

**Appendix H:
Jury Instructions from Judge William T. Moore, Jr. (S.D. Ga.)**

Let me add that during the course of the trial you will receive all the evidence you properly may consider to decide this case. In our system of justice, we require that any decision reached by the jury in a case is based on only the evidence that has been presented to them by the parties. The reason for this, as I am sure you can understand, is that any information you might obtain from outside the courtroom could be misleading, inaccurate, incomplete, or inadmissible. Relying on this information would be unfair because the parties would not have an opportunity to refute the evidence, explain its applicability to this case, correct any errors or inaccuracies, or argue that the rules of evidence prohibit its consideration by the jury. For these reasons, any external research or communication concerning this case is strictly prohibited until the court has accepted and entered whatever verdict you may ultimately reach.

Do not engage in any outside reading of this case. Do not attempt to visit any places mentioned in the case. Now that the trial has begun, you must not read about it in the newspapers, or watch or listen to television or radio reports of what is happening here. Do not in any other way try to learn about the case, its subject matter, the parties, or the law outside of this courtroom. The reason for these rules, as I am certain you will understand, is that your decision in this case must be made solely on the evidence presented at the trial. Curiosity may be human nature, but you are duty-bound to follow these restrictions, as failure to do so jeopardizes the fairness and integrity of this proceeding.

I want to impress upon you that this strict prohibition against any outside research or communication applies not only to printed reference materials, such as dictionaries or encyclopedias, but also to the internet and all other electronic mediums. For example, you cannot use Google or any other Internet search engine to learn anything about this trial. Also, you cannot use Wikipedia to look up definitions or legal concepts that are present in this case. You cannot blog or tweet about anything relating to this case or to your service as a juror. You may not use Twitter, Facebook, MySpace, LinkedIn, YouTube, Google +, or any other social networking service to send or receive messages about this case or to “friend” anyone involved in this case. Until the conclusion of this trial, the court prohibits you from conducting any online research or engaging in any communication with outsiders concerning this case. Most, if not all, of you use cell phones, Blackberries, iPhones, or other smart phones or computers to communicate with others. During this trial, you cannot communicate to anyone any information about this case, your opinions or views about it, or the individuals participating in it by any

method or means. Even posting one-way status messages about this trial or your impressions as a juror would be a violation of your oath.

If you are in any way unsure whether you are about to engage in an activity prohibited by these instructions, you should not engage in that activity and immediately seek clarification from the court by passing a note to a court security officer for my review. But, you should always err on the side of caution. Also, you should immediately notify the court if you feel that you are unable to abide by these prohibitions, or if you become aware that any of your fellow jurors may have violated or may be intending to violate these restrictions.

Any failure to adhere to these prohibitions will result in an unfair trial because, as I stated before, the accuracy or admissibility of the information that you view or receive on line has not been tested by the parties. In this sense, a juror's improper use of outside technology threatens the very nature of our adversary system. Indeed, it is a very real possibility that a juror's improper use of outside technology could force the court to start the trial all over, wasting yours, this court's, and the parties' valuable time and resources. Furthermore, the court will treat any use of outside information as a violation of your oath as a juror. This court will not hesitate to hold an offending juror in contempt of court or sequester the entire jury for the remainder of the trial.

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(4) Until you have rendered a verdict in this case, you are not to read any articles in the newspapers, if any were to appear, or to listen to any radio or television accounts. You may not visit any of the places mentioned during trial. You are not to seek any additional information on the subject matter of this case, the laws in any way related to this case, or any other factual or legal matter that has any connection to this case through the use of the internet, websites, blogs, or any other electronic resource that you can access either through a computer or your cellular telephone. Also, you are not to communicate with anyone concerning this case in any way by using your cell phones, Blackberries, iPhones, or other smart phones or computers, or through the use of Twitter, Facebook, MySpace, LinkedIn, YouTube, Google +, or any other social networking service. It would be a serious violation of your oath to do so.