UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v. Case No. 2:20-cr-114-JES-MRM

CASEY DAVID CROWTHER

PROPOSED FORFEITURE JURY INSTRUCTIONS

The United States of America hereby requests that, if the defendant is convicted of the offenses charged in Counts One, Two, Four, Five and/or Six of the Second Superseding Indictment, and, if the Court grants a request by the defendant for a jury determination regarding the forfeiture of the specific assets identified in the Second Superseding Indictment, and more specifically described in the Bill of Particulars, the following proposed jury instructions be given during the separate forfeiture hearing following the conviction.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that March 15, 2021, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to counsel of record.

s/Suzanne C. Nebesky
Suzanne C. Nebesky
Assistant United States Attorney

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SPECIAL JURY CHARGE

FORFEITURE

Members Of The Jury:

Your verdict in this case does not complete your jury service, as it would in most cases, because there is another matter you must now consider and decide, namely, whether there is a nexus between certain assets identified in the Second Superseding Indictment, and more specifically described in the Bill of Particulars, and the crime(s) for which the defendant was convicted.

In a section of the Second Superseding Indictment not previously disclosed to you, it is alleged that certain assets (1) represent property constituting, or derived from, proceeds obtained directly or indirectly from the bank fraud schemes charged in Counts One and/or Five; (2) represent property constituting, or derived from proceeds obtained directly or indirectly from making a false statement to a lending institution as charged in Counts Two and/or Six; and/or (3) constitute property involved in the money laundering offense charged in Count Four, or is property traceable to such property.

In view of your guilty verdict(s), you must also decide, under the law I will now explain to you, whether such assets should be forfeited to the United States.

The term "forfeited" simply means for someone to be divested or deprived of the ownership of something as a part of the punishment allowed by law for the commission of certain criminal offenses.

In deciding these issues, you should consider all of the evidence you have already heard during the trial plus the additional evidence that will be presented to you when I finish giving you these instructions.

The forfeiture allegations of the Second Superseding Indictment, and the Bill of Particulars, copies of which will be provided to you for your consideration during supplemental deliberations, describe a 2020 40' Invincible Catamaran, Hull ID# IVBC0076D920, registered to and owned by the defendant, and real property located at 3653 San Carlos Drive, Saint James City, Florida 33956. The real property has been sold by agreement of the parties, and the parties have agreed that the United States will seek to forfeit the defendant's interest in approximately $630,482.37 received from the sale of the real property in lieu of the property itself. The Second Superseding Indictment and Bill of Particulars allege that these assets are subject to forfeiture to the United States, (1) pursuant to 18 U.S.C. § 982(a)(2)(A), as property constituting, or derived from, proceeds obtained, directly or indirectly, from the bank fraud schemes charged in Counts One and/or Five, and/or making a false statement to a lending institution charged in Counts Two and/or Six; and/or (2) pursuant to 18

U.S.C. § 982(a)(1), as property involved in the money laundering offenses charged in Count Four, or as property traceable to such funds.

In order to forfeit the property identified above, the United States must prove, by a preponderance of the evidence, that the assets (1) represent property constituting, or derived from, proceeds obtained, directly or indirectly, from the bank fraud schemes; and/or (2) represent property constituting, or derived from, proceeds obtained, directly or indirectly, from making a false statement to a lending institution; and/or (3) constitute property involved in the money laundering offense, or is property traceable to such property.

A "preponderance of the evidence" simply means an amount of evidence which is enough to persuade you that a claim or contention is more likely true than not true.

To be “derived” from something means that the property under consideration must have been formed or developed out of the original source so as to be directly descended from that source.

To be “traceable” to something means that the property under consideration must have followed an ascertainable course or trail in successive stages of development or progress from the original source.

While deliberating concerning the issue of forfeiture, you must not reexamine your previous determination regarding the defendant’s guilt. However, all of the instructions previously given to you concerning your consideration of the evidence, the credibility of the witnesses, your duty to deliberate together, your duty to base your verdict solely on the evidence without prejudice, bias or sympathy, and the necessity of a unanimous verdict, will continue to apply during these supplemental deliberations.