

**INSTRUCTIONS REGARDING
RACKETEERING ACTS 1(a) 1(b), 2(b), 3(b), 4(b), 5(b), 6(c)**

ILLINOIS BRIBERY

720 ILCS 5/33-1(d)

720 ILCS 5/33-1(e)

720 ILCS 5/8-2

720 ILCS 5/8-4

For purposes of Count 1, Racketeering Acts 1(a) 1(b), 2(b), 3(b), 4(b), 5(b) and 6(c), which charge defendant Rod Blagojevich with committing acts of bribery in violation of the laws of the State of Illinois, 720 ILCS 5/33-1(d) and (e) and 720 ILCS 5/8-2 and 5/8-4:

The term “public officer” means a person who is elected to office pursuant to statute to discharge a public duty for the State.

GOVERNMENT INSTRUCTION NO. 40

720 ILCS 5/8-2, 5/8-4(a)

720 ILCS 5/33-1(d) & (e)

IPI (Criminal) 6.04 (4th ed. 2000) (modified)

To sustain the charge of bribery as alleged in Count 1, Racketeering Act 1(b), the government must prove beyond a reasonable doubt the following propositions:

First, that the defendant agreed to accept any property or personal advantage; and

Second, that the defendant did so knowing that the property or personal advantage was tendered or promised with intent to cause him to influence the performance of any act related to his employment or function as a public officer.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt, you should find that the defendant committed Racketeering Act 1(b).

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 that the defendant did not commit Racketeering Act 1(b).

GOVERNMENT INSTRUCTION NO. 41 (modified)

720 ILCS 5/33-1(d)

IPI (Criminal) 21.11 (4th ed. 2000) (modified)

To sustain the charge of conspiracy to commit bribery, as charged in Racketeering Act 1(a), the government must prove the following propositions beyond a reasonable doubt:

First, that the defendant agreed with others to the commission of the offense of bribery, as charged in Count 1, Racketeering Act 1(a); and

Second, that the defendant did so with intent that the offense of bribery be committed; and

Third, that an act in furtherance of the agreement was performed by any party to the agreement.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt, you should find that the defendant committed Racketeering Act 1(a).

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 that the defendant did not commit Racketeering Act 1(a).

For purposes of Count 1, Racketeering Act 1(a), the offense of bribery is committed when a public officer agrees to accept any property or personal advantage knowing that the property or personal advantage was tendered or promised with intent to cause him to influence the performance of any act related to his employment or function as a public officer.

To sustain the charge of attempt to commit bribery, as charged in Count 1, Racketeering Acts 2(b), 3(b), and 5(b), the government must prove the following propositions beyond a reasonable doubt:

First, that the defendant or one for whose conduct he is legally responsible performed an act which constituted a substantial step toward the commission of the offense of bribery, as charged in the particular Racketeering Act you are considering; and

Second, that the defendant or one for whose conduct he is legally responsible did so with the intent to commit the offense of bribery.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt as to a particular Racketeering Act, 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 as to a particular Racketeering Act, you should find that the defendant did not commit that Racketeering Act.

For purposes of Count 1, Racketeering Acts 2(b), 3(b), and 5(b), the offense of bribery is committed when a public officer solicits or agrees to accept any property or personal advantage pursuant to an understanding that he shall

improperly influence or attempt to influence the performance of any act related to his employment or function as a public officer.

GOVERNMENT INSTRUCTION NO. 43 (modified)

720 ILCS 5/33-1(e)

720 ILCS 5/8-4(a)

IPI (Criminal) 6.07 (4th ed. 2000) (modified)