

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

v.

ETHAN NORDEAN,
JOSEPH BIGGS,
ZACHARY REHL,
ENRIQUE TARRIO, and
DOMINIC PEZZOLA,

Defendants.

Criminal Action No. 21-175 (TJK)

RESPONSE TO JURY NOTE OF MAY 2, 2023 AT 10:47 A.M.

First, as you have already been instructed, the object of a conspiracy is the illegal goal that the conspirators agree and hope to achieve. In Counts One and Four, the charged conspiracies involve two separate goals. The government is not required to prove both goals of the conspiracy. However, the government must prove at least one of those two goals beyond a reasonable doubt. If the government has not proved that at least one of those goals was a goal of the charged conspiracy, your verdict must be not guilty. As to either or both goals which you may find the conspirators agreed to promote, you must be unanimous. To answer your specific question, with respect to the conspiracies charged in Counts One and Four, evidence of the same objective can, if you so find, satisfy both of the two goals of the charged conspiracies simultaneously.

Second, if you are unable to reach a unanimous decision as to some defendant or count, you may send me a note. As you have already been instructed, if you send such a note, you should do so without telling me how you are divided as to that defendant or count. In addition, as you have also already been instructed, at any time during your deliberations you may return a

partial verdict—in other words, a verdict of guilty or not guilty with respect to any defendant on any count.



TIMOTHY J. KELLY
United States District Judge