

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 2:17-cr-24

Plaintiff,

Hon. Robert J. Jonker  
Chief U.S. District Judge

vs.

DERRICK GARRELL SAMUELS,  
a/k/a "Bam,"

Defendant.

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**GOVERNMENT'S PROPOSED PRELIMINARY JURY INSTRUCTION**

The United States of America, by its attorneys, Andrew Byerly Birge, United States Attorney, and Maarten Vermaat, Assistant United States Attorney, respectfully submits the following proposed preliminary jury instruction to the Court.

Respectfully submitted,

ANDREW BYERLY BIRGE  
United States Attorney

Date: Jan. 27, 2018

/s/ Maarten Vermaat  
MAARTEN VERMAAT  
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**GOVERNMENT'S PROPOSED PRELIMINARY JURY INSTRUCTION**

Ladies and Gentlemen of the jury, I will now give preliminary instructions that will help you to understand the evidence as it is presented. At the conclusion of the trial, but before you begin your deliberations, I will give you more detailed instructions.

In this case, Defendant Derrick Garrell Samuels has been charged by superseding indictment with five offenses. You will be given a copy of the superseding indictment prior to commencing your deliberations.

I will briefly review each of these charges with you and describe some of the elements of the offenses. The “elements of the offense” are the facts the government will have to prove for you to return a guilty verdict.

First, Count 1 charges the defendant with conspiracy to distribute and possess with intent to distribute a controlled substance, specifically heroin. Heroin is a Schedule I controlled substance.

A conspiracy is a kind of criminal partnership. For you to find the defendant guilty of this offense, you will have to find that two or more persons conspired, or agreed, to distribute or possess with intent to distribute heroin, and, second, that the defendant knowingly and voluntarily joined the conspiracy.

Counts 2, 3 and 4 charge the defendant with distribution of heroin on three different dates: December 20, 2016; February 1, 2017; and February 27, 2017. You must consider each of these charges separately. For you to find the defendant guilty of one or more of these offense, you must find that the defendant knowingly or

intentionally distributed heroin and that he knew at the time that the substance was some type of controlled substance.

In Count 5, the defendant is charged with the crimes of (a) attempted distribution of a controlled substance, and (b) aiding and abetting another in the attempted distribution of a controlled substance. The government does not have to prove both of these for you to return a guilty verdict on these charges. Proof beyond a reasonable doubt on either of these ways is enough. For you to find the defendant guilty of this charge, you must find that the defendant EITHER intended to commit the crime of distribution of heroin and did some overt act that was a substantial step towards committing the crime of distribution of heroin, OR that the crime of attempted distribution of heroin was committed, that the defendant helped to commit the crime, and that the defendant intended to help commit this crime.