

Defendant's Constitutional Right Not to Testify

A Defendant in a criminal trial has a constitutional right not to testify and no inference of guilt, or of anything else, may be drawn from the fact that Mr. Gouse did not testify. For you to draw such an inference would be wrong; indeed, it would be a violation of your oath as a juror.

The Government as a Party

The mere fact that this case is brought in the name of the United States does not entitle the prosecution to any greater consideration than that accorded to Mr. Gouse. By the same token, it does not mean that the prosecution is entitled to any less consideration. All parties, whether government or individuals, stand as equals at the bar of justice.

Proof of All Elements

Shortly, I will explain the offense with which Mr. Gouse is charged and the elements the government must prove in order to establish that Mr. Gouse is guilty of that offense.

In order for the government to prove Mr. Gouse guilty of an offense, it must convince you, beyond a reasonable doubt, that it has proved each and every element of that offense. Possibilities or even probabilities are not sufficient.

If the government fails to prove any one or more elements of an offense beyond a reasonable doubt, then you must find Mr. Gouse not guilty.

On the other hand, if you are convinced, beyond a reasonable doubt, that all elements of an offense with which Mr. Gouse has been charged have been proven to you beyond a reasonable doubt, then you should find him guilty of that offense.