

DCB6CHI5

Charge

1 people in fact agree to enter into a criminal conspiracy, much
2 is left to the unexpressed understanding. It is rare that a
3 conspiracy can be proven by direct evidence of an explicit
4 agreement. To show that a conspiracy is existed, the evidence
5 must show that two or more persons in some way or manner either
6 explicitly or implicitly came to an understanding to violate
7 the law and to accomplish an unlawful plan.

8 In determining whether there has been an unlawful
9 agreement as alleged in the indictment, you may consider the
10 actions of all the alleged coconspirators that were taken to
11 carry out the apparent criminal purpose. The old adage,
12 "Actions speak louder than words" applies here. Often the only
13 evidence that is available with respect to the existence of a
14 conspiracy is that of disconnected acts on the part of the
15 alleged individual coconspirators. When taken altogether and
16 considered as a whole, however, that conduct may warrant the
17 inference that a conspiracy existed just as conclusively as
18 direct proof such as evidence of a expressed agreement.

19 So you must first determine whether or not the proof
20 established beyond a reasonable doubt the existence of the
21 conspiracy charged in the indictment. In considering this
22 first element, you should consider all the evidence that has
23 been admitted with respect to the conduct and statements of
24 each alleged coconspirator and any inferences that may
25 reasonably be drawn from that conduct and those statements. It

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1 that is, the defendant's acts must have been the product of his
2 conscious objective rather than product of force, mistake,
3 accident, mere negligence or some other innocent reason.

4 Now, **knowledge is a matter of inference** from the
5 proven facts. Science is not yet devised a manner of looking
6 into a person's mind and knowing what that person is thinking.
7 However, you do have before you evidence of certain acts and
8 **conversations alleged to have taken place** involving the
9 defendant **or in his presence**. You may consider this evidence
10 if you choose to credit it and determining whether the
11 government has proven beyond a reasonable doubt the defendant's
12 knowledge of the unlawful purposes of the conspiracy.

13 **It is not necessary for the government to show that**
14 **the defendant was fully informed as to all of the details of**
15 **the conspiracy in order for you to infer knowledge on his part.**
16 **To have guilty knowledge, the defendant need not have known the**
17 **full extent of the conspiracy or all of the activities of all**
18 **of its participants. It is not even necessary for the**
19 **defendant to know every other member the conspiracy. In**
20 **addition, the duration and extent of the defendant's**
21 **participation has no bearing on the issue the defendant's**
22 **guilt.** He need not have joined the conspiracy at the outset.
23 The defendant may have joined it for any purpose at any time in
24 its progress and will be held responsible for all that was done
25 before he joined and all that was done during the conspiracy's