

PART II: THE OFFENSES CHARGED

8. INDICTMENT – DEFINED

An indictment is not evidence. This case, like most criminal cases, began with the filing of an indictment. You will have the indictment before you in the course of your deliberations in the jury room. The fact that the defendant has had an indictment filed against him is no evidence whatsoever of guilt. An indictment is nothing more than an accusation. It is a piece of paper filed with the Court to bring a criminal charge against a defendant. The indictment simply brings this matter before you for determination. Beyond that, it has no significance whatsoever. Here, the defendant has pleaded not guilty and has put in issue the charge alleged in the indictment. The government therefore has the burden of proving the allegations made against the defendant.

9. “ON OR ABOUT” – DEFINED

You will note that the indictment charges that the offense was committed “on or about” a certain date. The proof need not establish with certainty the exact date of the alleged offense. It is sufficient that the evidence in the case establishes beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged in the indictment.

10. COUNT ONE – THREATENING A FEDERAL OFFICIAL

Count one of the indictment charges that “[o]n or about May 2, 2013 in the District of Rhode Island, the defendant . . . did knowingly and intentionally threaten to assault and murder Agents of the Internal Revenue Service, whose identities are known to the Grand Jury and who are officials as defined in 18 U.S.C. § 1114, in violation of 18 U.S.C. § 115(a)(1)(B).”