

1 discussed common aims and interests does not
2 necessarily establish proof of the existence of a
3 conspiracy. Also, a person who has no knowledge of a
4 conspiracy, but who happens to act in a way which
5 advances some purpose of a conspiracy, does not thereby
6 become a conspirator.

7 As to Counts 28 and 33, interstate travel in
8 the aid of racketeering, Title 18, United States Code,
9 Section 1952, makes it a crime for anyone to travel in
10 interstate or foreign commerce or to use the mail or
11 any facility in interstate or foreign commerce with the
12 intent to commit any crime of violence to further any
13 unlawful activity and thereafter performs or attempt to
14 perform any crime of violence to further any unlawful
15 activity.

16 For you to find the defendant guilty of this
17 crime, you must be convinced that the government has
18 proved each of the following beyond a reasonable doubt:

19 First: That the defendant traveled or caused
20 another to travel in foreign commerce and/or used or
21 caused to be used a facility in foreign commerce
22 including a telephone.

23 Second: That the defendant did so with the
24 intent to commit a crime of violence to further any
25 unlawful activity.

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1 And third: That thereafter the defendant did
2 commit or attempt to commit a crime of violence to
3 further any unlawful activity.

4 Unlawful activity means any business
5 enterprise involving narcotics or controlled
6 substances. The term travel in foreign commerce means
7 travel between any part of the United States including
8 its territorial waters and any other country including
9 its territorial waters.

10 Foreign commerce means commerce or travel
11 between any part of the United States including its
12 territorial waters and any other country including its
13 territorial waters.

14 Commerce includes travel, transportation, and
15 communications. While it must be proved that the
16 defendant traveled in foreign commerce or used a
17 facility in foreign commerce with the intent to commit
18 a crime of violence in furtherance of any unlawful
19 activity, it need not be proved that such purpose was
20 the only reach or motive prompting the defendant's
21 travel or use of a facility.

22 As to Counts 29 and 34, using or carrying a
23 firearm during commission of a drug traffic crime or
24 crime of violence, Title 18, United States Code,
25 Section 924 C 1 makes it a crime for anyone to possess

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1 a firearm in furtherance of a drug trafficking crime or
2 a crime of violence.

3 For you to find the defendant guilty of this
4 crime, you must be convinced that the government has
5 proved each of the following beyond a reasonable doubt:
6 Further, Count 29 corresponds to Count One and/or count
7 28, whereas Count 34 corresponds to Count One and/or
8 Count 33. Therefore, you are to consider the following
9 elements as to each of the corresponding counts:

10 First: That the defendant committed the
11 crime alleged in Count One, Count 28, and/or 33. I
12 instruct you that conspiracy to posses with intent to
13 distribute a controlled substance as charged in Count
14 One is a drug trafficking crime. I further instruct
15 you that interstate travel in aid of racketeering as
16 charged in Counts 28 and 33 is a crime of violence.

17 And second: That the defendant knowingly
18 possessed a firearm in furtherance of the defendant's
19 alleged commission of the crimes charged Count One
20 and/or the corresponding count, that is Count 28 as to
21 Count 29 and/or Count 33 as to Count 34.

22 To prove the defendant possessed a firearm
23 "in furtherance," the Government must prove that the
24 defendant possessed a firearm that furthers, advances,
25 or helps forward the drug trafficking crime and/or the

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1 crime of violence.

2 A conspirator is responsible for offenses
3 committed by another conspirator if the conspirator was
4 a member of the conspiracy when the offense was
5 committed and if the offense was committed in
6 furtherance of or as a foreseeable consequence of the
7 conspiracy.

8 Therefore, if you have first found the
9 defendant guilty of the conspiracy charged in Count
10 One, and if you find beyond a reasonable doubt that
11 during the time the defendant was a member of that
12 conspiracy, other conspirators committed the offenses
13 in Counts Twenty-Eight and Twenty-Nine, Thirty-Three
14 and/or Thirty-four in furtherance of or as a
15 foreseeable consequence of that conspiracy, then you
16 may find the defendant guilty of Counts Twenty-Eight,
17 Twenty-Nine, Thirty-Three, and/or Thirty-Four, even
18 though the defendant may not have participated in any
19 of the acts which constitute the offenses described in
20 Counts Twenty-Eight, Twenty-Nine, Thirty-Three and
21 Thirty-Four.

22 As to Counts 28, 29, 33, and 34, the guilt of
23 a defendant in a criminal case may be established
24 without proof that the defendant personally did every
25 act constituting the offense alleged. The law

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