

**2005 v. 2007 CHANGED RULINGS SUMMARY CHART**

**JURY INSTRUCTIONS**

	<b>SUBJECT</b>	<b>2005 INSTRUCTION</b>	<b>2007 INSTRUCTION</b>	<b>RELEVANT RULINGS</b>
1.	<b>Bribery Instruction</b>	<p>“That’s the contention, that monies were provided and unlawful favors [were] received. So if you were to find that monies were provided but no unlawful favors were returned . . . that would not constitute a crime. . . .” (5/13/05 Tr. at 747, D682.)</p> <p>[Charging jury on elements of MS bribery statute, Miss. Code. Ann. § 97-11-11] “You have to find that [Minor] gave, offered or promised to an officer—public officer, the judges . . . money or goods or chattels. And significantly . . . you have to find that if he did all of that, he did it with an intent to influence the judge.</p>	<p>“In order to prove the scheme to defraud another of honest services through bribery, the government must prove beyond a reasonable doubt that the particular defendant entered into a corrupt agreement for Paul S. Minor to provide the particular judge with things of value specifically with the intent to influence the action or judgment of the judge on any question, matter, cause or proceeding which may be then or thereafter pending subject to the judge’s action or judgment. To constitute the offense of offering a bribe, there need not be a mutual intent on the part of both the giver and the offeree or acceptor of the</p>	<p>District court failed to give Minor proposed instruction no. 12 at 2007 trial: “[T]he government must prove . . . that the thing of value was . . . to influence or induce a specific official act.” Instead, the court argued for including irrelevant instructions that it felt justified not having to give a <u>quid pro quo</u> instruction: “I think . . . there need not be a meeting of the mind. And that then I feel completely undermines your argument on <u>quid pro quo</u>. . . .” (3/28/07 Tr. at 4710, D659.)</p>

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		So if he did it for a purpose other than an intent to influence, if he did it for a purpose of kindness, friendship, etcetera, he would not be guilty.” (8/3/05 Tr. at 7678, D720.)	bribe.” (3/28/07 Tr. at 4770-71, D659.)	

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2.	<b>Definition of Corrupt Intent</b>	<p>“The government charges of mail fraud, wire fraud, racketeering and extortion must be proved, each one, by a showing of specific criminal intent. That is, that a defendant intentionally embarked upon the actions charged in the indictment with a specific intent to violate the law. . . . During the trial, the parties have discussed a number of cases, both mentioned and unmentioned in the indictment, and how a particular judge ruled on that case. You have heard the facts of these cases and the opinions of various witnesses whether these cases were rightfully decided. This evidence all bears on whether the defendant judges had any specific intent to violate the law. That is, a specific intent</p>	<p>[Describing elements of Section 666 charge]          “And then in so doing, that the defendants acted corruptly. You heard me emphasize that word throughout these instructions and while I read the indictment itself. Corruptly. An act is done corruptly if it is done intentionally with an unlawful purpose.”          (3/28/07 Tr. at 4786, D659.)</p>	<p>District court failed to give Minor proposed instruction no. 18 at 2007 trial: “A corrupt intent exists only if there is a specific <u>quid pro quo</u> for the official to engage in a specific official act in exchange for the thing of value. A payment is made corruptly only if [it] is exchange for an explicit promise to perform or not perform an official act.”          (3/27/07 Tr. at 4671, D658.)</p>

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		<p>to take a bribe.”  (8/3/05 Tr. at 7708-09, D720.)</p> <p>“[T]he government is charging that Paul Minor purposely indulged in conduct that was corrupt. That he acted intentionally with—that he acted willfully and intentionally to violate the law. So if you were to find that he gave loan guarantees but did not have the corrupt intent that the government alleges, then you will have to find him not guilty.”  (8/3/05 Tr. at 7716, D720.)</p>		

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3.	<b>Defense Theory of the Case Instruction</b>	<p>“The defendants challenge the government’s theory of specific criminal intent. Rather, say the defendants, the government has not shown a criminal nexus between the actions of the judges and Minor’s acts of guaranteeing loans and providing money and other things of value. Although the judges may have ruled in Minor’s favor, say defendants, the judges’ actions were predicated upon their innocent belief of the merits of the case and unaffected by Minor’s act of guaranteeing the loan. These events, say defendants, were unconnected, coincidental and not tied together by any showing of specific criminal intent—that is, a showing that they intended to provide Minor an unfair</p>	No instruction given.	<p>District court failed to give Minor proposed instruction no. 13 at 2007 trial: “It is [] not bribery to provide financial assistance to a judge with a purpose for building a general basis of goodwill or loyalty . . . [I]f Paul Minor assisted Judge Whitfield or Judge Teel with a purpose of friendship or loyalty or any other lawful motive other than intending to influence some official judicial act, Paul Minor would not be guilty of bribery.” (3/27/07 Tr. at 4671, D658.)</p> <p>District court failed to give Minor proposed</p>

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		<p>advantage in cases before the judge in exchange for things of value provided by Minor.” (8/3/05 Tr. at 7708-09, D720.)</p> <p>“A gift or favor bestowed on a judge solely out of friendship to promote good will or for wholly—or for a motive wholly unrelated to influence over official action does not violate the bribery statutes.” (8/3/05 Tr. at 7711, D720.)</p> <p>“On the matter of a defendant’s good general reputation, you should consider such evidence along with all of the evidence in the case. Evidence of a defendant’s reputation inconsistent with those traits of character ordinarily involved in the commission of the crime charged may give rise to a reasonable doubt since you</p>		<p>instruction no. 25 at 2007 trial: “A person’s good faith belief that his actions do not violate any federal law is a complete defense.” (3/27/07 Tr. at 4672-75, D658.)</p>

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		<p>may think it improbable that a person of good character in respect of those traits will commit such a crime.” (8/3/05 Tr. at 7722, D720.)</p> <p>“A person’s good faith belief that his actions do not violate any federal law is a complete defense. . . . [R]emember, we are dealing here with specific criminal intent. That [is] conduct intentionally pursued, aimed at violating the law.” (8/3/05 Tr. at 7722, D720.)</p>		

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4.	<b>Impact of Alleged Ethical/State Law Violations Instruction</b>	<p>“A judge’s decision not to recuse in a particular case . . . standing alone is not sufficient proof for you to convict a defendant of the federal charges here. . . .” (8/3/05 Tr. at 7708, D720.)</p> <p>“Even though giving a judge or a judge receiving something of value may be inappropriate or a violation of the campaign finance limits or campaign finance laws or the ethical rules, such an act is not done corruptly so as to constitute a bribery offense unless it is intended at the time it is given . . . to effect a specific action the judge officially will take in a case before him or may take in a case that may be brought before him.” (8/3/05 Tr. at 7711, D720.)</p>	<p>“Proof that a defendant failed to comply with the directives of a statement of economic interest, standing alone, is not proof that a federal law has been violated.” (3/28/07 Tr. at 4793, D659.)</p>	<p>District court failed to give Mr. Minor proposed instruction no. 24 at 2007 trial: “The Court instructs you that even if you believe that one or more of the Defendants failed to disclose such information to one or more of those attorneys, such a failure would not be a federal crime. It is not a violation of federal law for a state court judge to participate on a case in circumstances [where] the judge should recuse or remove himself or herself from the case.” (3/27/07 Tr. at 4674, D658.)</p>



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5.	<b>Definition of “Unfair Advantage” Instruction</b>	<p>“The term, unfair advantage, is used here in its common and everyday sense, whether one enjoys an undeserved favorable treatment. To apply that term here . . . [w]e look to the rulings, decisions to determine and determinations in those cases by the judges and whether Paul Minor was entitled to those rulings, decisions and determinations. In addressing this question, you may consider whether the rulings were accompanied by the judge’s honest belief in the law and facts of a particular case rather than a corrupt purpose.”</p> <p>(8/3/05 Tr. at 7707-08, D720.)</p>	No instruction given.	<p>District court failed to give Minor proposed instruction no. 26 at 2007 trial:</p> <p>“The Court instructs you that gaining an ‘unfair advantage’ in legal cases is not conduct which violates any law which applies to this case.”</p> <p>(3/27/07 Tr. at 4674, D658.)</p>