

#### 1.10.10 Indictment/Accusation

You are considering the case of the State of Georgia versus QUANTAVIOUS LEE JACKSON.

The grand jury has indicted the defendant with the offense of Trafficking of Persons for Sexual Servitude.

The indictment reads as follows:

#### 1.10.20 Issue and Plea of Not Guilty

The defendant has entered a plea of not guilty to this indictment. The indictment and the plea form the issue that you are to decide.

Neither the indictment nor the plea of not guilty should be considered as evidence.

#### 1.20.00 Presumption; Burden; Sufficiency

The defendant is presumed to be innocent until proven guilty. The defendant enters upon the trial of the case with a presumption of innocence in his favor. This presumption remains with the defendant until it is overcome by the State with evidence that is sufficient to convince you beyond a reasonable doubt that the defendant is guilty of the offense charged.

No person shall be convicted of any crime unless and until each element of the crime is proven beyond a reasonable doubt.

The burden of proof rests upon the State to prove every material allegation of the indictment and every essential element of the crime charged beyond a reasonable doubt.

There is no burden of proof upon the defendant whatsoever, and the burden never shifts to the defendant to introduce evidence or to prove innocence. When a defense is raised by the evidence, the burden is on the State to negate or disprove it beyond a reasonable doubt.

However, the State is not required to prove the guilt of the accused beyond all doubt or to a mathematical certainty. A reasonable doubt means just what it says. A reasonable doubt is a doubt of a fair-minded, impartial juror honestly seeking the truth. A reasonable doubt is a doubt based upon common sense and reason. It does not mean a vague or arbitrary doubt but is a doubt for which a reason can be given, arising from a consideration of the evidence, a lack of evidence, or a conflict in the evidence.

After giving consideration to all of the facts and circumstances of this case, if your minds are wavering, unsettled, or unsatisfied, then that is a doubt of the law, and you must

acquit the defendant. But, if that doubt does not exist in your minds as to the guilt of the accused, then you would be authorized to convict the defendant.

If the State fails to prove the defendant's guilt beyond a reasonable doubt, it would be your duty to acquit the defendant.

#### 1.20.20 Grave Suspicion

Facts and circumstances that merely place upon the defendant a grave suspicion of the crime charged or that merely raise a speculation or conjecture of the defendant's guilt are not sufficient to authorize a conviction of the defendant.

#### 1.20.30 Jury; Judges of Law and Facts

Members of the jury, it is my duty and responsibility to determine the law that applies to this case and to instruct you on that law. You are bound by these instructions. It is your responsibility to determine the facts of the case from all of the evidence presented. Then you must apply the law I give you in the charge to the facts as you find them to be.

#### 1.30.10 Evidence; Generally

Your oath requires that you will decide this case based on the evidence. Evidence is the means by which any fact that is put in issue is established or disproved. Evidence includes all of the testimony of the witnesses and any exhibits admitted during the trial. Evidence does not include the indictment, the plea of not guilty, opening or closing remarks of the attorneys, or questions asked by the attorneys.

#### 1.30.20 Direct and Circumstantial Evidence

Evidence may be either direct or circumstantial or both.

In considering the evidence, you may use reasoning and common sense to make deductions and reach conclusions. You should not be concerned about whether the evidence is direct or circumstantial. "Direct evidence" is the testimony of a person who asserts that he or she has actual knowledge of a fact, such as an eyewitness, or such as by personally observing or otherwise witnessing that fact. "Circumstantial evidence" is proof of a set of facts and circumstances that tend to prove or disprove another fact by inference, that is, by consistency with such fact or elimination of other facts. There is no legal difference in the weight you may give to either direct or circumstantial evidence.

You would be authorized to convict only if the evidence, whether direct, circumstantial, or both, excludes all reasonable theories of innocence and proves the guilt of the accused beyond a reasonable doubt.

### 1.31.30 Expert Witness

Testimony has been given in this case by certain witnesses who are termed experts. Expert witnesses are those who because of their training and experience possess knowledge in a particular field that is not common knowledge or known to the average citizen. The law permits expert witnesses to give their opinions based upon that training and experience.

You are not required to accept the testimony of any witnesses, expert or otherwise. Testimony of an expert, like that of all witnesses, is to be given only such weight and credit as you think it is properly entitled to receive.

### 1.31.45 Witness, Impeached

To impeach a witness is to show that the witness is unworthy of belief. A witness may be impeached by disproving the facts to which the witness testified.

### 1.31.47 Prior Statements

Your assessment of a trial witness's credibility may be affected by comparing or contrasting that testimony to statements or testimony of that same witness before the trial started. It is for you to decide whether there is a reasonable explanation for any inconsistency in a witness's pre-trial statements and testimony when compared to the same witness's trial testimony. As with all issues of witness credibility, you the jury must apply your common sense and reason to decide what testimony you believe or do not believe.

### 1.31.90 Single Witness; Corroboration

The testimony of a single witness, if believed, is sufficient to establish a fact. Generally, there is no legal requirement of corroboration of a witness, provided you find the evidence to be sufficient.

### 1.32.10 Defendant's Choice Not to Testify

The defendant in a criminal case may take the stand and testify and be examined and cross-examined as any other witness. You should evaluate such testimony as you would that of any other witness.

However, the defendant does not have to present any evidence nor testify. If the defendant chooses not to testify, you may not consider that in any way in making your decision.

### 1.40.10 Definition of Crime

This defendant is charged with a crime against the laws of this state. A crime is a violation of a statute of this state in which there is a joint operation of an act and intention.

#### 1.41.10 Intent

Intent is an essential element of any crime and must be proved by the State beyond a reasonable doubt.

Intent may be shown in many ways, provided you, the jury, believe that it existed from the proven facts before you. It may be inferred from the proven circumstances or by acts and conduct, or it may be, in your discretion, inferred when it is the natural and necessary consequence of the act. Whether or not you draw such an inference is a matter solely within your discretion.

#### 1.41.11 No Presumption of Criminal Intent

This defendant will not be presumed to have acted with criminal intent, but you may find such intention or the absence of it upon a consideration of words, conduct, demeanor, motive, and other circumstances connected with the act for which the accused is being prosecuted.

#### 16.5.41 Trafficking of Persons for Sexual Servitude

A person commits the offense of trafficking a person for sexual servitude when that person knowingly subjects another person to or maintains another person in sexual servitude or knowingly recruits, entices, harbors, transports, provides, or obtains by any means another person for the purpose of sexual servitude.

“Sexual servitude” means:

- (a) Any sexually explicit conduct or performance involving sexually explicit conduct for which anything of value is directly or indirectly given, promised to, or received by any person, which conduct is induced or obtained by coercion or which conduct is induced or obtained from a person under the age of 18 years; or
- (b) Any sexually explicit conduct or performance involving sexually explicit conduct which is performed or provided by any person, which conduct is induced or obtained by coercion or which conduct is induced or obtained from a person under the age of 18 years.

“Coercion” means:

- (a) Causing or threatening to cause bodily harm to any person, physically restraining or confining any person, or threatening to physically restrain or confine any person; or
- (e) Causing or threatening to cause financial harm to any person or using financial control over any person.

#### 16.5.46 Sexual Servitude; Age

The age of consent for sexual activity or the accused’s lack of knowledge of the age of the person being trafficked shall not constitute a defense in a prosecution for trafficking a person for sexual servitude.

#### 1.43.30 Mere Presence; Guilt by

A jury is not authorized to find a person who was merely present at the scene of the commission of a crime at the time of its perpetration guilty of consent in and concurrence in the commission of the crime, unless the evidence shows, beyond a reasonable doubt, that such person committed the alleged crime, helped in the actual perpetration of the crime, or participated in the criminal endeavor.

#### 1.43.31 Mere Association; Guilt by

A jury is not authorized to find a person who was merely associated with other persons involved in the commission of a crime guilty of consent in or concurrence in the commission of the crime, unless the evidence shows, beyond a reasonable doubt, that such person helped in the actual perpetration of the crime or participated in the criminal endeavor.

#### 1.50.10 Statute of Limitations

Members of the jury, the law of our state sets a time limit upon the State in starting prosecution of most criminal offenses.

The accused is on trial for the offense of Trafficking of Persons for Sexual Servitude.

Under Georgia law, prosecution for this offense must begin within four years after the offense has been committed.

If you find from the evidence that the indictment or accusation in this case was not filed within four years after the offense was committed, it would be your duty to acquit this defendant.

#### 1.51.10 Venue; Generally

The law provides that criminal actions shall be tried in the county in which the crime was committed. Venue, that is, the crime was committed in Gwinnett County, is a jurisdictional fact that must be proved by the State beyond a reasonable doubt as to each crime charged in the indictment just as any element of the offense. Venue must be proved by direct or circumstantial evidence, or both.

#### 1.60.10 Verdict; Generally

If, after considering the testimony and evidence presented to you, together with the charge of the court, you should find and believe beyond a reasonable doubt that the defendant in Gwinnett County, Georgia, did on or about between October 31, 2014 and November 3, 2014, commit the offense of Trafficking of Persons for Sexual Servitude, as alleged in the indictment, you would be authorized to find the defendant guilty. In that event, the form of your verdict would be, "We, the jury, find the defendant guilty."

If you do not believe that the defendant is guilty, or if you have any reasonable doubt as to the defendant's guilt, then it would be your duty to acquit the defendant, in which event the form of your verdict would be, "We, the jury, find the defendant not guilty."

#### 1.70.10 Court Has No Interest in Case

By no ruling or comment that the court has made during the progress of the trial has the court intended to express any opinion upon the facts of this case, upon the credibility of the witnesses, upon the evidence, or upon the guilt or innocence of the defendant.

#### 1.70.11 Sympathy

Your verdict should be a true verdict based upon your opinion of the evidence according to the laws given you in this charge. You are not to show favor or sympathy to one party or the other. It is your duty to consider the facts objectively without favor, affection, or sympathy to either party.

In deciding this case, you should not be influenced by sympathy or prejudice because of race, creed, color, religion, national origin, sexual preference, local or remote residence, economic status for or against either party.

#### 1.70.20 Sentencing; Responsibility for

You are only concerned with the guilt or innocence of the defendant. You are not to concern yourselves with punishment.

#### 1.70.30 Deliberations

One of your first duties in the jury room will be to select one of your number to act as foreperson, who will preside over your deliberations and who will sign the verdict to which all twelve of you freely and voluntarily agree.

You should start your deliberations with an open mind. Consult with one another and consider each other's views. Each of you must decide this case for yourself, but you should do so only after a discussion and consideration of the case with your fellow jurors. Do not hesitate to change an opinion if you are convinced that it is wrong. However, you should never surrender an honest opinion in order to be congenial or to reach a verdict solely because of the opinions of the other jurors.

#### 1.70.40 Unanimous Verdict

Whatever your verdict is, it must be unanimous, that is, agreed to by all. The verdict must be in writing and signed by one of your members as foreperson, dated, and returned to be published in open court.

1.70.50 Alternate Jurors

(Give appropriate instructions.)

1.70.60 Retire to Jury Room

You may now retire to the jury room, but do not begin your deliberations until you receive the indictment and any evidence that has been admitted in the case.

Bailiff, escort the jury to the jury room.