

**INSTRUCTIONS REGARDING
RACKETEERING ACTS 2(a), 3(a), 4(a), 5(a), 6(a), 6(b)**

AND

COUNTS 14, 15, 17, 19, 21 AND 22

EXTORTION

18 U.S.C. SECTION 1951

Defendant Rod Blagojevich has been charged with attempted extortion in Counts 14, 15, 19, and 22, as well as in Count 1, Racketeering Acts 2(a), 3(a), 5(a), and 6(b), and with conspiracy to commit extortion in Counts 17 and 21, as well as in Count 1, Racketeering Acts 4(a) and 6(a).

Defendant Robert Blagojevich has been charged in Count 22 with attempted extortion, and in Count 21 with conspiracy to commit extortion.

Title 18, United States Code, Section 1951 provides, in pertinent part:

Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by extortion or attempts or conspires so to do [commits an offense against the United States].

GOVERNMENT INSTRUCTION NO. 58

18 U.S.C. § 1951

To sustain the charge of attempted extortion, as charged in Count 1, Racketeering Acts 2(a), 3(a), 5(a), and 6(b), and Counts 14, 15, 19, and 22, the government must prove the following propositions with respect to the defendant you are considering:

First, that the defendant knowingly attempted to obtain money or property from the victim or victims described in the particular Racketeering Act or Count you are considering;

Second, that the defendant did so by means of extortion by the use of actual or threatened fear, or under color of official right, as those terms are defined in these instructions;

Third, that the defendant believed that the victim or victims described in the particular Racketeering Act or Count you are considering would have parted with the money or property because of the extortion; and

Fourth, that the conduct of the defendant affected, would have affected, or had the potential to affect interstate commerce.

If you find from your consideration of the evidence that each of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty of the particular count you are considering, and, in the case of a Racketeering Act charged in Count 1, you should find that the defendant committed that Racketeering Act.

If, on the other hand, you find from your consideration of the evidence that any of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty of the particular count you are considering, and, in the case of a Racketeering Act charged in Count 1, you should find that the defendant did not commit that Racketeering Act.

GOVERNMENT INSTRUCTION NO. 59 (modified)

Seventh Circuit Committee (1999) 18 U.S.C. § 1951 (Attempted Extortion - Elements) (modified)