

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
(at Lexington)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal Action No. 5: 15-087-DCR
)	
V.)	
)	
SAMUEL A. GIROD,)	ORDER
)	
Defendant.)	

*** **

This matter is pending for consideration of the defendant’s *pro se* motion to reconsider [Record No. 99] the Court’s Order of February 8, 2017, striking the defendant’s “objection to juror’s oath.” [Record No. 96] The defendant has resubmitted his “objection to juror’s oath,” which now bears his signature. Additionally, Defendant Girod indicates that, while non-lawyers have assisted him in filing court documents, no one has “appeared” on his behalf. The motion to reconsider will be granted but, for the reasons that follow, the relief requested will be denied.

The defendant argues that the Court “has no authority to mislead members of the jury into thinking that jury instructions are law.” [Record No. 99–4, p. 5.] However, it is well-established that jurors take an oath to follow the law and are expected to comply with that oath. *United States v. Powell*, 469 U.S. 57, 66 (1984). Further, the Court has a duty to instruct the jury on the law, based upon the circumstances of the case. *United States v. Krzyske*, 836 F.2d 1013, 1021 (6th Cir. 1988). And it is the jury’s duty to apply the law as interpreted by the Court. *Id.* (citing *Horning v. District of Columbia*, 254 U.S. 135, 138 (1920)).

Contrary to the defendant's assertions, the jury instructions given by the Court are not made up "out of thin air." Rather, they are based on the applicable law and evidence presented during trial. As the defendant has been advised, he may submit proposed jury instructions and will have the opportunity to review the final jury instructions with the Court and the attorney for the United States during an instructions conference near the end of the trial. Accordingly, it is hereby

ORDERED that the defendant's motion to reconsider [Record No. 99] is **GRANTED**, but the relief requested therein is **DENIED**.

This 14th day of February, 2017.



Signed By:

Danny C. Reeves DCR

United States District Judge