

**INSTRUCTIONS REGARDING
COUNTS 1 AND 2**

RACKETEERING AND RACKETEERING CONSPIRACY

18 U.S.C. §§ 1962(c) and 1962(d)

In Count 1 of the indictment, defendant Rod Blagojevich is charged with conducting the affairs of an enterprise through a pattern of racketeering activity.

In Count 2 of the indictment, defendant Rod Blagojevich is charged with conspiring to conduct the affairs of an enterprise through a pattern of racketeering activity. Title 18, United States Code, Section 1962 provides in

pertinent part that:

- (c) It shall be unlawful for any person employed by or associated with any enterprise engaged in or the activities of which affect interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.
- (d) It shall be unlawful for any person to conspire to violate the provisions of subsection (c) of this section.

GOVERNMENT INSTRUCTION NO. 28

18 U.S.C. § 1962

To prove defendant Rod Blagojevich guilty of racketeering, as charged in Count 1, the government must prove the following propositions:

First, that defendant Rod Blagojevich, Christopher Kelly, Antoin Rezko, Alonzo Monk, the Office of the Governor of Illinois, and Friends of Blagojevich (referred to in the indictment collectively as the “Blagojevich Enterprise”) were an enterprise;

Second, that the defendant was associated with the Blagojevich Enterprise;

Third, that the defendant knowingly conducted or participated in the conduct of the affairs of the Blagojevich Enterprise through a pattern of racketeering activity as described in Count 1; and

Fourth, that the activities of the Blagojevich Enterprise affected interstate commerce.

If you find from your consideration of all of the evidence that each of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty of Count 1.

If, on the other hand, you find from your consideration of all of the evidence that any of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty of Count 1.

To prove defendant Rod Blagojevich guilty of racketeering conspiracy, as charged in Count 2, the government must prove the following propositions:

First, that defendant Rod Blagojevich knowingly conspired to conduct or participate in the affairs of the Blagojevich Enterprise through a pattern of racketeering activity as described in Count 2;

Second, that Rod Blagojevich, Christopher Kelly, Antoin Rezko, Alonzo Monk, the Office of the Governor of Illinois, and Friends of Blagojevich (referred to in the indictment collectively as the “Blagojevich Enterprise”) were an enterprise;

Third, that the activities of the Blagojevich Enterprise would affect interstate commerce.

If you find from your consideration of all of the evidence that each of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty of Count 2.

If, on the other hand, you find from your consideration of all of the evidence that any of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty of Count 2.

GOVERNMENT INSTRUCTION NO. 30

Seventh Circuit Committee (1999) 18 U.S.C. § 1962(d)