

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CR: 422-084
	)	
BERNARD OKOJIE	)	

**GOVERNMENT’S RESPONSE TO DEFENDANT BERNARD OKOJIE’S
PROPOSED JURY INSTRUCTIONS, VOIR DIRE, AND VERDICT FORM**

The United States objects to Defendant Bernard Okojie’s Proposed Jury Instructions (doc. 82) and Proposed Verdict Form (doc. 80) as follows. The United States has no objections to Defendant’s Proposed Voir Dire. (Doc. 82).

1. Defendant’s Proposed Jury Instructions

The United States objects to Instruction S1.1, Testimony of Accomplice, Informer, or Witness with Immunity. This instruction does not apply to this case because no witness has been granted prosecutorial immunity or charged by the U.S. Attorney’s Office in connection with this case.

The United States objects to Instructions O52, Bank Fraud, because Defendant has been charged with conspiracy to commit bank fraud, not with the substantive offense of bank fraud, and because the O54 instructions in connection with the language of the Indictment are adequate to instruct the jury as to Count One.

The United States objects to Instructions O74.2, Money Laundering: Concealing Proceeds of Specified Unlawful Activity or Avoiding Transaction Reporting Requirement, 18 U.S.C. § 1956(a)(1)(B)(i) & (ii), and O74.6, Money

Laundering, 18 U.S.C. § 1957, to the extent that they are listed as standalone instructions. They should be incorporated into the O54 instructions, as in the Government's proposed jury instructions, because Defendant has been charged with conspiracy to commit money laundering, not with the substantive offense of money laundering. Additionally, the United States objects to these instructions to the extent they do not include instructions as to one of the three alleged objects of the money laundering conspiracy, as alleged in paragraph 35 of the Indictment: that Defendant participated in the transaction to avoid a transaction-reporting requirement under state or Federal law.¹

The United States objects to Added Instruction, One Human Actor Does Not Allow a Conspiracy Conviction, because the Government does not intend to present evidence or argument to the effect that Mr. Okojie conspired with one of his own corporations. In the alternative, the United States requests that the Court refrain from including this instruction in the final charge to the jury until and unless such evidence or argument is presented at trial.

2. Defendant's Proposed Verdict Form

The United States objects to Defendant's Proposed Verdict Form as to Count One because it unnecessarily requires the jury to find that the Defendant did or did not commit specific acts alleged in the indictment, and furthermore only asks for such a finding as to the acts described in paragraphs 27 and 29 of the indictment (and not

¹ There is additionally a typo on page 30 of Defendant's Proposed Jury Instructions: "in violation of 18 U.S.C. 1957" should be "in violation of 18 U.S.C. §§ 1343 and 1344."

paragraphs 26 and 28). The jury need only indicate whether it finds that Defendant conspired to commit wire fraud and bank fraud.

Respectfully submitted this 10th day of March, 2023.

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s/ Matthew A. Josephson

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CERTIFICATE OF SERVICE

This is to certify that I have on this day filed this motion under seal and service will be made on all parties in this case in accordance with the notice of electronic filing (“NEF”), which will be generated as a result of electronic filing in this Court.

This 10th day of March, 2023.

JILL E. STEINBERG
UNITED STATES ATTORNEY

s/ Jennifer A. Stanley
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