

U.S. COURTS

04 AUG -6 PM 3: 54

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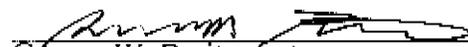
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11 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO  
12

13 UNITED STATES OF AMERICA )  
14 vs. ) CASE NO. 04-064-S-EJL  
15 MITCHELL D. McBRIDE, ) GOVERNMENT'S FIRST REQUESTED  
KIMBERLY McBRIDE, ) SUPPLEMENTAL JURY INSTRUCTION  
16 DICK E. BUTCHER, )  
17 Defendants. )  
18

19 The United States of America and Thomas E. Moss, United States Attorney for the District of  
20 Idaho, through George W. Breitsameter, the undersigned Assistant United States Attorney, hereby offer  
21 to the Court the Government's First Requested Supplemental Jury Instruction, as hereinafter set forth.

22 DATED this 6<sup>th</sup> day of August, 2004.

23 THOMAS E. MOSS  
United States Attorney

24  
25   
George W. Breitsameter  
Assistant United States Attorney  
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1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that on the 6 day of August, 2004, a copy of the foregoing  
3 GOVERNMENT'S FIRST REQUESTED SUPPLEMENTAL JURY INSTRUCTION was served by:

4  United States Mail, postage prepaid

5  Hand-delivery

6  Facsimile transmission (FAX)

7  Federal Express

8 upon the following person(s):

9 G. Scott Gatewood  
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26 Attorneys for Dick E. Butcher



PROPOSED INSTRUCTION NO. \_\_\_\_\_

In order to sustain its burden of proof, it is not necessary for the government to prove that the defendant personally did every act constituting the offense charged.

As a general rule, whatever any person is legally capable of doing himself, he can do through another as his agent.

So, if the acts or conduct of another is deliberately ordered or directed by the defendant or deliberately authorized or consented to by the defendant, then the law holds the defendant responsible for such acts or conduct just the same as if personally done by him.

Ninth Circuit Model Jury  
Instruction § 18.03