

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

LLOYD G. WICKBOLDT,

CASE NO. 502013CA006759XXXXMB

Plaintiff,

v.

JULIE M. GONZALEZ, and  
AMTRUST BANK

Defendants.

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**PLAINTIFF'S PROPOSED JURY INSTRUCTIONS AND VERDICT FORM**

Plaintiff, Lloyd G. Wickboldt, by and through his undersigned counsel, pursuant to the Florida Rules of Civil Procedure, hereby files his Proposed Jury Instructions and Verdict Form.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and accurate copy of the foregoing has been foregoing has been e-mailed, to Defendant, Julie M. Gonzalez, ([julia.gonzalez85@yahoo.com](mailto:julia.gonzalez85@yahoo.com) and [juliegonzalez64@hotmail.com](mailto:juliegonzalez64@hotmail.com)) on this 19th day of September, 2016.

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/s/ Anthony J. Aragona  
ANTHONY J. ARAGONA, III  
Florida Bar No. 36676

**PROPOSED JURY INSTRUCTION NO. 1:**  
**Description of the Case**  
(Prior to Voir Dire)

Welcome. I will now administer your oath. Do you solemnly swear or affirm that you will answer truthfully all questions asked of you as prospective jurors so help you God? [101.1<sup>1</sup>]

Now that you have been sworn, I'd like to give you an idea about what we are here to do. This is a civil trial. A civil trial is different from a criminal case, where a defendant is charged by the state prosecutor with committing a crime. The subject of this civil trial is a disagreement between two people, where the claims of the Plaintiff have been brought to court to be resolved. In this case, the liability of the Defendant has already been determined, and this trial is for the determination of damages only. [201.1]

The parties were previously married to each other, but are now divorced, and this case was severed from the divorce proceedings. The Plaintiff has brought claims against the Defendant for violation of Florida's Civil RICO statutes, which stands for Racketeer Influenced and Corrupt Organizations Act, for acts of the Defendant which Plaintiff claims deprived him of money, more than \$231,000. Secondly, the Plaintiff has a claim against the Defendant for the violation of Florida's civil theft statute, in that the Defendant forged his name on checks, amounting to over \$231,000, and deposited those checks into her sole account, without his knowledge or consent, and also took other personal property belonging to the Plaintiff for her own use. Finally, the Plaintiff has a claim against the Defendant for conversion, which means that the Defendant, with the criminal intent to do so, deprived the Plaintiff of property, and money, without his consent, and converted that property and money to her own use. The Court has already determined that the Defendant is liable to the Plaintiff for each of these three claims. Your sole task in these

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<sup>1</sup> All references are to Florida Standard Jury Instructions, Civil Cases [Reorganized] (2014).

proceedings is to determine the amount of damages owed by the Defendant to the Plaintiff on these three claims. [201.1]

I am the Judge. You may hear people occasionally refer to me as "The Court." That is the formal name for my role. My job is to maintain order and decide how to apply the rules of the law to the trial. I will also explain various rules to you that you will need to know in order to do your job as the jury. It is my job to remain neutral on the issues of this lawsuit. [201.2]

A party who files a lawsuit is called the Plaintiff. A party that is sued is called the Defendant. [201.2]

The attorneys have the job of representing their clients. That means they speak for their client here at the trial. They have taken oaths as attorneys to do their best and to follow the rules for their profession. [201.2]

The attorney on this side of the courtroom, Anthony Aragona, represents Lloyd Wickboldt, and is the person who filed the lawsuit here at the courthouse. His job is to present his client's side of things to you. He and his client will be referred to most of the time as "the Plaintiff." Mr. Aragona, will you please introduce who is sitting at the table with you? [201.2]

Julie Gonzalez, on this side of the courtroom, is the one who has been sued, and will be referred to most of the time as "the Defendant". Ms. Gonzalez is not represented by an attorney and will present her side of things to you herself. [201.2]

This person sitting in front of me, Erin Brandt, is the court clerk. She is here to assist me with some of the mechanics of the trial process, including the numbering and collection of the exhibits that are introduced in the course of the trial. [201.2]

The person over there, [name], is the bailiff. His job is to maintain order and security in the courtroom. The bailiff is also my representative to the jury. Anything you need or any problems

that come up for you during the course of the trial should be brought to him. However, the bailiff cannot answer any of your questions about the case. Only I can do that. [201.2]

Last, but not least, is the jury, which we will begin to select in a few moments from among all of you. The jury's job will be to decide what the facts are and what the facts mean. Jurors should be as neutral as possible at this point and have no fixed opinion about the lawsuit. [201.2]

In order to have a fair and lawful trial, there are rules that all jurors must follow. A basic rule is that jurors must decide the case only on the evidence presented in the courtroom. You must not communicate with anyone, including friends and family members, about this case, the people and places involved, or your jury service. You must not disclose your thoughts about this case or ask for advice on how to decide this case. [201.2]

I want to stress that this rule means you must not use electronic devices or computers to communicate about this case, including tweeting, texting, blogging, e-mailing, posting information on a website or chat room, or any other means at all. Do not send or accept any messages to or from anyone about this case or your jury service. [201.2]

You must not do any research or look up words, names, or anything else that may have anything to do with this case. This includes reading newspapers, watching television or using a computer, cell phone, the Internet, any electronic device, or any other means at all, to get information related to this case or the people and places involved in this case. This applies whether you are in the courthouse, at home, or anywhere else. [201.2]

Many of you may have cell phones, tablets, laptops or other electronic devices with you here in the courtroom. All cell phones, computers, tablets or other types of electronic devices must be turned off while you are in the courtroom. Turned off means that the phone or other electronic device is actually off and not in a silent or vibrating mode. You may use these devices during

recesses, but even then you may not use your cell phone or electronic device to find out any information about the case or communicate with anyone about the case or the people involved in the case. Do not take photographs, video recordings or audio recordings of the proceedings or of your fellow jurors. After each recess, please double check to make sure your cell phone or electronic device is turned off. At the end of the case, while you are deliberating, you must not communicate with anyone outside the jury room. You cannot have in the jury room any cell phones, computers, or other electronic devices. If someone needs to contact you in an emergency, the court can receive messages and deliver them to you without delay. A contact phone number will be provided to you. [201.2]

What are the reasons for these rules? These rules are imposed because jurors must decide the case without distraction and only on the evidence presented in the courtroom. If you investigate, research, or make inquiries on your own outside of the courtroom, the trial judge has no way to make sure that the information you obtain is proper for the case. The parties likewise have no opportunity to dispute or challenge the accuracy of what you find. That is contrary to our judicial system, which assures every party the right to ask questions about and challenge the evidence being considered against it and to present argument with respect to that evidence. Any independent investigation by a juror unfairly and improperly prevents the parties from having that opportunity our judicial system promises. [201.2]

Any juror who violates these restrictions jeopardizes the fairness of these proceedings, and a mistrial could result that would require the entire trial process to start over. A mistrial is a tremendous expense and inconvenience to the parties, the court, and the taxpayers. If you violate these rules, you may be held in contempt of court, and face sanctions, such as serving time in jail, paying a fine or both. [201.2]

All of your communications with courtroom personnel, or me, shall either be made in open court or, if they are in writing, the writing will be filed with the court clerk. I have instructed the courtroom personnel that any communications you have with them outside of my presence must be reported to me, and I will tell the parties and their attorneys about any communication from you that I believe may be of interest to the parties and their attorneys. [201.2]

However, you may communicate directly with courtroom personnel about matters concerning your comfort and safety, such as juror parking, location of break areas, how and when to assemble for duty, dress, what personal items can be brought into the courthouse or jury room, etc. [201.2]

If you become aware of any violation of these instructions or any other instruction I give in this case, you must tell me by giving a note to the bailiff. [201.2]

The last thing I want to do, before we begin to select the jury, is to explain to you how the selection process works. [201.3]

This is the part of the case where the parties and their lawyers have the opportunity to get to know a little bit about you, in order to help them come to their own conclusions about your ability to be fair and impartial, so they can decide who they think should be the jurors in this case. How we go about that is as follows: First, I'll ask some general questions of you. Then, the Plaintiff's attorney and the Defendant will have more specific questions that they will ask of you. After they have asked all of their questions, I will meet with them and they will tell me their choices for jurors. Each side can ask that I exclude a person from serving on a jury if they can give me a reason to believe that he or she might be unable to be fair and impartial. That is what is called a challenge for cause. The lawyers also have a certain number of what are called peremptory challenges, by which they may exclude a person from the jury without giving a reason. By this

process of elimination, the remaining persons are selected as the jury. It may take more than one conference among the parties, their attorneys, and me before the final selections are made. [201.3]

The questions that you will be asked during this process are not intended to embarrass you or unnecessarily pry into your personal affairs, but it is important that the parties and their attorneys know enough about you to make this important decision. If a question is asked that you would prefer not to answer in front of the whole courtroom, just let me know and you can come up here and give your answer just in front of the attorneys and me. If you have a question of either the attorneys or me, don't hesitate to let me know. [201.3]

There are no right or wrong answers to the questions that will be asked of you. The only thing that I ask is that you answer the questions as frankly and as honestly and as completely as you can. You have taken an oath to answer all questions truthfully and completely and you must do so. Remaining silent when you have information you should disclose is a violation of that oath as well. If a juror violates this oath, it not only may result in having to try the case all over again but also can result in civil and criminal penalties against a juror personally. So, again, it is very important that you be as honest and complete with your answers as you possibly can. If you don't understand the question, please raise your hand and ask for an explanation or clarification. [201.3]

In sum, this is a process to assist the parties and their attorneys to select a fair and impartial jury. All of the questions they ask you are for this purpose. If, for any reason, you do not think you can be a fair and impartial juror, you must tell us. [201.3]

**PROPOSED JURY INSTRUCTION NO. 2:**  
Preliminary Instructions Before Trial

Do you solemnly swear or affirm that you will well and truly try this case between the Plaintiff and the Defendant, and a true verdict render according to the law and evidence so help you God? [101.2]

You have now taken an oath to serve as jurors in this trial. Before we begin, I am going to tell you about the rules of law that apply to this case and let you know what you can expect as the trial proceeds. [202.1]

It is my intention to give you most of the rules of law but it might be that I will not know for sure all of the law that will apply in this case until all of the evidence is presented. However, I can anticipate most of the law and give it to you at the beginning of the trial so that you will better understand what to be looking for while the evidence is presented. If I later decide that different or additional law applies to the case, I will tell you. In any event, at the end of the evidence I will give you the final instructions on which you must base your verdict. At that time, you will have a complete written set of the instructions so you do not have to memorize what I am about to tell you. [202.1]

The parties were previously married to each other, but are now divorced, and this case was severed from the divorce proceedings. The Plaintiff has brought claims against the Defendant for violation of Florida's Civil RICO statutes, which stands for Racketeer Influenced and Corrupt Organizations Act, for acts of the Defendant which Plaintiff claims deprived him of money, more than \$231,000. Secondly, the Plaintiff has a claim against the Defendant for the violation of Florida's civil theft statute, in that the Defendant forged his name on checks, amounting to over \$231,000, and deposited those checks into her sole account, without his knowledge or consent, and also took other personal property belonging to the Plaintiff for her own use. Finally, the

Plaintiff has a claim against the Defendant for conversion, which means that the Defendant, with the criminal intent to do so, deprived the Plaintiff of property, and money, without his consent, and converted that property and money to her own use. The Court has already determined that the Defendant is liable to the Plaintiff for each of these three claims. Your sole task in these proceedings is to determine the amount of compensatory damages owed by the Defendant to the Plaintiff on these three claims.

Now that you have heard the law, I want to let you know what you can expect as the trial proceeds. In a few moments, the attorneys will each have a chance to make what are called opening statements. In an opening statement, an attorney or party is allowed to give you their views about what the evidence will be in the trial and what you are likely to see and hear in the testimony.

[202.2]

After the opening statements the Plaintiff will bring his witnesses and evidence to you.  
[202.2]

Evidence is the information that the law allows you to see or hear in deciding this case. Evidence includes the testimony of the witnesses, documents, and anything else that I instruct you to consider. [202.2]

A witness is a person who takes an oath to tell the truth and then answers attorneys' questions for the jury. The answering of attorneys' questions by witnesses is called "giving testimony." Testimony means statements that are made when someone has sworn an oath to tell the truth. [202.2]

The Plaintiff's lawyer will normally ask a witness the questions first. That is called direct examination. Then the Defendant may ask the same witness additional questions about whatever the witness has testified to. That is called cross-examination. Certain documents or other evidence

may also be shown to you during direct or cross-examination. After the Plaintiff's witnesses have testified, the Defendant will have the opportunity to put witnesses on the stand and go through the same process. Then the Plaintiff's lawyer gets to do cross-examination. The process is designed to be fair to both sides. [202.2]

It is important that you remember that testimony comes from witnesses. Attorneys do not give testimony and they are not themselves witnesses. [202.2]

Sometimes the Plaintiff's attorney and the Defendant will disagree about the rules for trial procedure when a question is asked of a witness. When that happens, one of them may make what is called an "objection." The rules for a trial can be complicated, and there are many reasons for attorneys to object. You should simply wait for me to decide how to proceed. If I say that an objection is "sustained," that means the witness may not answer the question. If I say that the objection is "overruled," that means the witness may answer the question. [202.2]

When there is an objection and I make a decision, you must not assume from that decision that I have any particular opinion other than that the rules for conducting a trial are being correctly followed. If I say a question may not be asked or answered, you must not try to guess what the answer would have been. That is against the rules, too. [202.2]

Sometimes I will need to speak to the attorneys about legal elements of the case that are not appropriate for the jury to hear. The attorneys and I will try to have as few of these conferences as possible while you are giving us your valuable time in the courtroom. But, if we do have to have such a conference during testimony, we will try to hold the conference at the side of my desk so that we do not have to take a break and ask you to leave the courtroom. [202.2]

Breaks in an ongoing trial are usually called "recesses." During a recess you still have your duties as a juror and must follow the rules, even while having coffee, at lunch, or at home. [202.2]

After all the evidence has been presented to you, I will instruct you in the law that you must follow. It is important that you remember these instructions to assist you in evaluating the final attorney presentations, which come next, and, later, during your deliberations, to help you correctly sort through the evidence to reach your decision. [202.2]

The Plaintiff's attorney and the Defendant will then have the opportunity to make their final presentations to you, which are called closing arguments. [202.2]

After you have heard the closing arguments, I will instruct you further in the law as well as explain to you the procedures you must follow to decide the case. [202.2]

After you hear the final jury instructions, you will go to the jury room and discuss and decide the questions I have put on your verdict form. You will have a copy of the jury instructions to use during your discussions. The discussions you have and the decisions you make are usually called "jury deliberations." Your deliberations are absolutely private and neither I nor anyone else will be with you in the jury room. [202.2]

When you have finished answering the questions, you will give the verdict form to the bailiff, and we will all return to the courtroom where your verdict will be read. When that is completed, you will be released from your assignment as a juror. [202.2]

Finally, before we begin the trial, I want to give you just a brief explanation of rules you must follow as the case proceeds. [202.2]

You must pay close attention to the testimony and other evidence as it comes into the trial. However, you must avoid forming any final opinion or telling anyone else your views on the case until you begin your deliberations. This rule requires you to keep an open mind until you have heard all of the evidence and is designed to prevent you from influencing how your fellow jurors think until they have heard all of the evidence and had an opportunity to form their own opinions.

The time and place for coming to your final opinions and speaking about them with your fellow jurors is during deliberations in the jury room, after all of the evidence has been presented, closing arguments have been made, and I have instructed you on the law. It is important that you hear all of the facts and that you hear the law and how to apply it before you start deciding anything.

[202.2]

It is the things you hear and see in this courtroom that matter in this trial. The law tells us that a juror can consider only the testimony and other evidence that all the other jurors have also heard and seen in the presence of the judge and the lawyers. Doing anything else is wrong and is against the law. That means that you must not do any work or investigation of your own about the case. You must not obtain on your own any information about the case or about anyone involved in the case, from any source whatsoever. This includes reading newspapers, watching television or using a computer, cell phone, the Internet, any electronic device, or any other means at all, to get information related to this case or the people and places involved in this case. This applies whether you are in the courthouse, at home, or anywhere else. You must not visit places mentioned in the trial or use the internet to look at maps or pictures to see any place discussed during trial.

Do not provide any information about this case to anyone, including friends or family members. Do not let anyone, including the closest family members, make comments to you or ask questions about the trial. Jurors must not have discussions of any sort with friends or family members about the case or the people and places involved. So, do not let even the closest family members make comments to you or ask questions about the trial. In this age of electronic communication, I want to stress again that just as you must not talk about this case face-to-face, you must not talk about this case by using an electronic device. You must not use phones, tablets, computers or other electronic devices to communicate. Do not send or accept any messages related to this case or your

jury service. Do not discuss this case or ask for advice by any means at all, including posting information on an Internet website, chat room or blog. [202.2]

When we are in a recess, do not discuss anything about the trial or the case with each other or with anyone else. If Plaintiff's attorney or the Defendant approaches you, don't speak with them. The law says they are to avoid contact with you. If an attorney or party will not look at you or speak to you, do not be offended or form a conclusion about that behavior. The attorney or party is not supposed to interact with jurors outside of the courtroom and is only following the rules. They are not being impolite. If an attorney or anyone else does try to speak with you or says something about the case in your presence, please inform the bailiff immediately. [202.2]

Only you get to deliberate and answer the verdict questions at the end of the trial. I will not intrude into your deliberations at all. I am required to be neutral. You should not assume that I prefer one decision over another. You should not try to guess what my opinion is about any part of the case. It would be wrong for you to conclude that anything I say or do means that I am for one side or another in the trial. Discussing and deciding the facts is your job alone. [202.2]

All cell phones or other types of electronic devices must be turned off while you are in the courtroom. Turned off means that the phone or other electronic device is actually off and not in a silent or vibrating mode. You may use these devices during recesses, but even then you may not use your phone or electronic device to find out any information about the case or communicate with anyone about the case or the people involved in the case. Do not take photographs, video recordings or audio recordings of the proceedings or your fellow jurors. After each recess, please double check to make sure your device is turned off. At the end of the case, while you are deliberating, you must not communicate with anyone outside the jury room. You cannot have in the jury room any cell phones, computers, or other electronic devices. If there are breaks in the

deliberations, I may allow you to communicate with your family or friends, but do not communicate about the case or your deliberations. If someone needs to contact you in an emergency, the court can receive messages and deliver them to you without delay. The court's phone number will be provided to you. [202.2]

If you would like to take notes during the trial, you may do so. On the other hand, of course, you are not required to take notes if you do not want to. That will be left up to you individually. [202.3]

You will be provided with a note pad and a pen for use if you wish to take notes. Any notes that you take will be for your personal use. However, you should not take them with you from the courtroom. During recesses, the bailiff will take possession of your notes and will return them to you when we reconvene. After you have completed your deliberations, the bailiff will deliver your notes to me. They will be destroyed. No one will ever read your notes. [202.3]

If you take notes, do not get so involved in note-taking that you become distracted from the proceedings. Your notes should be used only as aids to your memory. [202.3]

Whether or not you take notes, you should rely on your memory of the evidence and you should not be unduly influenced by the notes of other jurors. Notes are not entitled to any greater weight than each juror's memory of the evidence. [202.3]

During the trial, you may have a question about these proceedings. If so, please write it down and hand it to the bailiff, who will then hand it to me. I will review your question with the parties and their attorneys before responding. [202.4]

You also may have a question you think should be asked of a witness. If so, there is a way for you to request that I ask the witness a question. After all the attorneys have completed their questioning of the witness, you should raise your hand if you have a question. I will then give you

sufficient time to write the question on a piece of paper, fold it, and give it to the bailiff, who will pass it to me. Do not put your name on the question, show it to anyone or discuss it with anyone. [202.4]

I will then review the question with the attorneys. Under our law, only certain evidence may be considered by a jury in determining a verdict. You are bound by the same rules of evidence that control the attorneys' questions. If I decide that the question may not be asked under our rules of evidence, I will tell you. Otherwise, I will direct the question to the witness. The attorneys may then ask follow-up questions if they wish. If there are additional questions from jurors, we will follow the same procedure again. [202.4]

By providing this procedure, I do not mean to suggest that you must or should submit written questions for witnesses. In most cases, the lawyers will have asked the necessary questions.

[202.4]

**PROPOSED JURY INSTRUCTION NO. 3:**  
Evidence

The [describe item of evidence] has now been received in evidence. Witnesses may testify about or refer to this or any other item of evidence during the remainder of the trial. This and all other items received in evidence will be available to you for examination during your deliberations at the end of the trial. [301.2]

The [describe item of evidence] has been received in evidence. It is being shown to you now to help you understand the testimony of this witness and other witnesses in the case, as well as the evidence as a whole. You may examine [describe item of evidence] briefly now. It will also be available to you for examination during your deliberations at the end of the trial. [301.3]

**PROPOSED JURY INSTRUCTION NO. 4:**  
Instructions Before Recess

We are about to take a recess. Remember that all of the rules I have given you apply even when you are outside the courtroom, such as at recess. [301.10]

Remember the basic rule: Do not talk to anyone, including your fellow jurors, friends, family or co-workers about anything having to do with this trial, except to speak to court staff. This means no e-mailing, text messaging, tweeting, blogging, or any other form of communication. You cannot do any research about the case or look up any information about the case. Remember to observe during our recess the other rules I gave you. If you become aware of any violation of any of these rules at all, notify court personnel of the violation. [301.10]

After each recess, please double check to make sure that your cell phone or other electronic device is turned off completely. [301.10]

**PROPOSED JURY INSTRUCTION NO. 5:**  
Instructions at Close of Evidence, Before Closing Arguments

Members of the jury, you have now heard and received all of the evidence in this case. I am now going to tell you about the rules of law that you must use in reaching your verdict. When I finish telling you about the rules of law, the attorneys will present their final arguments and you will then retire to decide your verdict. [411.1]

As I told you, the Court has already determined that the Defendant is liable to the Plaintiff on his claims of civil RICO, civil theft and conversion.

With regard to the damages on these three claims, you should award the Plaintiff an amount of money, if any, that the clear and convincing evidence shows are the actual damages sustained by Plaintiff. [411.7]

“Clear and convincing evidence” differs from the “greater weight of the evidence” in that it is more compelling and persuasive. “Clear and convincing evidence” is evidence that is precise, explicit, lacking in confusion, and of such weight that it produces a firm belief or conviction without hesitation about the matter in issue. [411.3]

In deciding this case, it is your duty as jurors to decide the issues, and only those issues, that I submit for your determination. You must come to an agreement about your verdict. [611.1]

The evidence in this case consists of the sworn testimony of the witnesses, all exhibits received in evidence, and any fact of which the court has taken judicial notice of, such as the proceedings in the family court case. [611.1]

In reaching your verdict, you must think about and weigh the testimony and any documents, photographs, or other material that has been received in evidence. Your job is to determine what the facts are. You may use reason and common sense to reach conclusions. You may draw reasonable inferences from the evidence. But you should not guess about things that

were not covered here. And, you must always apply the law as I have explained it to you. [611.1]

Let me speak briefly about witnesses. In evaluating the believability of any witness and the weight you will give the testimony of any witness, you may properly consider the demeanor of the witness while testifying; the frankness or lack of frankness of the witness; the intelligence of the witness; any interest the witness may have in the outcome of the case; the means and opportunity the witness had to know the facts about which the witness testified; the ability of the witness to remember the matters about which the witness testified; and the reasonableness of the testimony of the witness, considered in the light of all the evidence in the case and in the light of your own experience and common sense. [601.2]

You have heard opinion testimony on the calculations of damages sustained by the Plaintiff from accountant John Bryson Smith, referred to as an expert witness. 601.2]

You may accept such opinion testimony, reject it, or give it the weight you think it deserves, considering the knowledge, skill, experience, training, or education of the witness, the reasons given by the witness for the opinion expressed, and all the other evidence in the case. [601.2]

That is the law you must follow in deciding this case. The Plaintiff's attorney and the Defendant will now present their final arguments. When they are through, I will have a few final instructions about your deliberations. [601.5]

**PROPOSED JURY INSTRUCTION NO. 6:**  
Closing Instructions Prior to Deliberations

Members of the jury, you have now heard all the evidence, my instructions on the law that you must apply in reaching your verdict and the closing arguments of the attorneys. You will shortly retire to the jury room to decide this case. Before you do so, I have a few last instructions for you. [700]

During deliberations, jurors must communicate about the case only with one another and only when all jurors are present in the jury room. You will have in the jury room all of the evidence that was received during the trial. In reaching your decision, do not do any research on your own or as a group. Do not use dictionaries, the Internet, or any other reference materials. Do not investigate the case or conduct any experiments. Do not visit or view the scene of any event involved in this case or look at maps or pictures on the Internet. If you happen to pass by the scene, do not stop or investigate. All jurors must see or hear the same evidence at the same time. Do not read, listen to, or watch any news accounts of this trial. [700]

You are not to communicate with any person outside the jury about this case. Until you have reached a verdict, you must not talk about this case in person or through the telephone, writing, or electronic communication, such as a blog, twitter, e-mail, text message, or any other means. Do not contact anyone to assist you, such as a family accountant, doctor, or lawyer. These communications rules apply until I discharge you at the end of the case. [700]

If you become aware of any violation of these instructions or any other instruction I have given in this case, you must tell me by giving a note to the bailiff. [700]

Any notes you have taken during the trial may be taken to the jury room for use during your discussions. Your notes are simply an aid to your own memory, and neither your notes nor those of any other juror are binding or conclusive. Your notes are not a substitute for your own

memory or that of other jurors. Instead, your verdict must result from the collective memory and judgment of all jurors based on the evidence and testimony presented during the trial. [700]

At the conclusion of the trial, the bailiff will collect all of your notes and immediately destroy them. No one will ever read your notes. [700]

In reaching your verdict, do not let bias, sympathy, prejudice, public opinion, or any other sentiment for or against any party to influence your decision. Your verdict must be based on the evidence that has been received and the law on which I have instructed you. [700]

Reaching a verdict is exclusively your job. I cannot participate in that decision in any way and you should not guess what I think your verdict should be from something I may have said or done. You should not think that I prefer one verdict over another. Therefore, in reaching your verdict, you should not consider anything that I have said or done, except for my specific instructions to you. [700]

Pay careful attention to all the instructions that I gave you, for that is the law that you must follow. You will have a copy of my instructions with you when you go to the jury room to deliberate. All the instructions are important, and you must consider all of them together. There are no other laws that apply to this case, and even if you do not agree with these laws, you must use them in reaching your decision in this case. [700]

When you go to the jury room, the first thing you should do is choose a presiding juror to act as a foreperson during your deliberations. The foreperson should see to it that your discussions are orderly and that everyone has a fair chance to be heard. [700]

It is your duty to talk with one another in the jury room and to consider the views of all the jurors. Each of you must decide the case for yourself, but only after you have considered the evidence with the other members of the jury. Feel free to change your mind if you are convinced

that your position should be different. You should all try to agree. But do not give up your honest beliefs just because the others think differently. Keep an open mind so that you and your fellow jurors can easily share ideas about the case. [700]

I will give you a verdict form with questions you must answer. I have already instructed you on the law that you are to use in answering these questions. You must follow my instructions and the form carefully. You must consider each question separately. Please answer the questions in the order they appear. After you answer a question, the form tells you what to do next. I will now read the form to you: [read form of verdict]. [700]

Your verdict must be unanimous, that is, your verdict must be agreed to by each of you. When you have finished filling out the form, your foreperson must write the date and sign it at the bottom and return the verdict forms to the bailiff. [700]

If any of you need to communicate with me for any reason, write me a note and give it to the bailiff. In your note, do not disclose any vote or split or the reason for the communication. You may now retire to decide your verdict. [700]

**PROPOSED JURY INSTRUCTION NO. 7:**  
Supplemental Matters

1. Juror Questions During Deliberations

Members of the jury, I have discussed your [note] [question] with the attorneys. You have [asked the following question] [made the following request]:

If I have not read your [note] [question] correctly, please raise your hand.

(clarify question as needed):

1. The answer is:

(respond to question):

OR

2. I am not able to [answer] [respond to] this [question] [request] because it [calls for information that is not in evidence] [is not proper to be considered in this case] [(other reason why question or request is improper)]. Your decision must be based only on the evidence presented in the trial and the law that I have given you. [If you have any other specific questions, please send another note, and I will see if I can answer it.] [(other appropriate response)]. [801.1]

2. Jury Deadlocked

Members of the jury, we understand you are having difficulty reaching a verdict. This case is important to the parties, and we appreciate your efforts. But I am going to ask you to go back to try again to reach a verdict if you reasonably can. [801.3]

Please carefully consider the views of all the jurors, including those you disagree with. Keep an open mind and feel free to change your view if you conclude it is wrong. [801.3]

You should not, however, give up your own conscientiously held views simply to end the case or avoid further discussion. Each of you must decide the case for yourself and not merely go along with the conclusions of other jurors. [801.3]

If you cannot agree on what a witness said, you may ask that the court reporter read back to you a portion of any witness's testimony. To avoid delay, your request should be as specific as possible. [801.3]

You may now return to the jury room for further deliberations. [801.3]

**PROPOSED JURY INSTRUCTION NO. 8:**  
Instructions Upon Discharge of Jury

Ladies and gentlemen, on behalf of the parties, lawyers and the people of the State of Florida, I wish to thank you for your time and consideration of this case. [801.4]

I also wish to advise you of some very special privileges enjoyed by jurors. [801.4]

No juror can be required to talk about the discussions that occurred in the jury room, except by court order. For many centuries, our society has relied upon juries for consideration of difficult cases. We have recognized for hundreds of years that a jury's deliberations, discussions and votes should remain their private affair as long as they wish it. Therefore, the law gives you a unique privilege not to speak about the jury's work. [801.4]

The lawyers and their representatives are not permitted to initiate any communication with you about the trial. However, you may speak to the lawyers or anyone else about the trial. You also have the right to refuse to speak with anyone. A request may come from those who are simply curious, or from those who might seek to find fault with you. It will be up to you to decide whether to preserve your privacy as a juror. [801.4]

**VERDICT FORM**

TO THE JURY:

The Jury must unanimously agree on the answers to all of the following questions:

**QUESTION NO. 1**

What is the total amount of any damages sustained by Plaintiff on his claim for civil RICO violations against the Defendant?

\$\_\_\_\_\_

**QUESTION NO. 2**

What is the total amount of any damages sustained by Plaintiff on his claim for civil theft against the Defendant?

\$\_\_\_\_\_

**QUESTION NO. 3**

What is the total amount of any damages sustained by Plaintiff on his claim for conversion against the Defendant?

\$\_\_\_\_\_

**QUESTION NO. 4**

What is the total amount of damages sustained by Plaintiff on all claims combined, against Defendant? Please make sure that the total damages amount is not simply the addition of the three damages amounts calculated above, but is a calculation of the total amount of all damages actually sustained by the Plaintiff, calculating each item of damages only one time (for example, where amounts of damages overlap between counts, only count each item of damages once).

\$\_\_\_\_\_

SO SAY WE ALL.

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Foreperson

DATED: \_\_\_\_\_