

case against me beyond a reasonable doubt. I do not have to say a word.” You must determine whether the government has proved its case against Mr. Alcantara based solely on the testimony of the witnesses who testified and the exhibits that were introduced.

Mr. Alcantara had the absolute right not to testify. You may not infer from his choice not to testify anything about his guilt or innocence. There are many, many factors that go into a defendant’s decision about whether to testify and you are not to speculate about that choice.

### **The Government as a Party**

The mere fact that this case is brought in the name of the United States of America does not entitle the prosecution to any greater consideration than that accorded to Mr. Alcantara. By the same token, it does not mean that the prosecution is entitled to any less consideration. All parties, whether government or individuals, stand as equals at the bar of justice.

### **Proof of All Elements**

I will shortly explain the offenses with which Mr. Alcantara is charged and the elements the government must prove in order to establish that Mr. Alcantara is guilty of any of the eleven offenses charged.

In order for the government to prove Mr. Alcantara guilty of an offense, it must convince you, beyond a reasonable doubt, that it has proven each and every element of that offense. Possibilities or even probabilities are not sufficient.

If the government fails to prove any one or more elements of an offense beyond a reasonable doubt, then you must find Mr. Alcantara not guilty of that particular offense.