

EXHIBIT 4

Government requested jury instruction in United States v. Doreen Hendrickson 13-cr-20371 that it is not a defense to the charge of contempt that the orders Mrs. Hendrickson resisted are unlawful or unconstitutional.

NOTE: The statute under which Doreen was charged, and to which this instruction is meant to relate-- 18 U.S.C. § 401(3)-- expressly criminalizes ONLY: "...*Disobedience or resistance to [a court's] lawful writ, process, order, rule, decree, or command.*" (emphasis added)

"A [] contempt order can only be upheld if it is supported by clear and convincing evidence that (1) *the underlying order allegedly violated was valid and lawful.* (citations omitted)"

United States v. Koblitz, 803 F.2d 1523, 1527 (11th Cir. 1986);

"The essential elements of [] criminal contempt...are that the court entered a *lawful order* of reasonable specificity, [it was] violated [], and the violation was willful. Guilt may be determined and punishment imposed *only if each of these elements has been proved beyond a reasonable doubt.* (citations omitted)"

United States v. Turner, 812 F.2d 1552, 1563 (11th Cir. 1987);

"...18 U.S.C. § 401(3). This section grants federal courts the power to punish when there is "disobedience or resistance to its *lawful* writ, process, order, rule, decree or command. ... "Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose... submission to their *lawful* mandates. (citations omitted)."

In re Smothers, 322 F3d 438 (6th Cir. 2003).

(All emphasis added in the above citations.)

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 13-20371

-vs-

DOREEN HENDRICKSON,

Detroit, Michigan

Defendant.

July 25, 2014

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TRANSCRIPT OF TRIAL - VOLUME FIVE
BEFORE THE HONORABLE VICTORIA A. ROBERTS
UNITED STATES DISTRICT COURT JUDGE, and a Jury.

APPEARANCES:

For the Government:

Melissa Siskind, Esq.

Jeffrey McLellan, Esq.

For the Defendant:

Doreen Hendrickson, Pro Per

Standby Counsel:

Andrew Wise, Esq.

Proceedings taken by mechanical stenography, transcript
produced by computer-aided transcription

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E X H I B I T S

<u>NUMBER</u>	<u>IDENTIFICATION</u>	<u>RECEIVED</u>
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1 Defendant.

2 It is not a defense to the crime of Contempt that the Court Order that the
3 Defendant is accused of violating was unlawful or unconstitutional.

4 An inability to comply with an Order of the Court is a complete defense to the
5 charge, a charge of Contempt.

6 Now I want to say a word about the dates mentioned in the Indictment. The
7 Indictment charges that the crime happened on or about certain dates. The
8 Government does not have to prove that the crime happened on that exact date, but
9 the Government must prove that the crime happened reasonably close to that date.

10 Now this is an instruction about mental state. I want to explain something
11 about proving a Defendant's state of mind. Ordinarily there's no way that a
12 Defendant's state of mind can be proved directly because no one can read another
13 person's mind and tell what that person is thinking. But a Defendant's state of mind
14 can be proven directly from the surrounding circumstances. This includes things like
15 what the Defendant said, what the Defendant did, how the Defendant acted and any
16 other facts or circumstances in evidence that show what was the Defendant's state of
17 mind.

18 You may also consider the natural and probable results of any acts that the
19 Defendant knowingly did or did not do and whether it is reasonable to conclude that
20 the Defendant intended those results. This, of course, is all for you to decide.

21 Now that concludes the part of the instructions explaining the elements of the
22 crime. Next I want to explain some rules that you must use in considering some of
23 the testimony and evidence.

24 Now you've heard the Defendant testify. Earlier I talked to you about the
25 credibility or the believability of the witnesses, and I suggested some things for you to