

*Gates*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
PIKEVILLE

THE COURT'S INSTRUCTIONS TO THE JURY:

INTRODUCTION

MEMBERS OF THE JURY:

YOU HAVE NOW HEARD ALL OF THE EVIDENCE IN THE CASE AS WELL AS THE FINAL ARGUMENTS OF THE LAWYERS FOR THE PARTIES.

IT BECOMES MY DUTY, THEREFORE, TO INSTRUCT YOU ON THE RULES OF THE LAW THAT YOU MUST FOLLOW AND APPLY IN ARRIVING AT YOUR DECISION IN THE CASE.

THE COURT'S INSTRUCTIONS ARE IN THREE SEPARATE PHASES:

FIRST, THE RULES OF LAW GOVERNING THE MANNER IN WHICH THE JURY CONSIDERS THE OFFENSE INSTRUCTIONS:

SECOND, THE OFFENSE INSTRUCTIONS, WHICH IS THE LAW GOVERNING THE OFFENSE CHARGED IN THE INDICTMENT;

THIRD, ARE THE DEFINITIONS OF PARTICULAR WORDS CONTAINED IN THE OFFENSE INSTRUCTIONS AND THE CONDUCT OF THE JURY AFTER THE CASE IS UNDER SUBMISSION TO THE JURY.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
PIKEVILLE

THE COURT'S INSTRUCTIONS TO THE JURY:

DUTY TO FOLLOW INSTRUCTIONS

YOU, AS JURORS, ARE THE JUDGES OF THE FACTS. BUT IN DETERMINING WHAT ACTUALLY HAPPENED IN THIS CASE -- THAT IS, IN REACHING YOUR DECISION AS TO THE FACTS -- IT IS YOUR SWORN DUTY TO FOLLOW THE LAW I AM NOW IN THE PROCESS OF DEFINING FOR YOU.

AND YOU MUST FOLLOW ALL OF MY INSTRUCTIONS AS A WHOLE. YOU HAVE NO RIGHT TO DISREGARD OR GIVE SPECIAL ATTENTION TO ANY ONE INSTRUCTION, OR TO QUESTION THE WISDOM OR CORRECTNESS OF ANY RULE I MAY STATE TO YOU. THAT IS, YOU MUST NOT SUBSTITUTE OR FOLLOW YOUR OWN NOTION OR OPINION AS TO WHAT THE LAW IS OR OUGHT TO BE. IT IS YOUR DUTY TO APPLY THE LAW AS I GIVE IT TO YOU, REGARDLESS OF THE CONSEQUENCES.

BY THE SAME TOKEN IT IS ALSO YOUR DUTY TO BASE YOUR VERDICT SOLELY UPON THE TESTIMONY AND EVIDENCE IN THE CASE, WITHOUT PREJUDICE OR SYMPATHY. THAT WAS THE PROMISE YOU MADE AND THE OATH YOU TOOK BEFORE BEING ACCEPTED BY THE PARTIES AS JURORS IN THIS CASE, AND THEY HAVE THE RIGHT TO EXPECT NOTHING LESS.

UNITED STATES DISTRICT COURT  
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THE COURT'S INSTRUCTIONS TO THE JURY:

PRESUMPTION OF INNOCENCE, BURDEN OF PROOF,  
REASONABLE DOUBT

THE INDICTMENT OR FORMAL CHARGE AGAINST A DEFENDANT IS NOT EVIDENCE OF GUILT. INDEED, THE DEFENDANT IS PRESUMED BY THE LAW TO BE INNOCENT. THE LAW DOES NOT REQUIRE A DEFENDANT TO PROVE HIS INNOCENCE OR PRODUCE ANY EVIDENCE AT ALL, AND NO INFERENCE WHATEVER MAY BE DRAWN FROM THE ELECTION OF A DEFENDANT NOT TO TESTIFY. THE GOVERNMENT HAS THE BURDEN OF PROVING HIM GUILTY BEYOND A REASONABLE DOUBT, AND IF IT FAILS TO DO SO YOU MUST ACQUIT HIM.

THUS, WHILE THE GOVERNMENT'S BURDEN OF PROOF IS A STRICT OR HEAVY BURDEN, IT IS NOT NECESSARY THAT THE DEFENDANT'S GUILT BE PROVED BEYOND ALL POSSIBLE DOUBT. IT IS ONLY REQUIRED THAT THE GOVERNMENT'S PROOF EXCLUDE ANY "REASONABLE DOUBT" CONCERNING THE DEFENDANT'S GUILT. A "REASONABLE DOUBT" IS A REAL DOUBT, BASED UPON REASON AND COMMON SENSE AFTER CAREFUL AND IMPARTIAL CONSIDERATION OF ALL THE EVIDENCE IN THE CASE.

PROOF BEYOND A REASONABLE DOUBT, THEREFORE, IS PROOF OF SUCH A CONVINCING CHARACTER THAT YOU WOULD BE WILLING TO RELY AND ACT UPON IT

WITHOUT HESITATION IN THE MOST IMPORTANT OF YOUR OWN AFFAIRS. IF YOU  
ARE CONVINCED THAT THE ACCUSED HAS BEEN PROVED GUILTY BEYOND REASONABLE  
DOUBT, SAY SO. IF YOU ARE NOT CONVINCED, SAY SO.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
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THE COURT'S INSTRUCTIONS TO THE JURY:

EVIDENCE -- EXCLUDING ARGUMENT OF COUNSEL  
AND COMMENT OF COURT

AS STATED EARLIER IT IS YOUR DUTY TO DETERMINE THE FACTS, AND IN SO DOING YOU MUST CONSIDER ONLY THE EVIDENCE I HAVE ADMITTED IN THE CASE. THE TERM "EVIDENCE" INCLUDES THE SWORN TESTIMONY OF THE WITNESSES AND THE EXHIBITS ADMITTED IN THE RECORD.

REMEMBER THAT ANY STATEMENTS, OBJECTIONS OR ARGUMENTS MADE BY THE LAWYERS ARE NOT EVIDENCE IN THE CASE. THE FUNCTION OF THE LAWYERS IS TO POINT OUT THOSE THINGS THAT ARE MOST SIGNIFICANT OR MOST HELPFUL TO THEIR SIDE OF THE CASE, AND IN SO DOING TO CALL YOUR ATTENTION TO CERTAIN FACTS OR INFERENCES THAT MIGHT OTHERWISE ESCAPE YOUR NOTICE. IN THE FINAL ANALYSIS, HOWEVER, IT IS YOUR OWN RECOLLECTION AND INTERPRETATION OF THE EVIDENCE THAT CONTROLS IN THE CASE. WHAT THE LAWYERS SAY IS NOT BINDING UPON YOU. ALSO, DURING THE COURSE OF A TRIAL I OCCASIONALLY MAKE COMMENTS TO THE LAWYERS, OR ASK QUESTIONS OF A WITNESS, OR ADMONISH A WITNESS CONCERNING THE MANNER IN WHICH HE SHOULD RESPOND TO THE QUESTIONS OF COUNSEL. DO NOT ASSUME FROM ANYTHING I MAY HAVE SAID THAT I HAVE ANY OPINION CONCERNING ANY OF THE ISSUES IN THIS

CASE. EXCEPT FOR MY INSTRUCTIONS TO YOU ON THE LAW, YOU SHOULD  
DISREGARD ANYTHING I MAY HAVE SAID DURING THE TRIAL IN ARRIVING AT YOUR  
OWN FINDINGS AS TO THE FACTS.

UNITED STATES DISTRICT COURT  
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THE COURT'S INSTRUCTIONS TO THE JURY:

EVIDENCE -- INFERENCES -- DIRECT  
AND CIRCUMSTANTIAL

SO, WHILE YOU SHOULD CONSIDER ONLY THE EVIDENCE IN THE CASE, YOU ARE PERMITTED TO DRAW SUCH REASONABLE INFERENCES FROM THE TESTIMONY AND EXHIBITS AS YOU FEEL ARE JUSTIFIED IN THE LIGHT OF COMMON EXPERIENCE. IN OTHER WORDS, YOU MAY MAKE DEDUCTIONS AND REACH CONCLUSIONS WHICH REASON AND COMMON SENSE LEAD YOU TO DRAW FROM THE FACTS WHICH HAVE BEEN ESTABLISHED BY THE TESTIMONY AND EVIDENCE IN THE CASE.

YOU MAY ALSO CONSIDER EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE. "DIRECT EVIDENCE" IS THE TESTIMONY OF ONE WHO ASSERTS ACTUAL KNOWLEDGE OF A FACT, SUCH AS AN EYE WITNESS. "CIRCUMSTANTIAL EVIDENCE" IS PROOF OF A CHAIN OF FACTS AND CIRCUMSTANCES INDICATING EITHER THE GUILT OR INNOCENCE OF THE DEFENDANT. THE LAW MAKES NO DISTINCTION BETWEEN THE WEIGHT TO BE GIVEN TO EITHER DIRECT OR CIRCUMSTANTIAL EVIDENCE. IT REQUIRES ONLY THAT YOU WEIGH ALL OF THE EVIDENCE AND BE CONVINCED OF THE DEFENDANT'S GUILT BEYOND A REASONABLE DOUBT BEFORE HE CAN BE CONVICTED.

UNITED STATES DISTRICT COURT  
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THE COURT'S INSTRUCTIONS TO THE JURY:

CREDIBILITY OF WITNESSES

NOW, I HAVE SAID THAT YOU MUST CONSIDER ALL OF THE EVIDENCE. THIS DOES NOT MEAN, HOWEVER, THAT YOU MUST ACCEPT ALL OF THE EVIDENCE AS TRUE OR ACCURATE.

YOU ARE THE SOLE JUDGES OF THE CREDIBILITY OR "BELIEVABILITY" OF EACH WITNESS AND THE WEIGHT TO BE GIVEN TO HIS TESTIMONY. IN WEIGHING THE TESTIMONY OF A WITNESS YOU SHOULD CONSIDER HIS RELATIONSHIP TO THE GOVERNMENT OR THE DEFENDANT; HIS INTEREST, IF ANY, IN THE OUTCOME OF THE CASE; HIS MANNER OF TESTIFYING; HIS OPPORTUNITY TO OBSERVE OR ACQUIRE KNOWLEDGE CONCERNING THE FACTS ABOUT WHICH HE TESTIFIED; HIS CANDOR, FAIRNESS AND INTELLIGENCE; AND THE EXTENT TO WHICH HE HAS BEEN SUPPORTED OR CONTRADICTED BY OTHER CREDIBLE EVIDENCE. YOU MAY, IN SHORT, ACCEPT OR REJECT THE TESTIMONY OF ANY WITNESS IN WHOLE OR IN PART.

ALSO, THE WEIGHT OF THE EVIDENCE IS NOT NECESSARILY DETERMINED BY THE NUMBER OF WITNESSES TESTIFYING AS TO THE EXISTENCE OR NON-EXISTENCE OF ANY FACT. YOU MAY FIND THAT THE TESTIMONY OF A SMALLER NUMBER OF WITNESSES AS TO ANY FACT IS MORE CREDIBLE THAN THE TESTIMONY OF A LARGER NUMBER OF WITNESSES TO THE CONTRARY.



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THE COURT'S INSTRUCTIONS TO THE JURY:

INCONSISTENT STATEMENT ONLY

A WITNESS MAY BE DISCREDITED OR "IMPEACHED" BY CONTRADICTORY EVIDENCE, BY A SHOWING THAT HE TESTIFIED FALSELY CONCERNING A MATERIAL MATTER, OR BY EVIDENCE THAT AT SOME OTHER TIME THE WITNESS HAS SAID OR DONE SOMETHING, OR HAS FAILED TO SAY OR DO SOMETHING, WHICH IS INCONSISTENT WITH THE WITNESS' PRESENT TESTIMONY.

IF YOU BELIEVE THAT ANY WITNESS HAS BEEN SO IMPEACHED, THEN IT IS YOUR EXCLUSIVE PROVINCE TO GIVE THE TESTIMONY OF THAT WITNESS SUCH CREDIBILITY OR WEIGHT, IF ANY, AS YOU MAY THINK IT DESERVES.

AS STATED EARLIER, A DEFENDANT HAS A RIGHT NOT TO TESTIFY. IF A DEFENDANT DOES TESTIFY, HOWEVER, HIS TESTIMONY SHOULD BE WEIGHED AND CONSIDERED, AND HIS CREDIBILITY DETERMINED, IN THE SAME WAY AS THAT OF ANY OTHER WITNESS.

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THE COURT'S INSTRUCTIONS TO THE JURY:

EXPERT WITNESSES

THE RULES OF EVIDENCE PROVIDE THAT IF SCIENTIFIC, TECHNICAL, OR OTHER SPECIALIZED KNOWLEDGE MIGHT ASSIST THE JURY IN UNDERSTANDING THE EVIDENCE OR IN DETERMINING A FACT IN ISSUE, A WITNESS QUALIFIED AS AN EXPERT BY KNOWLEDGE, SKILL, EXPERIENCE, TRAINING, OR EDUCATION, MAY TESTIFY AND STATE HIS OPINION CONCERNING SUCH MATTERS.

YOU SHOULD CONSIDER EACH EXPERT OPINION RECEIVED IN EVIDENCE IN THIS CASE AND GIVE IT SUCH WEIGHT AS YOU MAY THINK IT DESERVES. IF YOU SHOULD DECIDE THAT THE OPINION OF AN EXPERT WITNESS IS NOT BASED UPON SUFFICIENT EDUCATION AND EXPERIENCE, OR IF YOU SHOULD CONCLUDE THAT THE REASONS GIVEN IN SUPPORT OF THE OPINION ARE NOT SOUND, OR THAT THE OPINION IS OUTWEIGHED BY OTHER EVIDENCE, THEN YOU MAY DISREGARD THE OPINION ENTIRELY.

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THE COURT'S INSTRUCTIONS TO THE JURY:

ON OR ABOUT --KNOWINGLY -- WILLFULLY

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 IF THE EVIDENCE IN THE CASE ESTABLISHES BEYOND A REASONABLE DOUBT THAT THE OFFENSE WAS COMMITTED ON A DATE REASONABLY NEAR THE DATE ALLEGED.

THE WORD "KNOWINGLY," AS THAT TERM HAS BEEN USED FROM TIME TO TIME IN THESE INSTRUCTIONS, MEANS THAT THE ACT WAS DONE VOLUNTARILY AND INTENTIONALLY AND NOT BECAUSE OF MISTAKE OR ACCIDENT.

THE WORD "WILLFULLY," AS THAT TERM HAS BEEN USED FROM TIME TO TIME IN THESE INSTRUCTIONS, MEANS THAT THE ACT WAS COMMITTED VOLUNTARILY AND PURPOSELY, WITH THE SPECIFIC INTENT TO DO SOMETHING THE LAW FORBIDS; THAT IS TO SAY, WITH BAD PURPOSE EITHER TO DISOBEY OR DISREGARD THE LAW.

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THE COURT'S INSTRUCTIONS TO THE JURY:

VERDICT

UPON RETIRING TO THE JURY ROOM YOU SHOULD FIRST SELECT ONE OF YOUR NUMBER TO ACT AS YOUR FOREPERSON WHO WILL PRESIDE OVER YOUR DELIBERATIONS AND WILL BE YOUR SPOKESMAN HERE IN COURT. FORMS OF VERDICTS HAVE BEEN PREPARED FOR YOUR CONVENIENCE.

[EXPLAIN VERDICTS]

YOU WILL TAKE THE VERDICT FORMS TO THE JURY ROOM AND WHEN YOU HAVE REACHED UNANIMOUS AGREEMENT AS TO YOUR VERDICTS, YOU WILL HAVE YOUR FOREPERSON FILL IN, DATE AND SIGN THEM, AND THEN RETURN TO THE COURT-ROOM.

IF, DURING YOUR DELIBERATIONS, YOU SHOULD DESIRE TO COMMUNICATE WITH THE COURT, PLEASE REDUCE YOUR MESSAGE OR QUESTION TO WRITING SIGNED BY THE FOREPERSON, AND PASS THE NOTE TO THE MARSHAL WHO WILL BRING IT TO MY ATTENTION. I WILL THEN RESPOND AS PROMPTLY AS POSSIBLE, EITHER IN WRITING OR BY HAVING YOU RETURNED TO THE COURTROOM SO THAT I CAN ADDRESS YOU ORALLY. I CAUTION YOU, HOWEVER, WITH REGARD TO ANY MESSAGE OR QUESTION YOU MIGHT SEND, THAT YOU SHOULD NEVER STATE OR SPECIFY YOUR NUMERICAL DIVISION AT THE TIME.

UNITED STATES DISTRICT COURT  
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COURT'S INSTRUCTIONS TO THE JURY:

IT IS ALLEGED IN COUNTS ONE, THREE AND FIVE OF THE INDICTMENT THAT THE DEFENDANT VIOLATED SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE.

SECTION 1001 OF TITLE 18, U.S.C. PROVIDES IN PART THAT:

"WHOEVER, IN ANY MATTER WITHIN THE JURISDICTION OF ANY DEPARTMENT OR AGENCY OF THE UNITED STATES KNOWINGLY AND WILLFULLY. . . . MAKES OR USES ANY FALSE WRITING OR DOCUMENT KNOWING THE SAME TO CONTAIN ANY FALSE, FICTITIOUS OR FRAUDULENT STATEMENT OR ENTRY, SHALL BE" GUILTY OF AN OFFENSE AGAINST THE LAWS OF THE UNITED STATES.

THREE ESSENTIAL ELEMENTS ARE REQUIRED TO BE PROVED IN ORDER TO ESTABLISH THE OFFENSES CHARGED IN COUNTS ONE, THREE AND FIVE OF THE INDICTMENT:

FIRST: THAT THE DEFENDANT MADE AND USED, OR CAUSED TO BE MADE AND USED, A FALSE WRITING OR DOCUMENT IN RELATION TO A MATTER WITHIN THE JURISDICTION OF A DEPARTMENT OR AGENCY OF THE UNITED STATES, AS CHARGED;

SECOND: THAT HE DID SUCH ACT OR ACTS WITH KNOWLEDGE OF THE ACCUSED THAT THE WRITING OR DOCUMENT WAS FALSE OR FICTITIOUS AND FRAUDULENT IN SOME MATERIAL PARTICULAR, AS ALLEGED; AND

THIRD: THAT HE DID SUCH ACT OR ACTS KNOWINGLY AND WILLFULLY.

AS STATED BEFORE, THE BURDEN IS ALWAYS UPON THE PROSECUTION TO PROVE BEYOND A REASONABLE DOUBT EVERY ESSENTIAL ELEMENT OF THE CRIME CHARGED; THE LAW NEVER IMPOSES UPON A DEFENDANT IN A CRIMINAL CASE THE BURDEN OR DUTY OF CALLING ANY WITNESSES OR PRODUCING ANY EVIDENCE.

A STATEMENT IS "FALSE" OR "FICTITIOUS", IF UNTRUE WHEN MADE, AND THEN KNOWN TO BE UNTRUE BY THE PERSON MAKING IT OR CAUSING IT TO BE MADE. A STATEMENT OR REPRESENTATION IS "FRAUDULENT", IF KNOWN TO BE UNTRUE, AND MADE OR CAUSED TO BE MADE WITH THE INTENT TO DECEIVE THE GOVERNMENT AGENCY TO WHOM SUBMITTED.

THE WORD "FALSE" MUST BE CONSIDERED TOGETHER WITH THE WORDS "KNOWINGLY" AND "WILLFULLY". AN ACT IS DONE "KNOWINGLY" IF DONE VOLUNTARILY AND INTENTIONALLY, AND NOT BECAUSE OF MISTAKE OR ACCIDENT OR OTHER INNOCENT REASON. AN ACT IS DONE "WILLFULLY" IF DONE VOLUNTARILY AND INTENTIONALLY, AND WITH THE SPECIFIC INTENT TO DO SOMETHING THE LAW FORBIDS; THAT IS TO SAY, WITH BAD PURPOSE EITHER TO DISOBEY OR TO DISREGARD THE LAW. THE WORD "KNOWINGLY" IS

ADDED IN ORDER TO INSURE THAT NO ONE WOULD BE CONVICTED WHO MADE OR CAUSED TO BE MADE A STATEMENT OR REPRESENTATION WHICH WAS FALSE BECAUSE OF MISTAKE OR ACCIDENT OR OTHER INNOCENT REASON.

IF YOU FIND THAT THE ACCUSED DID NOT KNOWINGLY AND WILLFULLY MAKE ANY FALSE STATEMENTS OR CAUSE ANY TO BE MADE, YOU SHOULD ACQUIT THE ACCUSED.

THE UNITED STATES DEPARTMENT OF LABOR AND THE UNITED STATES DEPARTMENT OF LABOR, OFFICE OF WORKER'S COMPENSATION, ARE AGENCIES OF THE UNITED STATES AND THE FILING OR CAUSING TO BE FILED OF DOCUMENTS WITH THEM PERTAINING TO LENGTH OF EMPLOYMENT IN A COAL MINE ARE MATTERS WITHIN THE JURISDICTION OF AN "AGENCY OF THE UNITED STATES."

WHETHER OR NOT THE GOVERNMENT WAS DECEIVED, OR SUFFERED MONETARY LOSS, BECAUSE OF THE ACTS CHARGED IN THE INDICTMENT IS IMMATERIAL.

UNITED STATES DISTRICT COURT  
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COURT'S INSTRUCTIONS TO THE JURY:

MOTIVE

INTENT AND MOTIVE SHOULD NEVER BE CONFUSED. MOTIVE IS WHAT PROMPTS A PERSON TO ACT, OR FAIL TO ACT. INTENT REFERS ONLY TO THE STATE OF MIND WITH WHICH THE ACT IS DONE OR OMITTED.

PERSONAL ADVANCEMENT AND FINANCIAL GAIN ARE TWO WELL-RECOGNIZED MOTIVES FOR MUCH OF HUMAN CONDUCT. THESE LAUDABLE MOTIVES MAY PROMPT ONE PERSON TO VOLUNTARY ACTS OF GOOD, ANOTHER TO VOLUNTARY ACTS OF CRIME. ONE MAY NOT COMMIT A CRIME AND BE EXCUSED FROM CRIMINAL LIABILITY BECAUSE OF A DESIRE OR EXPECTATION THAT GOOD WILL RESULT FROM SUCH CRIMINAL ACT OR ACTS.

GOOD MOTIVE ALONE IS NEVER A DEFENSE WHERE THE ACT DONE OR OMITTED IS A CRIME. SO, THE MOTIVE OF THE ACCUSED IS IMMATERIAL EXCEPT INsofar AS EVIDENCE OF MOTIVE MAY AID DETERMINATION OF STATE OF MIND OR INTENT.



UNITED STATES DISTRICT COURT  
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COURT'S INSTRUCTIONS TO THE JURY:

MATERIALITY OF THE STATEMENT

THE MAKING OF A FALSE STATEMENT TO AN AGENCY OF THE UNITED STATES GOVERNMENT IS NOT AN OFFENSE UNLESS THE STATEMENT MADE IS A MATERIAL STATEMENT. THE ISSUE OF MATERIALITY, HOWEVER, IS NOT SUBMITTED TO YOU FOR YOUR DECISION BUT RATHER IS A MATTER FOR THE DECISION OF THE COURT. YOU ARE INSTRUCTED THAT THE STATEMENT CONTAINED IN EACH COUNT OF INDICTMENT IS A MATERIAL STATEMENT.

Trial Notes

U.S. v. Hershel Yates

False statement

False Affidavit

5 Cont. and.

18 USC 1001

I Affidavit 2 July 1982  
murder for Cesar Hunter - CH ColCo  
years 1969-73  
True murder 1 day in 1969

II ~~18 USC 1001~~ 30 USC 941

2 July 82 False statement  
murder for Cesar Hunter - CH ColCo  
1969-73  
only 1 day in 1969

Frank  
69(5) (7)

731-398

III 18 USC 1001

3 July 82

worked w/Edward Cole  
then 1969-1973

IV

30 USC 941

John Stronach  
worked w/ Edward Case  
69-73

18 USC, 1001

V I also Affidavit of <sup>Edward</sup> ~~Ed~~ Case

that he had worked w/ Herbert  
Gates

2 felonies - Higher offense  
2 misdemeanors lower offense  
1 Felony -

551 F 2107  
113

Foot

① Daniel Katlyff -  
Dept of Labor  
agency of U.S. - Foot

God Ex -  
DCDEG  
① - 16

# 1 - Application of Fed Block Survey  
4 June 78  
Hershel Yates

# 2. off -

Hershel Yates  
2 July 82

69 - 73

Comm Hunter - C + H

Card

Gang Count

in SS tunnel and

Sworn to by  
Hershel Yates  
Dorothy Salmon

# 3. Form Letter More information

Paul Benninger  
Edissel Case

30 Aug 1982

# 4. Affidavit  
Edissel Case

69-76

Canon Hunter

30 August 1982

Dorothy Solomon

# 5. Itemized statement of  
earnings  
1958-75

Social Security

# 6 - Operator - Claim filed vs. him  
Controversial forms  
Betty Jean Hunter -

# 2 Govt.  
Cavers Hunter

C + H Coal Co

Printer, Lloyd Co. Ky

Underground Coal Mine

Sept 1969  
Printer

6-2 - 2 Shifts  
2-10

Had owl - 3<sup>rd</sup> Shift

Gas work  
never had any work at C + H.

Gates worked in 1969 for 4 hrs

Edressel Case

Worked several years for  
C + H Coal Company

Cross

Box 6

Mrs. Conner ~~Forster~~

Yates worked  
3 March 1969  
4 hours

Ex B - W-2 form.  
4 hrs work - 1969

Edissel Case -  
Went to work for them  
18 May 70.  
6 May 77.



Edessel Case

worked in 77.

C+H Coal Co.

worked for it 7 years

Shut Coal and operated a Scoop.

Roger Hunted his immediate  
boss

Worked 1<sup>st</sup> shift

6-7 to 2-13.

am

P.m.

Juanita Gates:

former wife of Hershel Gates  
separated March 82  
10 Jan 93 divorced

69-73

drive School Bus

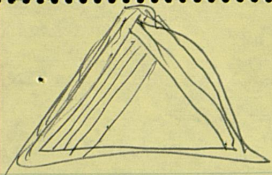
morning and evening

6:30 -

3:30 - 4<sup>15</sup>

didn't work in mines

Ex 1-2-3



Hershell Gates :

1959 -

went to work around mines  
13 yrs - came out of 5<sup>th</sup> Grade  
"Gaza Coal Co"

Ex 2

Copy of History of Work record  
sister wrote the work record

Worked for Coner Hunter

1 day

built of Coal tipples for

Coner Hunter

13 years represented in mines

Albert Burchett  
sole practitioner,  
Attorney at Law

1976

application - prepared by D/V ,

Hylton E Roberts - worked 5 years  
w/ Yates  
Curtis Thickett - Exposed

Willie Lawson - Honaker,  
No. 9. Emmet Lawson

Ernie Hall -  
last part of 65

John H. Justice -  
Mining Engineer  
Saw Hershul  
2 or 3 times  
Late 50's - Early 60's

Howard Yates -

Brother - Hershell -

59-74 - In and around  
Coal mines

the Department of Labor