

^ IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

VINCENT GILLESPIE

:
: Criminal No. 22-060-BAH
:
:

**DEFENDANT’S RENEWAL OF OBJECTION TO PARTIAL COERCIVE JURY RE-
INSTRUCTION**

Mr. Vincent Gillespie, by and through his attorneys, hereby renews his objection to the Court’s partial re-instruction of the jury the morning on December 23, 2022.

Specifically, after bringing in the jury on December 23, 2022 to begin deliberations, the Court informed the parties that it was planning to inform the jury that, given pending adverse weather conditions, the Court was considering an early recess and may dismiss the Jury at Noon, and that it would re-instruct the jury that at any time, if they have a verdict of guilty or not guilty with respect to any count, they may return that verdict to the Court. The defense requested more time to consider its position on this proposal, which the Court denied. The defense then objected to the Court’s plan to instruct the jury as such, which the Court denied. The Court immediately proceeded to inform the jury of the potential for an early dismissal at Noon, given possible poor weather conditions, and re-instructed the jury that “at any time during your deliberations, you may return your verdict of guilty or not guilty with respect to any count”.

The defense renews its objection to this unnecessary instruction, which was not requested by either party, and which the jury was already instructed on in the Court’s final jury instructions on December 22, 2022. The defense further objects to partially charging the jury in this manner, specifically informing the jury that it might be released early, at Noon, because of possible bad

weather, as it applied un-due coercion and time pressure on the jurors to hurry their deliberations and just decide the case. The defense further objects to the fact that the Court failed to instruct the jury fully as to the entire instruction, which includes the crucial caveats that “the fact that you may find the defendant guilty or not guilty on any one count should not influence your verdict with respect to any other count”, that “a verdict must represent the considered judgment of each juror”, and the importance of the jurors mission to “reach a fair and just verdict based on the evidence”, and to each “speak up regarding his or her views about the evidence, to promote a fair and full consideration of the evidence.”

Failing to fully instruct the jury fully and coercing the jury to cut its deliberations short and return a verdict, violates the defendant’s constitutional rights under the fifth and sixth amendments. As such, the defendant moves for a mistrial.

/s/ Timothy G. Watkins

Timothy G. Watkins

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CERTIFICATE OF
SERVICE

I, Forest O’Neill-Greenberg, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on December 23, 2022.

/s/ Forest O’Neill-Greenberg

Forest O’Neill-Greenberg