

### INSTRUCTION NO. 32

For purposes of Count One, to establish a “pattern of racketeering activity,” the government must prove each of the following beyond a reasonable doubt:

1. The Defendant agreed that one or more members of the conspiracy would commit at least two acts of racketeering within a period of ten years of each other;
2. The acts of racketeering were related to each other, meaning that there was a relationship between or among the acts of racketeering; and
3. The acts of racketeering amounted to or posed a threat of continued criminal activity.

With respect to the first element, your verdict must be unanimous as to which type or types of racketeering activity the Defendant agreed would be committed; including, without limitation, murder, kidnapping, robbery, dealing in a controlled substance, using a chemical weapon, financial institution fraud, or obstruction of justice, or any combination thereof. Later in these instructions, I will instruct you on each of the types of racketeering activity alleged in Count One.

With respect to the second element, acts of racketeering are related if they embraced the same or similar purposes, results, participants, victims, or methods of commission, or were otherwise interrelated by distinguishing characteristics. Sporadic, widely separated, or isolated criminal acts do not form a pattern of

racketeering activity. The agreement to commit two racketeering acts is not necessarily enough to establish a pattern of racketeering activity.

With respect to the third element, acts of racketeering amount to or pose a threat of continued criminal activity if, for example, they are ongoing over a substantial period of time, or had the potential to continue over a substantial period, or if they are part of the regular way some entity does business or conducts its affairs.

The government need not prove that any acts of racketeering were actually committed or that the Defendant committed or agreed to personally commit any act of racketeering.