

**JURY INSTRUCTIONS:**

**United States of America v. David Alcantara  
(14-021M)**

I intend to give you a copy of these instructions for use in the jury room, so please simply listen and do not worry about note taking.

**Introduction**

Ladies and gentlemen, you are the trier of facts. You alone must determine what the facts are in this particular case. It is my duty to instruct you on the law applicable to this case. You must consider the instructions as a whole. You should not choose one part and disregard another. You must accept and apply the law as I give it to you in its entirety, and this is true whether you personally agree with the law or not. It would be a violation of the oath you took as jurors to base a decision on any version of the law other than that contained in my instructions, just as it would be a violation of that oath to return a decision upon anything but the evidence in this case. It is not up to you to decide what the law is or should be. Your duty is to apply the law as I explain it to you.

**Presumption of Innocence**

As I told you at the start of this trial, Mr. Alcantara is presumed to be innocent of the accusations against him.

It is a fundamental principle of our system of justice that every person accused of a crime is presumed to be innocent unless and until his guilt is established beyond a reasonable doubt. The presumption is not a mere formality. It is a matter of the most important substance.

The presumption of innocence alone may be sufficient to raise a reasonable doubt and to require the acquittal of a defendant. This means that even if all the evidence introduced at a trial

is against the defendant, you must still acquit if you have a reasonable doubt about whether that evidence establishes guilt. The defendant before you, Mr. Alcantara, has the benefit of that presumption, and you are not to convict him of a particular charge unless you are persuaded of his guilt of that charge beyond a reasonable doubt. Each charge carries its own presumption of innocence and even if you find the evidence has overcome that presumption on one charge, you must still apply it to the other charges unless and until the evidence persuades you otherwise.

The “presumption of innocence unless and until proven guilty” means that the burden of proof is always on the government to satisfy you that Mr. Alcantara is guilty beyond a reasonable doubt of the crime with which he is charged. This burden never shifts to Mr. Alcantara. It is always the government’s burden to prove each of the elements of the crimes charged beyond a reasonable doubt by the evidence and the reasonable inferences to be drawn from that evidence. Mr. Alcantara has the right to rely upon the failure or inability of the government to establish beyond a reasonable doubt any essential element of a crime charged against him.

If, after fair and impartial consideration of all the evidence, you have a reasonable doubt as to Mr. Alcantara’s guilt of a particular crime, it is your duty to acquit him of that crime. On the other hand, if after fair and impartial consideration of all the evidence, you are satisfied beyond a reasonable doubt of Mr. Alcantara’s guilt of a particular crime, you should vote to convict him.

**Defendant’s Constitutional Right to Choose Whether to Testify**

It is not up to Mr. Alcantara to prove that he is innocent. Under our system of law, any defendant has a perfect right to say to the government, “You have the burden of proving your