INSTRUCTIONS REGARDING

RACKETEERING ACTS 3(c), 4(c), 6(d), 6(e), 6(f), 6(g), 6(h), 6(i), 6(j), 6(k), 6(l)

AND

COUNTS 3 – 13

WIRE FRAUD

18 U.S.C. § 1343
18 U.S.C. § 1346

To sustain the charge of wire fraud, as charged in Counts 3 through 13, and in Count 1, Racketeering Acts 3(c), 4(c), and 6(d) through 6(l), the government must prove the following propositions beyond a reasonable doubt:

First, that the defendant knowingly devised or participated in a scheme to defraud the public of its right to the honest services of Rod Blagojevich, John Harris, or Alonzo Monk by demanding, soliciting, seeking, or asking for a bribe, or by agreeing to accept a bribe, in the manner described in the particular Count or Racketeering Act you are considering;

Second, that the defendant did so knowingly and with the intent to defraud; and

Third, that for the purpose of carrying out the scheme or attempting to do so, the defendant used or caused the use of interstate wire communications to take place in the manner charged in the particular Count or Racketeering Act you are considering.

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. 46 (modified)

Seventh Circuit Committee (1999) 18 U.S.C. §§ 1341 & 1343 (Mail/Wire/Carrier Fraud - Elements) (modified)

Skilling v. United States,– U.S. – , 2010 WL 2518587 at * (U.S. June 24, 2010).