

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

DEFENDANT

Criminal Action No. XX-XXXX (ES)

PROPOSED JURY CHARGE

RICO – “Enterprise” Defined Generally (**Undisputed**)

The first element that the government must prove beyond a reasonable doubt for the offense charged in Count (*no.*) is the existence of an “enterprise,” as alleged in the indictment.

An enterprise may be: (1) a legal entity, such as a corporation or partnership (*or sole proprietorship*) (*or association*); or (2) a (*union or*) group of individuals associated in fact although not a legal entity. In this case, the enterprise alleged in the indictment is (*describe the type of enterprise and the specific enterprise alleged in the indictment*).

The term enterprise includes both legitimate enterprises and also illegitimate or completely illegal enterprises. Thus, the enterprise need not have a purpose other than the commission of or facilitating the commission of the racketeering activity alleged in the indictment.

RICO – “Activity” Defined Generally (**Dispute**)

Government’s Proposed Jury Charge	Defendant’s Proposed Jury Charge
<p>“Racketeering activity,” as defined by the RICO statute, includes any acts that involve or that may be charged as any of a wide range of crimes under state or federal law. As I have instructed you, Count 1 of the Indictment alleges that defendant committed seven acts of racketeering activity, each of which is set forth in Count 1 of the Indictment in Paragraph 77. I will now instruct you on the law that applies to each of those racketeering acts.¹</p>	<p>“Racketeering activity,” as defined by the RICO statute, includes any acts that involve or that may be charged as any of a wide range of crimes under state or federal law.² As I have instructed you, Count 1 of the Indictment alleges that defendant committed seven acts of racketeering activity, each of which is set forth in Count 1 of the Indictment in Paragraph 77. I will now instruct you on the law that applies to each of those racketeering acts, – <u>and you must reach a unanimous decision as to whether or not the defendant is guilty of each of those racketeering acts.</u></p>

¹ Third Circuit Model Jury Charge—RICO.

² *United States v. John Doe*, 123 F.3d 456, 789 (3d Cir. 2015).