

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.

Concluding my instructions on the burden, then, I instruct you that what the government must do to meet its heavy burden is to establish the truth of each part of each offense charged by proof that convinces you and leaves you with no reasonable doubt, and thus satisfies you that you can, consistently with your oath as jurors, base your verdict upon it. If you so find as to a particular charge against Mr. Alcantara, you will return a verdict of guilty on that charge. If, on the other hand, you think there is a reasonable doubt about whether Mr. Alcantara is guilty of a particular offense, then you must give Mr. Alcantara the benefit of the doubt and find Mr. Alcantara not guilty of that offense.

**Consider Each Count Separately**

The indictment in this case charges Mr. Alcantara with ten separate counts – Counts 1 through 4, and Counts 6 through 11. There is no Count 5, and there are no other charges before you. You must consider each of the ten counts separately. The fact that you find Mr. Alcantara guilty or not guilty on one count does not mean that you should find him guilty or not guilty on any other count.

**“On or About”**

When I explain the charges in detail, you will hear that the government alleges certain offenses were committed “on or about” or “in or about” certain dates. The proof need not establish with certainty the exact date of an alleged offense. It is sufficient if the evidence in the case establishes beyond a reasonable doubt that the offense was committed on a date reasonably near the date alleged.