

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAR 5 2007

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

v.

I. LEWIS LIBBY,

Defendant.

Criminal No. 05-394 (RBW)

Responses to Jury Notes

Response to Question One:

The instruction I gave you on reasonable doubt is the most detailed language I can provide you on what amounts to reasonable doubt. I request that you re-read the reasonable doubt instruction and consider all of it in your evaluation of what amounts to reasonable doubt and what the government's burden of proof is in proving guilt beyond a reasonable doubt.

As to the second part of your questions which asks "is it necessary for the government to present evidence that it is not humanly possible for someone not to recall an event in order to find guilty beyond a reasonable doubt," I do not fully understand what you mean by "not humanly possible." If you can rephrase the question considering the language I gave you in the reasonable doubt instruction, I will assess whether I can provide further guidance to you.

Response to Question Two:

As to Count One, Statement Three, the charge is set forth in the instructions. In assessing whether the Government has proven the elements of Count One, Statement Three, beyond a reasonable doubt, you may consider all of the evidence in the case, including any and all portions of Mr. Libby's grand jury testimony.

