

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF VIRGINIA

## Big Stone Gap Division

UNITED STATES OF AMERICA	)	
	)	Crim. No. 2:07CR00015
v.	)	
	)	Judge James P. Jones
DANIEL DOVE,	)	
	)	Trial: June 24, 2008
Defendant.	)	

GOVERNMENT'S SUPPLEMENTAL PROPOSED JURY INSTRUCTION  
ON WILLFUL BLINDNESS

Based on the Defendant's testimony concerning his state of mind, the Government respectfully requests that the Court give the attached special jury instruction on willful blindness.

Respectfully submitted,

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GOVERNMENT'S PROPOSED JURY INSTRUCTION NO.

Willful Blindness - Counts 1 and 2

You may find that the defendant acted “knowingly” and “willfully” if you conclude that he was “willfully blind” to what was obviously taking place. You may find that the defendant was “willfully blind” if the evidence proves beyond a reasonable doubt that he deliberately closed his eyes to what would have otherwise been obvious to him. That is, that he had a conscious purpose to avoid enlightenment.

Stated another way, a defendant’s knowledge of a fact may be inferred from willful blindness to the existence of a fact. Actual knowledge and deliberate or conscious avoidance of knowledge are the same thing.

On the other hand, for you to conclude that the defendant was “willfully blind” to the criminal nature of what was taking place, the evidence must show something more than careless disregard or mistake. Therefore, if this is all the evidence shows, you must find the defendant not guilty.

(*See, e.g., United States v. Campbell*, 977 F.2d 854, 857 (4th Cir. 1992); *United States v. Cogdell*, 844 F.2d 179, 181 (4th Cir. 1988))

**CERTIFICATE OF SERVICE**

I hereby certify that on the 26th day of June, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF, which will then send a notification of such filing (NEF) to the following:

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