

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.

On the other hand, if you are convinced, beyond a reasonable doubt, that all elements of an offense with which Mr. Alcantara has been charged have been proven to you beyond a reasonable doubt, then you should find him guilty of that offense.

Reasonable Doubt

As I have said, the burden is upon the government to prove beyond a reasonable doubt that Mr. Alcantara is guilty with respect to each charge made against him. It is a strict and heavy burden, but it does not mean that Mr. Alcantara's guilt must be proven beyond all possible doubt. It does require that the evidence exclude any reasonable doubt concerning Mr. Alcantara's guilt.

A reasonable doubt may arise not only from the evidence produced but also from a lack of evidence. Reasonable doubt exists when, after weighing and considering all the evidence, using reason and common sense, jurors cannot say that they have a settled conviction of the truth of the charge

Of course, Mr. Alcantara should not be convicted on suspicion or conjecture. If, for example, you view the evidence in the case as reasonably permitting either of two conclusions — one that Mr. Alcantara is guilty as charged, the other that Mr. Alcantara is not guilty — then you must find Mr. Alcantara not guilty.

It is not sufficient for the government to establish a probability, even a strong one, that a fact charged is more likely to be true than not true. That is not enough to meet the burden of proof beyond a reasonable doubt. On the other hand, there are very few things in this world that we know with absolute certainty, and in criminal cases, the law does not require proof that overcomes every conceivable doubt, but it requires proof that overcomes every reasonable doubt.