyond a reasonable doubt, and if it fails to do so, you must acquit the defendant.

Thus, while the government's burden of proof is a strict or heavy burden, it is not necessary that the defendant's guilt be proved beyond all possible doubt. It is only required that the government's proof exclude any "reasonable doubt" concerning the defendant's guilt.

A "reasonable doubt" is a doubt based upon reason and common sense after careful and impartial consideration of all the evidence in the case. Proof beyond a reasonable doubt, therefore, is proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs.

INSTRUCTION NO. 4

DEFENDANT'S RIGHT NOT TO TESTIFY

The defendant in a criminal case has an absolute right under our Constitution not to testify.

The fact that the defendant did not testify must not be discussed or considered in any way when deliberating and in arriving at your verdict. No inference of any kind may be drawn from the fact that a defendant decided to exercise his privilege under the Constitution and did not testify.

As stated before, the law never imposes upon a defendant in a criminal case the burden or duty of calling any witnesses or of producing any evidence.

INSTRUCTION NO. 5

**EVIDENCE -- EXCLUDING ARGUMENT OF COUNSEL AND
COMMENT OF COURT**

As I told you earlier, it is your duty to determine the facts. In doing so, you must consider only the evidence presented during the trial, including the sworn testimony of the witnesses and the exhibits.

Remember that any statements, objections or arguments made by the lawyers are not evidence. The function of the lawyers is to point out those things that are most helpful to their side of the case, and in so doing to call your attention to certain facts or inferences that might otherwise escape your notice. In the final analysis, however, it is your own recollection and interpretation of the evidence that controls in the case. What the lawyers say is not binding upon you.

Also, during the course of a trial I occasionally make comments to the lawyers, or ask questions of a witness, or admonish a witness concerning the manner in which he should respond to the questions of counsel. Do not assume from anything I may have done or said during the trial that I have any opinion concerning any of the issues in this case. Except for my instructions to you on the law, you should disregard anything I may have said during the trial in arriving at your own findings as to the facts.

INSTRUCTION NO. 6

NOTE-TAKING

For those of you who took notes, your notes should be used only as memory aids. You should not give your notes precedence over your independent recollection of the evidence. If you did not take notes, you should rely upon your own independent recollection of the proceedings and you should not be unduly influenced by the notes of other jurors.

Notes are not entitled to any greater weight than the memory or impression of each juror as to what the testimony may have been. Whether you took notes or not, each of you must form and express your own opinion as to the facts of the case.

INSTRUCTION NO. 7

PRETRIAL PUBLICITY

There has been substantial publicity about this case. The statements contained in those media accounts are not facts or admissible evidence, and may be inaccurate, based on bias, partial information, rumor and opinion, or come from individuals who have not been cross-examined by the parties.

You must lay aside and completely disregard anything you may have read or heard about the case outside the courtroom, and your verdict must be based solely and exclusively on the evidence presented in court in accordance with my instructions about the law that must apply to the evidence.

INSTRUCTION NO. 8

EVIDENCE -- INFERENCES -- DIRECT AND CIRCUMSTANTIAL

While you should consider only the evidence in the case, you are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified in the light of common experience. In other words, you may make deductions and reach conclusions which reason and common sense lead you to draw from the facts which have been established by the evidence.

In considering the evidence, you should not be concerned about whether the evidence is either direct or circumstantial evidence. "Direct evidence" is the testimony of one who asserts actual knowledge of a fact, such as an eye witness. "Circumstantial evidence" is proof of a chain of facts and circumstances indicating that the defendant is either guilty or not guilty. The law makes no distinction between the weight you may give either direct or circumstantial evidence.

INSTRUCTION NO. 9

CREDIBILITY OF WITNESSES

I remind you that it is your job to decide whether the government has proved the guilt of the defendant beyond a reasonable doubt. In doing so, you must consider all of the evidence. This does not mean, however, that you must accept all of the evidence as true or accurate.

You are the sole judges of the credibility or "believability" of each witness and the weight to be given to his or her testimony. An important part of your job will be making judgments about the testimony of the witnesses who testified in this case. You should decide whether you believe all or any part of what each person had to say, and how important that testimony was. In making that decision I suggest that you ask yourself a few questions: Did the person impress you as honest? Did the witness have any particular reason not to tell the truth? Did the witness have a personal interest in the outcome of the case? Did the witness have any relationship with either the government or the defense? Did the witness seem to have a good memory? Did the witness clearly see or hear the things about which he testified? Did the witness have the opportunity and ability to understand the questions clearly and answer them directly? Did the witness's testimony differ from the testimony of other witnesses? These are a few of the considerations that will help you determine the accuracy of what each witness said.

Your job is to think about the testimony of each witness you have heard and decide how much you believe of what each witness had to say. In making up your mind and reaching a verdict, do not make any decisions simply because there were more witnesses on one side than on the other. Do not reach a conclusion on a particular point just because there were more witnesses testifying for one side on that point.

INSTRUCTION NO. 10

ACCOMPLICE—CO-DEFENDANT—PLEA AGREEMENT

In this case, the government called as one of its witnesses an alleged accomplice, named as a defendant in a related case, with whom the government has entered into a plea agreement providing for the possibility of a lesser sentence than the alleged accomplice would otherwise be exposed to for the offenses to which the alleged accomplice plea guilty. Such plea bargaining, as it is called, has been approved as lawful and proper, and is expressly provided for in the rules of this court.

An alleged accomplice, including one who has entered into a plea agreement with the government, is not prohibited from testifying. On the contrary, the testimony of such witness may alone be of sufficient weight to sustain a verdict of guilty. You should keep in mind that such testimony is always to be received with caution and weighted with great care. You should never convict a defendant upon the unsupported testimony of an alleged accomplice unless you believe that testimony beyond a reasonable doubt. The fact that an accomplice has entered a guilty plea to the offense charged is no evidence of the guilt of any other person.

INSTRUCTION NO. 11

IMPEACHMENT BY PRIOR INCONSISTENCIES

The testimony of a witness may be discredited by showing that the witness testified falsely concerning a material matter, or by evidence that at some other time the witness said or did something, or failed to say or do something, which is inconsistent with the testimony the witness gave at this trial.

Earlier statements of a witness were not admitted in evidence to prove that the contents of those statements are true. You may consider the earlier statements only to determine whether you think they are consistent or inconsistent with the trial testimony of the witness and therefore whether they affect the credibility of that witness.

If you believe that a witness has been discredited in this manner, it is your exclusive right to give the testimony of that witness whatever weight you think it deserves.

INSTRUCTION NO. 12

CAUTION -- MULTIPLE COUNTS

A separate crime or offense is charged against the defendant in each count of the indictment. Each count, and the evidence pertaining to it, should be considered separately.

INSTRUCTION NO. 13

CAUTION – CONSIDER ONLY CRIME CHARGED

You are here to decide whether the government has proved beyond a reasonable doubt that the defendant is guilty of the crimes charged. The defendant is not on trial for any act or conduct or offense not alleged in the indictment. Neither are you concerned with the guilt of any other person or persons not on trial as a defendant in this case.

INSTRUCTION NO. 14

DATES AND AMOUNTS

You will note that the indictment charges that the offense was committed “on or about” a certain date. The government does not have to prove that the crime was committed on that exact date, so long as the government proves beyond a reasonable doubt that the defendant committed the crime on a date reasonably near the date stated in the indictment.

Likewise, it does not matter if the indictment charges that certain transactions involved specific amounts of money, and the evidence indicates that in fact it was a different amount of money. The law only requires a substantial similarity between the amounts alleged in the indictment and the amounts established by the evidence.

INSTRUCTION NO. 15

SUMMARIES AND CHARTS

Certain charts and summaries have been received into evidence. Charts and summaries are valid only to the extent that they accurately reflect the underlying supporting evidence. You should give them only such weight as you think they deserve.

Certain charts and summaries have been shown to you solely to help explain the facts disclosed by the books, records, and other documents which are in evidence in the case. These charts and summaries are not evidence or proof of any facts. You should determine the facts from the evidence.

INSTRUCTION NO. 16

TRANSCRIPT OF TAPE RECORDED CONVERSATION

An exhibit has been identified as a typewritten transcript of an oral conversation which can be heard on the tape recording received into evidence. The transcript also purports to identify the speakers engaged in such conversation.

I have admitted the transcript for the limited and secondary purpose of aiding you in following the content of the conversation as you listen to the tape recording, and also to aid you in identifying the speakers.

You are specifically instructed that whether the transcript correctly or incorrectly reflects the content of the conversation or the identity of the speakers is entirely for you to determine based upon your own evaluation of the testimony you have heard concerning the preparation of the transcript, and from your own examination of the transcript in relation to your hearing of the tape recording itself as the primary evidence of its own contents; and, if you should determine that the transcript is in any respect incorrect or unreliable, you should disregard it to that extent.

INSTRUCTION NO. 16A
EXPERT WITNESSES

During the trial you heard the testimony of expert witnesses. If scientific, technical, or other specialized knowledge might assist the jury in understanding the evidence or in determining a fact in issue, a witness qualified by knowledge, skill, experience, training, or education may testify and state an opinion concerning such matters. Merely because such a witness has expressed an opinion does not mean, however, that you must accept this opinion. You should judge such testimony like any other testimony. You may accept it or reject it, and give it as much weight as you think it deserves, considering the witness's education and experience, the soundness of the reasons given for the opinion, and all other evidence in the case.

INSTRUCTION NO. 17

“KNOWINGLY”

The word "knowingly," as that term has been used from time to time in these instructions, means that the act was done voluntarily and intentionally, not because of mistake or accident.

INSTRUCTION NO. 18

CAUTION – PUNISHMENT

If a defendant is found guilty, it will be my duty to decide what the punishment will be. You should not be concerned with punishment in any way. It should not enter your consideration or discussion.

INSTRUCTION NO. 19

COUNT ONE: CONSPIRACY TO COMMIT MAIL OR WIRE FRAUD

Title 18, United States Code, Section 1349, makes it a crime for anyone to conspire with someone else to commit mail or wire fraud. In this case, Count One of the Indictment charges the defendant with conspiring to commit wire fraud and mail fraud.

A “conspiracy” is an agreement between two or more persons to join together to accomplish some unlawful purpose. It is a kind of “partnership in crime” in which each member becomes the agent of every other member.

For you to find a defendant guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That the defendant and at least one other person made an agreement to commit the crime of wire fraud or mail fraud, as those crimes are described in Instructions ²⁰ ~~18~~ and ²¹ ~~19~~, respectively;

Second: That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose; and

Third: That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the indictment, in order to accomplish some object or purpose of the conspiracy.

One may become a member of a conspiracy without knowing all the details of the unlawful scheme or the identities of all the other alleged conspirators. If a defendant understands the unlawful nature of a plan or scheme and knowingly and intentionally joins in that plan or scheme on one occasion, that is sufficient to convict him for conspiracy even though the defendant played only a minor part.

The government need not prove that the alleged conspirators entered into any formal agreement, nor that they directly stated between themselves all the details of the scheme. Similarly, the government need not prove that all of the details of the scheme alleged in the indictment were actually agreed upon or carried out. Nor must it prove that all of the persons alleged to have been members of the conspiracy were such, or that the alleged conspirators actually succeeded in accomplishing their unlawful objectives.

Mere presence at the scene of an event, even with knowledge that a crime is being committed, or the mere fact that certain persons may have associated with each other, and may have assembled together and discussed common aims and interests, does not necessarily establish proof of the existence of a conspiracy. Also, a person who has no knowledge of a conspiracy, but who happens to act in a way which advances some purpose of a conspiracy, does not thereby become a conspirator.

INSTRUCTION NO. 20

COUNTS TWO-SIX: WIRE FRAUD

Title 18, United States Code, Section 1343, makes it a crime for anyone to cause interstate wire communications in carrying out a scheme to defraud.

For you to find a defendant guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That the defendant knowingly created a scheme to defraud or to obtain money and property by means of materially false or fraudulent pretenses, representations, or promises;

Second: That the defendant acted with a specific intent to defraud;

Third: That the defendant used interstate or foreign wire communications or caused another person to use interstate or foreign wire communications for the purpose of carrying out the scheme; and

Fourth: That the scheme to defraud employed false material representations.

A “scheme to defraud” includes any scheme to deprive another of money or property by means of false or fraudulent pretenses, representations, or promises.

An “intent to defraud” means an intent to defraud or cheat someone.

A representation is “false” or “fraudulent” if it is known to be untrue or is made with reckless indifference to its truth or falsity. A representation would also be

"false" or "fraudulent" when it constitutes a half truth, or effectively conceals a material fact, provided it is made with intent to defraud.

A false or fraudulent statement is "material" if it has a natural tendency to influence, or is capable of influencing, the decision of the person or entity to which it is addressed.

An "interstate or foreign wire communication" is the use of a means of electronic wire communication to transmit in interstate or foreign commerce any writing, sign, signal, picture, or sound.

It is not necessary that the government prove all of the details alleged in the indictment concerning the precise nature and purpose of the scheme, or that the material transmitted by wire was itself false or fraudulent, or that the alleged scheme actually succeeded in defrauding anyone, or that the use of interstate or foreign wire communications facilities was intended as the specific or exclusive means of accomplishing the alleged fraud.

What must be proved beyond a reasonable doubt is that the defendant knowingly devised or intended to devise a scheme to defraud that was substantially the same as the one alleged in the indictment, and that the use of the interstate or foreign wire communications facilities was closely related to the scheme because the defendant either wired something or caused it to be wired in interstate or foreign commerce in an attempt to execute or carry out the scheme. To "cause" interstate or

foreign wire communications facilities to be used is to do an act with knowledge that the use of the wire facilities will follow in the ordinary course of business or where such use can reasonably be foreseen.

Each separate use of the interstate wire communications facilities in furtherance of the scheme to defraud constitutes a separate offense.

INSTRUCTION NO. 21

COUNTS SEVEN-ELEVEN: MAIL FRAUD

Title 18, United States Code, Section 1341, makes it a crime for to use the mails in carrying out a scheme to defraud..

For you to find a defendant guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That the defendant knowingly created a scheme to defraud or to obtain money and property by means of materially false or fraudulent pretenses, representations, or promises;

Second: That the defendant acted with a specific intent to defraud;

Third: That the defendant mailed something through the United States Postal Service or a private or commercial interstate carrier for the purpose of carrying out the scheme; and

Fourth: That the scheme to defraud employed false material representations.

A “scheme to defraud” includes any scheme to deprive another of money or property by means of false or fraudulent pretenses, representations, or promises.

An “intent to defraud” means an intent to defraud or cheat someone.

A representation is “false” or “fraudulent” if it is known to be untrue or is made with reckless indifference to its truth or falsity. A representation would also be

"false" or "fraudulent" when it constitutes a half truth, or effectively conceals a material fact, provided it is made with intent to defraud.

A false or fraudulent statement is "material" if it has a natural tendency to influence, or is capable of influencing, the decision of the person or entity to which it is addressed.

It is not necessary that the government prove all of the details alleged in the indictment concerning the precise nature and purpose of the scheme, or that the mailed material was itself false or fraudulent, or that the alleged scheme actually succeeded in defrauding anyone, or that the use of the mail was intended as the specific or exclusive means of accomplishing the alleged fraud.

What must be proved beyond a reasonable doubt is that the defendant knowingly devised or intended to devise a scheme to defraud that was substantially the same as the one alleged in the indictment, and that the use of the mails was closely related to the scheme because the defendant either mailed something or caused it to be mailed in an attempt to execute or carry out the scheme. To "cause" the mails to be used is to do an act with knowledge that the use of the mails will follow in the ordinary course of business or where such use can reasonably be foreseen.

Each separate use of the mails in furtherance of the scheme to defraud constitutes a separate offense.

INSTRUCTION NO. 22

GOOD FAITH

Misrepresentations or omissions of material fact do not violate the law under which the defendant is charged unless they are made with the intent to defraud. With respect to finding the defendant guilty based on a misrepresentation or omission of material facts, the defendant's good faith belief in the truth of statements made by him is a defense however inaccurate or misleading the statements or omissions turn out to be.

The defendant has no burden to come forward with evidence to establish a defense of good faith. The burden is on the government to prove the intent to defraud with respect to misrepresentations or omissions of material fact beyond a reasonable doubt.

In considering whether or not the defendant acted in good faith, you are instructed that a belief by the defendant, if such belief existed, that ultimately everything would work out so that no one would lose money does not require a finding by you that he acted in good faith. No amount of honest belief on the part of the defendant that the investment will ultimately succeed will excuse misrepresentations or omissions of material fact made with the intent to obtain money or something of value.

INSTRUCTION NO. 23

COUNTS TWELVE: CONSPIRACY TO OBSTRUCT SEC PROCEEDING

Title 18, United States Code, Section 371, makes it a crime for anyone to conspire with someone else to commit an offense against the laws of the United States. In this case, Count Twelve of the Indictment charges the defendants with conspiring to obstruct an SEC investigation.

A “conspiracy” is an agreement between two or more persons to join together to accomplish some unlawful purpose. It is a kind of “partnership in crime” in which each member becomes the agent of every other member.

For you to find a defendant guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That the defendant and at least one other person made an agreement to commit the crime of obstructing an SEC investigation, as the crime is described in Instruction 24;

Second: That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose;

Third: That one of the conspirators during the existence of the conspiracy knowingly committed at least one of the overt acts described in the indictment, in order to accomplish some object or purpose of the conspiracy.

You are instructed that the same instructions describing the crime of conspiracy in Instruction 19 apply to the conspiracy charge in this Instruction.

INSTRUCTION NO. 24

COUNT THIRTEEN: OBSTRUCTION OF SEC INVESTIGATION

Title 18, United States Code, Section 1505, makes it a crime for anyone corruptly to influence, obstruct and impede, or endeavor to influence, obstruct and impede a pending proceeding before any department and agency of the United States.

For you to find a defendant guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That there was a proceeding pending before the Securities and Exchange Commission;

Second: That the defendant knew of the pending agency proceeding and influenced, obstructed or impeded the due and proper administration of the law in that proceeding;

Third: That the defendant's act was done "corruptly," that is, that the defendant acted knowingly and dishonestly, with the specific intent to subvert or undermine the due administration of justice.

It is not necessary to show that the defendant was successful in achieving the forbidden objective, only that the defendant corruptly tried to achieve it in a manner

which he knew was likely to influence, obstruct or impede the due and proper administration of the law as to the natural and probable effect of defendant's actions.

A "proceeding" includes the investigative activities of a federal agency.

INSTRUCTION NO. 25

**COUNT FOURTEEN: CONSPIRACY TO ENGAGE IN MONEY
LAUNDERING OR TRANSACTIONS INVOLVING PROCEEDS OF
SPECIFIED UNLAWFUL ACTIVITY**

Title 18, United States Code, Section 1956, makes it a crime for anyone to conspire to engage in money laundering or transactions involving the proceeds of specified unlawful activity.

A "conspiracy" is an agreement between two or more persons to join together to accomplish some unlawful purpose. It is a kind of "partnership in crime" in which each member becomes the agent of every other member.

For you to find a defendant guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That the defendant and at least one other person made an agreement to commit one or both of the offenses described below; and

Second: That the defendant knew the unlawful purpose of the agreement and joined in it willfully, that is, with the intent to further the unlawful purpose.

You are instructed that the same general instructions describing the crime of conspiracy in Instruction ~~19~~
19 apply to the conspiracy charge in this Instruction.

The elements of international money laundering under Title 18, Section 1956(a)(2)(A) are as follows:

First: The defendant transported funds from a place in the United States to or through a place outside the United States, or vice versa; and

Second: The defendant did so with the intent to promote the carrying on of specified unlawful activity, namely wire or mail fraud;

The elements of engaging in monetary transactions in property derived from specified unlawful activity under Title 18, Section 1957 are as follows:

First: That the defendant engaged or attempted to engage in a monetary transaction;

Second: That the defendant knew the transaction involved criminally derived property;

Third: That the property had a value greater than \$10,000;

Fourth: That the property was derived from a specified unlawful activity, namely, wire or mail fraud;

Fifth: That the transaction occurred in the United States or, if the transaction took place outside the United States, the defendant is a citizen of the United States.

The term “monetary transaction” means the deposit, withdrawal, transfer, or exchange, in or affecting interstate or foreign commerce, of funds, or a monetary instrument by, through, or to a financial institution. The term “financial institution” includes commercial banks and credit unions.

The term “transaction” includes a purchase, sale, loan, pledge, gift, transfer, delivery or other disposition, and with regards to a financial institution, includes a deposit, withdrawal, transfer between accounts, exchange of currency, purchase of any monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution by whatever means effected.

It is not necessary for the government to show that the defendant actually intended or anticipated an effect on interstate commerce by her actions or that commerce was actually affected. All that is necessary is that the natural and probable consequences of the acts the defendant took would be to affect interstate commerce. If you decide that there would be any affect at all on interstate commerce, then that is enough to satisfy this element. The effect can be minimal.

The term “criminally derived property” means any property constituting, or derived from, proceeds obtained from a criminal offense.

The government must prove that the defendant knew that the property represented the proceeds of some form of activity that constitutes a felony under State or Federal Law. The government is not required to prove that the defendant knew that the property involved in the transaction represented the proceeds of mail or wire fraud.

The term “proceeds” includes any property, or any interest in property, that someone acquires or retains as a result of the commission of the underlying specified unlawful activity. Proceeds can be any kind of property, not just money.

INSTRUCTION NO. 26
UNANIMITY OF THEORY

You have been instructed that your verdict, whether it is guilty or not guilty, must be unanimous. The following instruction applies to the unanimity requirement as to Counts 1 and 14.

Count 1 of the indictment accuses the defendant of committing the crime of conspiracy to commit wire fraud or mail fraud. The government does not have to prove that the defendant conspired to commit both wire fraud and mail fraud for you to return a guilty verdict on Count 1. Proof beyond a reasonable doubt that the defendant conspired to commit either wire fraud or mail fraud is sufficient. But in order to return a guilty verdict, all twelve of you must agree that the same one has been proved. All of you must agree that the government proved beyond a reasonable doubt that the defendant conspired to commit wire fraud; or, all of you must agree that the government proved beyond a reasonable doubt that the defendant conspired to commit mail fraud; or all of you must agree that the government proved beyond a reasonable doubt that the defendant conspired to commit both wire fraud and mail fraud. On the verdict form for Count 1, you should identify whether you have found the defendant guilty of conspiring to commit wire fraud or mail fraud or both.

Also, Count 14 of the indictment accuses the defendant of committing the crime of conspiracy to commit money laundering in violation of Title 18, Section 1956(a)(2)(A) (international money laundering) or in violation of Title 18, Section 1957 (monetary transactions in property derived from specified unlawful activity). The government does not have to prove that the defendant conspired to commit both money laundering offenses for you to return a guilty verdict on Count 14. Proof beyond a reasonable doubt that the defendant conspired to commit either offense is sufficient. But in order to return a guilty verdict, all twelve of you must agree that the same one has been proved. All of you must agree that the government proved beyond a reasonable doubt that the defendant conspired to commit international money laundering; or, all of you must agree that the government proved beyond a reasonable doubt that the defendant conspired to engage in monetary transactions in property derived from specified unlawful activity; or all of you must agree that the government proved beyond a reasonable doubt that the defendant conspired to commit both offenses. On the verdict form for Count 14, you should identify whether you have found the defendant guilty of conspiring to commit international money laundering, or conspiring to engage in monetary transactions in property derived from specified unlawful activity, or both.

INSTRUCTION NO. 27

CONSPIRATOR'S LIABILITY FOR SUBSTANTIVE COUNT

A conspirator is responsible for offenses committed by other conspirators if the conspirator was a member of the conspiracy when the offense was committed and if the offense was reasonably foreseeable and committed in furtherance of the conspiracy.

Therefore, if you have first found the defendant guilty of the conspiracy to commit wire fraud charged in Count One, and if you find beyond a reasonable doubt that: (1) other conspirators committed the offense of wire fraud as charged in Counts Two, Three, Four, Five, or Six; (2) the defendant was a member of that conspiracy during the time that the other conspirators committed that offense; and (3) the conspirators committed the offense of wire fraud charged in Counts Two, Three, Four, Five, or Six both in furtherance of and as a foreseeable consequence of that conspiracy, then you may find the defendant guilty of Counts Two, Three, Four, Five, or Six even though the defendant may not have participated in any of the acts which constitute the offense described in Counts Two through Six.

Also, if you have first found a defendant guilty of the conspiracy to commit mail fraud charged in Count One, and if you find beyond a reasonable doubt that: (1)

other conspirators committed the offense of mail fraud as charged in Counts Seven, Eight, Nine, Ten, or Eleven; (2) the defendant was a member of that conspiracy during the time that the other conspirators committed that offense; and (3) the conspirators committed the offense of mail fraud in Counts Seven, Eight, Nine, Ten, or Eleven both in furtherance of and as a foreseeable consequence of that conspiracy, then you may find the defendant guilty of Counts Seven, Eight, Nine, Ten, or Eleven, even though the defendant may not have participated in any of the acts which constitute the offenses described in Counts Seven through Eleven.

INSTRUCTION NO. 28

AIDING AND ABETTING - 18 U.S.C. §2

This instruction applies to Counts 2 through 6 (wire fraud), Counts 7 through 11 (mail fraud), and Count 13 (obstruction of SEC investigation).

The guilt of a defendant in a criminal case may be established without proof that the defendant personally did every act constituting the offense alleged. The law recognizes that, ordinarily, anything a person can do for himself may also be accomplished by him through the direction of another person as his or her agent, or by acting in concert with, or under the direction of, another person or persons in a joint effort or enterprise.

If another person is acting under the direction of the defendant or if the defendant joins another person and performs acts with the intent to commit a crime, then the law holds the defendant responsible for the acts and conduct of such other persons just as though the defendant had committed the acts or engaged in such conduct.

Before any defendant may be held criminally responsible for the acts of others, it is necessary that the accused deliberately associate himself in some way with the crime and participate in it with the intent to bring about the crime.

Of course, mere presence at the scene of a crime and knowledge that a crime is being committed are not sufficient to establish that a defendant either directed or aided and abetted the crime unless you find beyond a reasonable doubt that the defendant was a participant and not merely a knowing spectator.

In other words, you may not find any defendant guilty unless you find beyond a reasonable doubt that every element of the offense as defined in these instructions was committed by some person or persons, and that the defendant voluntarily participated in its commission with the intent to violate the law.

For you to find the defendant guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That the particular count was committed by some person;

Second: That the defendant associated with the criminal venture;

Third: That the defendant purposefully participated in the criminal venture; and

Fourth: That the defendant sought by action to make that venture successful.

"To associate with the criminal venture" means that the defendant shared the criminal intent of the principal. This element cannot be established if the defendant had no knowledge of the principal's criminal venture.

"To participate in the criminal venture" means that the defendant engaged in some affirmative conduct designed to aid the venture or assisted the principal of the crime.

INSTRUCTION NO. 29

DUTY TO DELIBERATE

To reach a verdict, whether it is guilty or not guilty, all of you must agree. Your verdict must be unanimous on each count of the indictment. Your deliberations will be secret. You will never have to explain your verdict to anyone.

It is your duty to consult with one another and to deliberate in an effort to reach agreement if you can do so. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to reexamine your own opinions and change your mind if convinced that you were wrong. But do not give up your honest beliefs as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

Remember at all times, you are judges - judges of the facts. Your sole interest is to seek the truth from the evidence in the case, to decide whether the government has proved the defendant guilty beyond a reasonable doubt.

When you go to the jury room, the first thing that you should do is select one of your number as your foreperson, who will help to guide your deliberations and will speak for you here in the courtroom.

A form of verdict has been prepared for your convenience.

The foreperson will write the unanimous answer of the jury in the space provided for each count of the indictment, either guilty or not guilty. At the conclusion of your deliberations, the foreperson should date and sign the verdict.

If you need to communicate with me during your deliberations, the foreperson should write the message and give it to the marshal. I will either reply in writing or bring you back into the court to answer your message.

Bear in mind that you are never to reveal to any person, not even to the court, how the jury stands, numerically or otherwise, on any count of the indictment, until after you have reached a unanimous verdict.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA §

v.

CR. NO. H-09-342

ROBERT ALLEN STANFORD §

VERDICT

COUNT ONE (Conspiracy to Commit Mail or Wire Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,

_____ of the offense charged in Count One of the Indictment.

("Guilty" or "Not Guilty").

If "Guilty," specify the offense(s) the Defendant conspired to commit:

(Wire fraud)

(Mail fraud)

COUNT TWO (Wire Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,

_____, of the offense charged in Count Two of the Indictment.

("Guilty" or "Not Guilty").

COUNT THREE (Wire Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Three of the Indictment.
("Guilty" or "Not Guilty").

COUNT FOUR (Wire Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Four of the Indictment.
("Guilty" or "Not Guilty").

COUNT FIVE (Wire Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Five of the Indictment.
("Guilty" or "Not Guilty").

COUNT SIX (Wire Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Six of the Indictment.
("Guilty" or "Not Guilty").

COUNT SEVEN (Mail Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Seven of the Indictment.
("Guilty" or "Not Guilty").

COUNT EIGHT (Mail Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Eight of the Indictment.
("Guilty" or "Not Guilty").

COUNT NINE (Mail Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Nine of the Indictment.
("Guilty" or "Not Guilty").

COUNT TEN (Mail Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Ten of the Indictment.
("Guilty" or "Not Guilty").

COUNT ELEVEN (Mail Fraud)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Eleven of the Indictment.
("Guilty" or "Not Guilty").

COUNT TWELVE (Conspiracy to Obstruct an SEC Proceeding)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Twelve of the Indictment.
("Guilty" or "Not Guilty").

COUNT THIRTEEN (Obstruction of an SEC Proceeding)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,
_____, of the offense charged in Count Thirteen of the Indictment.
("Guilty" or "Not Guilty").

COUNT FOURTEEN (Conspiracy to Commit Money Laundering)

We, the jury, find the Defendant, ROBERT ALLEN STANFORD,

_____, of the offense charged in Count Fourteen of the Indictment.

("Guilty" or "Not Guilty").

If "Guilty," specify the offense(s) the Defendant conspired to commit:

(International Money Laundering)

(Monetary transactions in property derived
from specified unlawful activity)

We, the jury, return the foregoing as our unanimous verdict.

Date

Foreperson