

Reasonable Doubt

As I have said, the burden is upon the government to prove beyond a reasonable doubt that Mr. Gouse is guilty of the charge made against him. It is a strict and heavy burden, but it does not mean that Mr. Gouse's guilt must be proved beyond all possible doubt. It does require that the evidence exclude any reasonable doubt concerning Mr. Gouse's guilt.

A reasonable doubt may arise not only from the evidence produced but also from a lack of evidence. Reasonable doubt exists when, after weighing and considering all the evidence, using reason and common sense, jurors cannot say that they have a settled conviction of the truth of the charge.

Of course, Mr. Gouse is never to be convicted on suspicion or conjecture. If, for example, you view the evidence in the case as reasonably permitting either of two conclusions — one that Mr. Gouse is guilty as charged, the other that Mr. Gouse is not guilty — then you must find Mr. Gouse not guilty.

It is not sufficient for the government to establish a probability, though a strong one, that a fact charged is more likely to be true than not true. That is not enough to meet the burden of proof beyond reasonable doubt. On the other hand, there are very few things in this world that we know with absolute certainty, and in criminal cases the law does not require proof that overcomes every possible doubt.

Concluding my instructions on the burden, then, I instruct you that what the government must do to meet its heavy burden is to establish the truth of each part of each offense charged by proof that convinces you and leaves you with no reasonable doubt, and thus satisfies you that you can, consistently with your oath as jurors, base your verdict upon it. If you so find as to the

charge against Mr. Gouse, then you will return a verdict of guilty. If, on the other hand, you think there is a reasonable doubt about whether Mr. Gouse is guilty of the charge, then you must give Mr. Gouse the benefit of the doubt and find Mr. Gouse not guilty.

Charge

Mr. Gouse is charged with possessing a firearm in or affecting commerce after having been convicted of a crime punishable by imprisonment for more than one year. It is against federal law for a person who has been previously convicted of a felony to possess a firearm that was connected with interstate commerce.

For you to find Mr. Gouse guilty of this crime, you must be satisfied that the government has proven each of these elements beyond a reasonable doubt.

Now, in this case, the government and Mr. Gouse have stipulated that Mr. Gouse is a person who has been previously convicted of a felony. Therefore, there are two questions for you to decide.

(1) Whether the firearm, a Harrington and Richardson .22 caliber revolver, was connected with interstate commerce. This means that the firearm, at any time after it was manufactured, moved from one state to another. The travel need not have been connected to the charge and need not have been in furtherance of any unlawful activity.

(2) Whether on November 29, 2007, Mr. Gouse knowingly possessed a Harrington and Richardson .22 caliber revolver.