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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

ORENTHAL JAMES SIMPSON,
CLARENCE STEWART,
Defendant(s).

CASE NO: C237890
DEPT NO: V

INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)
MEMBERS OF THE JURY:

It is now my duty as judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the Court.

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An Information is but a formal method of accusing a person of a crime and is not of itself any evidence of their guilt.

In this case, it is charged in an Information that on or about the 13th day of September, 2007, the Defendants committed the offenses of CONSPIRACY TO COMMIT A CRIME; CONSPIRACY TO COMMIT KIDNAPPING; CONSPIRACY TO COMMIT ROBBERY; FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON; BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON; ROBBERY WITH USE OF A DEADLY WEAPON; ASSAULT WITH A DEADLY WEAPON and COERCION WITH USE OF A DEADLY WEAPON, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - CONSPIRACY TO COMMIT A CRIME

Defendants, did then and there meet with each other and between themselves, and each of them with the other, wilfully and unlawfully conspire and agree to commit a crime, to-wit: coercion, burglary and/or assault, and in furtherance of said conspiracy, Defendants and/or their confederates did commit the acts as set forth in Counts 4, 9-12, said acts being incorporated by this reference as though fully set forth herein, said conspiracy thereafter continuing for a period wherein said coconspirators performed affirmative acts of concealment to avoid detection, including the disposal and concealment of property taken, and attempts by Defendants ORENTAL JAMES SIMPSON and CLARENCE STEWART to persuade other conspirators to give false information regarding the presence and use of firearms during said crimes.

COUNT 2 - CONSPIRACY TO COMMIT KIDNAPPING

Defendants, did then and there meet with each other and between themselves, and each of them with the other, wilfully, unlawfully, and feloniously conspire and agree to commit a crime, to-wit: kidnapping, and in furtherance of said conspiracy, Defendants and/or their confederates did commit the acts as set forth in Counts 5 & 6, said acts being

1 incorporated by this reference as though fully set forth herein, said conspiracy thereafter
2 continuing for a period wherein said coconspirators performed affirmative acts of
3 concealment to avoid detection, including the disposal and concealment of property taken,
4 and attempts by Defendants ORENTAL JAMES SIMPSON and CLARENCE STEWART
5 to persuade other conspirators to give false information regarding the presence and use of
6 firearms during said crimes.

7 COUNT 3 - CONSPIRACY TO COMMIT ROBBERY

8 Defendants, did then and there meet with each other and between themselves, and
9 each of them with the other, wilfully, unlawfully, and feloniously conspire and agree to
10 commit a crime, to-wit: robbery, and in furtherance of said conspiracy, Defendants and/or
11 their confederates did commit the acts as set forth in Counts 7 & 8, said acts being
12 incorporated by this reference as though fully set forth herein, said conspiracy thereafter
13 continuing for a period wherein said coconspirators performed affirmative acts of
14 concealment to avoid detection, including the disposal and concealment of property taken,
15 and attempts by Defendants ORENTAL JAMES SIMPSON and CLARENCE STEWART
16 to persuade other conspirators to give false information regarding the presence and use of
17 firearms during said crimes.

18 COUNT 4 - BURGLARY WHILE IN POSSESSION OF DEADLY WEAPON

19 Defendants did then and there wilfully, unlawfully, and feloniously enter, with intent
20 to commit assault, robbery and/or kidnapping, the Palace Station Hotel & Casino, located at
21 2411 West Sahara, Las Vegas, Clark County, Nevada, particularly Room No. 1203 therein,
22 occupied by BRUCE FROMONG and/or ALFRED BEARDSLEY, while in possession of
23 one or more firearms, the Defendants being criminally liable under one or more of the
24 following principles of criminal liability, to-wit: (1) by directly committing said crime;
25 and/or (2) by aiding or abetting one another and/or one or more confederates in the
26 commission of said crime, by directly or indirectly, counseling or encouraging each other to
27 commit said crime, and by encouraging, hiring, commanding, inducing or otherwise
28 procuring THOMAS RICCIO to arrange a meeting with BRUCE FROMONG and ALFRED

1 BEARDSLEY, for the feigned purpose of purchasing certain items of sports memorabilia
2 autographed by O. J. Simpson and other sports memorabilia, and, thereafter, one or more of
3 the Defendants possessing a firearm, and Defendants entering said room occupied by
4 BRUCE FROMONG and/or ALFRED BEARDSLEY intending to commit assault, and/or
5 robbery; and/or, (3) each defendant acting pursuant to a conspiracy to commit coercion,
6 burglary, assault and/or robbery.

7 COUNT 5 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

8 Defendants did wilfully, unlawfully, feloniously, and without authority of law, seize,
9 confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away BRUCE
10 FROMONG, a human being, with the intent to hold or detain the said BRUCE FROMONG
11 against his will, and without his consent, for the purpose of committing robbery, said
12 Defendants using deadly weapons, to-wit: firearms, during the commission of said crime, the
13 Defendants being criminally liable under one or more of the following principles of criminal
14 liability, to-wit: (1) by directly committing said crime; and/or (2) by aiding or abetting one
15 another and/or one or more confederates in the commission of said crime, by directly or
16 indirectly, counseling or encouraging each other to commit said crime, and by encouraging,
17 hiring, commanding, inducing or otherwise procuring THOMAS RICCIO to arrange a
18 meeting with BRUCE FROMONG and ALFRED BEARDSLEY, for the feigned purpose of
19 purchasing certain items of sports memorabilia autographed by O.J. Simpson and other
20 sports memorabilia, and, thereafter, THOMAS RICCIO inveigling, enticing and/or decoying
21 BRUCE FROMONG to the Palace Station Hotel & Casino, particularly Room No. 1203
22 therein, and one or more of the Defendants possessing, displaying and/or pointing a firearm
23 at BRUCE FROMONG, Defendants using confinement, force, fear and threat of force to
24 take property from BRUCE FROMONG, as set forth in COUNTS 7 & 8, the Defendants
25 acting in concert throughout; and/or, (3) each defendant acting pursuant to a conspiracy to
26 commit coercion, burglary, assault and/or robbery.

27 COUNT 6 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

28 Defendants did wilfully, unlawfully, feloniously, and without authority of law, seize,

1 confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away ALBERT
2 BEARDSLEY, a human being, with the intent to hold or detain the said ALBERT
3 BEARDSLEY against his will, and without his consent, for the purpose of committing
4 robbery, said Defendants using deadly weapons, to-wit: firearms, during the commission of
5 said crime, the Defendants being criminally liable under one or more of the following
6 principles of criminal liability, to-wit: (1) by directly committing said crime; and/or (2) by
7 aiding or abetting one another and/or one or more confederates in the commission of said
8 crime, by directly or indirectly, counseling or encouraging each other to commit said crime,
9 and by encouraging, hiring, commanding, inducing or otherwise procuring THOMAS
10 RICCIO to arrange a meeting with BRUCE FROMONG and ALFRED BEARDSLEY, for
11 the feigned purpose of purchasing certain items of sports memorabilia autographed by O.J.
12 Simpson and other sports memorabilia, and, thereafter, THOMAS RICCIO inveigling,
13 enticing and/or decoying ALFRED BEARDSLEY to the Palace Station Hotel & Casino,
14 particularly Room No. 1203 therein, and one or more of the Defendants possessing,
15 displaying and/or pointing a firearm at ALFRED BEARDSLEY, Defendants using
16 confinement, force, fear and threat of force to take property from ALFRED BEARDSLEY,
17 as set forth in COUNTS 7 & 8, the Defendants acting in concert throughout; and/or, (3) each
18 defendant acting pursuant to a conspiracy to commit coercion, burglary, assault and/or
19 robbery.

20 COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON

21 Defendants did then and there wilfully, unlawfully, and feloniously take personal
22 property, to-wit: sports memorabilia autographed by O. J. Simpson and/or other sports
23 memorabilia and/or a cellular phone, from the person of BRUCE FROMONG, or in his
24 presence, by means of force or violence or fear of injury to, and without the consent and
25 against the will of the said BRUCE FROMONG, said Defendants using deadly weapons, to-
26 wit: firearms, during the commission of said crime, the Defendants being criminally liable
27 under one or more of the following principles of criminal liability, to-wit: (1) by directly
28 committing this said crime; and/or (2) by aiding or abetting one another and/or one or more

1 of their confederates in the commission of this said crime, by directly or indirectly,
2 counseling or encouraging each other to commit said crime, and by encouraging, hiring,
3 commanding, inducing or otherwise procuring THOMAS RICCIO to arrange a meeting with
4 BRUCE FROMONG and ALFRED BEARDSLEY, for the feigned purpose of purchasing
5 certain items of sports memorabilia autographed by O. J. Simpson and other sports
6 memorabilia, and, thereafter, THOMAS RICCIO inveigling, enticing and/or decoying
7 BRUCE FROMONG to the Palace Station Hotel & Casino, particularly Room No. 1203
8 therein, and one or more of the Defendants possessing, displaying and/or pointing a firearm
9 at BRUCE FROMONG, Defendants demanding said property and using confinement, force,
10 fear and threat of force to take said property from BRUCE FROMONG, the Defendants
11 acting in concert throughout; and/or, (3) each defendant acting pursuant to a conspiracy to
12 commit coercion, burglary, assault and/or robbery.

13 COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON

14 Defendants did then and there wilfully, unlawfully, and feloniously take personal
15 property, to-wit: sports memorabilia autographed by O. J. Simpson and/or other sports
16 memorabilia and/or a baseball cap and/or sunglasses, from the person of ALFRED
17 BEARDSLEY, or in his presence, by means of force or violence or fear of injury to, and
18 without the consent and against the will of the said ALFRED BEARDSLEY, said
19 Defendants using deadly weapons, to-wit: firearms, during the commission of said crime, the
20 Defendants being criminally liable under one or more of the following principles of criminal
21 liability, to-wit: (1) by directly committing this said crime; and/or (2) by aiding or abetting
22 one another and/or one or more of their confederates in the commission of this said crime, by
23 directly or indirectly, counseling or encouraging each other to commit said crime, and by
24 encouraging, hiring, commanding, inducing or otherwise procuring THOMAS RICCIO to
25 arrange a meeting with BRUCE FROMONG and ALFRED BEARDSLEY, for the feigned
26 purpose of purchasing certain items of sports memorabilia autographed by O. J. Simpson and
27 other sports memorabilia, and, thereafter, THOMAS RICCIO inveigling, enticing and/or
28 decoying ALFRED BEARDSLEY to the Palace Station Hotel & Casino, particularly Room

1 No. 1203 therein, and one or more of the Defendants possessing, displaying and/or pointing
2 a firearm at ALFRED BEARDSLEY, Defendants demanding said property and using
3 confinement, force, fear and threat of force to take said property from ALFRED
4 BEARDSLEY, the Defendants acting in concert throughout; and/or, (3) each defendant
5 acting pursuant to a conspiracy to commit coercion, burglary, assault and/or robbery.

6 COUNT 9 - ASSAULT WITH A DEADLY WEAPON

7 Defendants did then and there wilfully, unlawfully, feloniously and intentionally
8 place another person, to-wit: BRUCE FROMONG, in reasonable apprehension of
9 immediate bodily harm with use of a deadly weapon, to-wit: firearms, the Defendants being
10 criminally liable under one or more of the following principles of criminal liability, to-wit:
11 (1) by directly committing said crime; and/or (2) by aiding or abetting one another and/or
12 one or more confederates in the commission of said crime, by directly or indirectly,
13 counseling or encouraging each other to commit said crime, and by encouraging, hiring,
14 commanding, inducing or otherwise procuring THOMAS RICCIO to arrange a meeting with
15 BRUCE FROMONG and ALFRED BEARDSLEY, for the feigned purpose of purchasing
16 certain items of sports memorabilia autographed by O. J. Simpson and other sports
17 memorabilia, and, thereafter, THOMAS RICCIO inveigling, enticing and/or decoying
18 BRUCE FROMONG to the Palace Station Hotel & Casino, particularly Room No. 1203
19 therein, and one or more of the Defendants possessing, displaying and/or pointing a firearm
20 at BRUCE FROMONG, the Defendants confining, pushing, searching, and physically
21 threatening BRUCE FROMONG and ALFRED BEARDSLEY, and acting in concert
22 throughout; and/or (3) each defendant acting pursuant to a conspiracy to commit coercion,
23 burglary, assault and/or robbery.

24 COUNT 10 - ASSAULT WITH A DEADLY WEAPON

25 Defendants did then and there wilfully, unlawfully, feloniously and intentionally
26 place another person, to-wit: ALFRED BEARDSLEY, in reasonable apprehension of
27 immediate bodily harm with use of a deadly weapon, to-wit: firearms, the Defendants being
28 criminally liable under one or more of the following principles of criminal liability, to-wit:

(1) by directly committing said crime; and/or (2) by aiding or abetting one another and/or one or more confederates in the commission of said crime, by directly or indirectly, counseling or encouraging each other to commit said crime, and by encouraging, hiring, commanding, inducing or otherwise procuring THOMAS RICCIO to arrange a meeting with BRUCE FROMONG and ALFRED BEARDSLEY, for the feigned purpose of purchasing certain items of sports memorabilia autographed by O. J. Simpson and other sports memorabilia, and, thereafter, THOMAS RICCIO inveigling, enticing and/or decoying ALFRED BEARDSLEY to the Palace Station Hotel & Casino, particularly Room No. 1203 therein, and one or more of the Defendants possessing, displaying and/or pointing a firearm at ALFRED BEARDSLEY, the Defendants confining, pushing, searching, and physically threatening BRUCE FROMONG and ALFRED BEARDSLEY, and acting in concert throughout; and/or (3) each defendant acting pursuant to a conspiracy to commit coercion, burglary, assault and/or robbery.

COUNT 11 - COERCION WITH USE OF A DEADLY WEAPON

Defendants did then and there wilfully, unlawfully, and feloniously use physical force, or the immediate threat of such force, against BRUCE FROMONG, with intent to compel him to do, or abstain from doing, an act which he had a right to do, or abstain from doing, or did deprive BRUCE FROMONG of a tool, implement or clothing, or hinder him in the use thereof, with use of a deadly weapon, to-wit: firearms, by preventing BRUCE FROMONG from using his phone and/or call for help and/or 911, and by taking it out of BRUCE FROMONG's hand and preventing him from using his phone, the Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing said crime; and/or (2) by aiding or abetting one another and/or one or more confederates in the commission of said crime, by directly or indirectly, counseling or encouraging each other to commit said crime, and by encouraging, hiring, commanding, inducing or otherwise procuring THOMAS RICCIO to arrange a meeting with BRUCE FROMONG and ALFRED BEARDSLEY, for the feigned purpose of purchasing certain items of sports memorabilia autographed by O. J. Simpson and other sports

1 memorabilia, and, thereafter, THOMAS RICCIO inveigling, enticing and/or decoying
2 BRUCE FROMONG to the Palace Station Hotel & Casino, particularly Room No. 1203
3 therein, and one or more of the Defendants possessing, displaying and/or pointing a firearm
4 at BRUCE FROMONG, the Defendants confining, pushing, searching, physically
5 threatening and demanding property from BRUCE FROMONG, while taking said telephone
6 the Defendants acting in concert throughout; and/or (3) each defendant acting pursuant to a
7 conspiracy to commit coercion, burglary, assault and/or robbery.

8 COUNT 12 - COERCION WITH USE OF A DEADLY WEAPON

9 Defendants did then and there wilfully, unlawfully, and feloniously use physical
10 force, or the immediate threat of such force, against ALFRED BEARDSLEY, with intent to
11 compel him to do, or abstain from doing, an act which he had a right to do, or abstain from
12 doing, or did deprive ALFRED BEARDSLEY of a tool, implement or clothing, or hinder
13 him in the use thereof, with use of a deadly weapon, to-wit: firearms, by taking his baseball
14 cap and/or sunglasses, the Defendants being criminally liable under one or more of the
15 following principles of criminal liability, to-wit: (1) by directly committing said crime;
16 and/or (2) by aiding or abetting one another and/or one or more confederates in the
17 commission of said crime, by directly or indirectly, counseling or encouraging each other to
18 commit said crime, and by encouraging, hiring, commanding, inducing or otherwise
19 procuring THOMAS RICCIO to arrange a meeting with BRUCE FROMONG and ALFRED
20 BEARDSLEY, for the feigned purpose of purchasing certain items of sports memorabilia
21 autographed by O. J. Simpson and other sports memorabilia, and, thereafter, THOMAS
22 RICCIO inveigling, enticing and/or decoying ALFRED BEARDSLEY to the Palace Station
23 Hotel & Casino, particularly Room No. 1203 therein, and one or more of the Defendants
24 possessing, displaying and/or pointing a firearm at ALFRED BEARDSLEY, the Defendants
25 confining, pushing, searching, physically threatening and demanding property from
26 ALFRED BEARDSLEY, while taking said baseball cap and/or sunglasses, the Defendants
27 acting in concert throughout; and/or (3) each defendant acting pursuant to a conspiracy to
28 commit coercion, burglary, assault and/or robbery.

1 It is the duty of the jury to apply the rules of law contained in these instructions to the
2 facts of the case and determine whether or not the Defendant(s) are guilty of one or more of
3 the offense(s) charged.

4 Each charge and the evidence pertaining to it should be considered separately. The
5 fact that you may find a defendant guilty or not guilty as to one of the offenses charged
6 should not control your verdict as to any other defendant or offense charged.

A conspiracy is an agreement between two or more persons for an unlawful purpose. To be guilty of conspiracy, a defendant must intend to commit, or to aid in the commission of, the specific crime agreed to. The crime is the agreement to do something unlawful; it does not matter whether it was successful or not.

A person who knowingly does any act to further the object of a conspiracy, or otherwise participates therein, is criminally liable as a conspirator. However, absent an agreement to cooperate in achieving a criminal purpose, mere knowledge of, acquiescence in, or approval of that purpose does not establish conspiracy. Conspiracy is seldom susceptible of direct proof and is usually established by inference from the conduct of the parties. In particular, a conspiracy may be supported by a coordinated series of acts, in furtherance of the underlying offense, sufficient to infer the existence of an agreement.

A conspiracy to commit a crime does not end upon the completion of the crime. The conspiracy continues until the co-conspirators have successfully gotten away and concealed the crime.

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2 It is not necessary in proving a conspiracy to show a meeting of the alleged
3 conspirators or the making of an express or formal agreement. The formation and existence
4 of a conspiracy may be inferred from all circumstances tending to show the common intent
5 and may be proved in the same way as any other fact may be proved, either by direct
6 testimony of the fact or by circumstantial evidence, or by both direct and circumstantial
7 evidence.
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INSTRUCTION NO. 6

Each member of a conspiracy to commit robbery is liable for each act and bound by each declaration of every other member of the conspiracy to commit robbery if the act or the declaration is in furtherance of the object of the conspiracy.

The act of one robbery conspirator pursuant to or in furtherance of the common design of the conspiracy is the act of all conspirators. Every conspirator is legally responsible for an act of a co-conspirator that follows as one of the probable and natural consequences of the object of the conspiracy even if it was not intended as part of the original plan and even if he was not present at the time of the commission of such act.

Where two or more persons are accused of committing a crime together, their guilt may be established without proof that each personally did every act constituting the offense charged.

All persons concerned in the commission of a crime who either directly and actively commit the act constituting the offense or who knowingly and with criminal intent aid and abet in its commission or, whether present or not, who advise and encourage its commission, with the intent that the crime be committed, are regarded by the law as principals in the crime thus committed and are equally guilty thereof.

A person aids and abets the commission of a crime if he knowingly and with criminal intent aids, promotes, encourages or instigates by act or advice, or by act and advice, the commission of such crime with the intention that the crime be committed .

If one encourages, hires, commands, induces or otherwise procures another to commit a crime who was incapable of forming or did not have criminal intent, that person's lack of such intent is no defense to the one encouraging, hiring, commanding, inducing or otherwise procuring him.

You are instructed that to aid and abet is defined as follows: aid means to help, assist, or strengthen; abet means to encourage, counsel, induce or assist.

INSTRUCTION NO. 9

Mere presence at the scene of the crime and knowledge that a crime is being committed are not sufficient to establish that the defendant aided and abetted the crime, unless you find beyond a reasonable doubt that the defendant is a participant and not merely a knowing spectator. However, the presence of one at the commission of a crime of another is evidence which can be considered in determining whether or not he is guilty of aiding or abetting, as well as the defendant's presence, companionship, and conduct before, during and after the participation in the criminal act.

INSTRUCTION NO. 10

Every person who, by day or night, enters any store or other building, with the intent to commit assault, robbery or kidnapping therein is guilty of Burglary.

INSTRUCTION NO. 11

The intention with which entry was made is a question of fact which may be inferred from the defendant's conduct and all other circumstances disclosed by the evidence.

INSTRUCTION NO. 12

Consent to enter is not a defense to the crime of burglary so long as it is shown that entry was made with the specific intent to commit assault, robbery, or kidnapping therein.

A person who enters an establishment with the intent to commit assault, robbery or kidnapping therein is guilty of burglary even though the entry was made through the public entrance during business hours.

The authority to enter a building open to the public extends only to those who enter with a purpose consistent with the reason the building is open. An entry with intent to commit assault, robbery or kidnapping therein cannot be said to be within the authority granted customers of a business establishment. The fact, therefore, that the establishment is open to the general public is not a defense to the charge of burglary so long as the defendant is shown to have made the entry with the intent to commit assault, robbery or kidnapping therein.

If you find the defendant guilty of burglary, you must also determine whether or not a deadly weapon was possessed during the commission of this crime.

Every person who commits the crime of burglary, who has in his possession or gains possession of any deadly weapon at any time during the commission of the crime, at any time before leaving the building, or upon leaving the building, is guilty of Burglary While in Possession of a Weapon.

A firearm is a deadly weapon.

If more than one person commits a burglary, and one of them possesses a deadly weapon in the commission of that crime, each may be convicted of possessing the deadly weapon even though he did not personally himself actually possess the weapon.

An unarmed offender possesses a deadly weapon when the unarmed offender is liable for the offense, another person liable to the offense is armed with a deadly weapon in the commission of the offense, and the unarmed offender had knowledge of the use of the deadly weapon.

INSTRUCTION NO. 16

Every person who, in the commission of a burglary, commits any other crime, may be prosecuted for each crime separately.

Every person who willfully seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any person by any means whatsoever with the intent to hold or detain, or who holds or detains, the person for the purpose of committing robbery is guilty of Kidnapping in the First Degree.

The term "inveigle" means to lead astray by trickery or deceitful persuasion.

The law does not require the person being kidnapped to be carried away for any minimal distance.

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2 You are instructed that if you find that the State has established that the defendant has
3 committed first degree kidnapping you shall select first degree kidnapping as your verdict.
4 The crime of first degree kidnapping includes the alternative crime of coercion. You may
5 find the defendant guilty of coercion if:

- 6 (1) You have not found, beyond a reasonable doubt, that the defendant is guilty of
7 kidnapping of the first degree, and
8 (2) All twelve of you are convinced beyond a reasonable doubt the defendant is
9 guilty of the crime of coercion.
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INSTRUCTION NO. 19

Any person who uses violence upon another person or threatens violence or injury to another person with the specific intent to compel another to do or abstain from doing an act which such other person has a right to do or abstain from doing or deprives a person of a tool, implement or clothing, or hinder the person in the use thereof is guilty of Coercion.

Robbery is the unlawful taking of personal property from the person of another, or in his presence, against his will, by means of force or violence or fear of injury, immediate or future, to his person or property. Such force or fear must be used to obtain or retain possession of the property, or to prevent or overcome resistance to the taking, in either of which cases the degree of force is immaterial. Such taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.

The value of property or money taken is not an element of the crime of Robbery, and it is only necessary that the State prove the taking of some property or money.

A good faith belief of a right or claim to the property taken is not a defense to the crime of robbery.

INSTRUCTION NO. 22

"Assault with a deadly weapon" means intentionally placing another person in reasonable apprehension of immediate bodily harm with use of a deadly weapon.

You are instructed that if you find that the State has established that the defendant has committed Assault with a Deadly Weapon you shall select Assault with a Deadly Weapon as your verdict. The crime of Assault with a Deadly Weapon includes the crime of Assault. You may find the defendant guilty of Assault if:

1. You have not found, beyond a reasonable doubt, that the defendant is guilty of Assault with a Deadly Weapon, and

2. All twelve of you are convinced beyond a reasonable doubt the defendant is guilty of the crime of Assault.

You are instructed that if you find a Defendant guilty of Kidnapping, Robbery, or Coercion you must also determine whether or not a deadly weapon was used in the commission of the crime.

If you find beyond a reasonable doubt that a deadly weapon was used in the commission of such an offense, then you shall return the appropriate guilty verdict reflecting "With Use of a Deadly Weapon".

If, however, you find that a deadly weapon was not used in the commission of such an offense, but you find that it was committed, then you shall return the appropriate guilty verdict reflecting that a deadly weapon was not used.

"Deadly weapon" means any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death, or, any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death.

You are instructed that a firearm is a deadly weapon and proof of its deadly capabilities is not required.

INSTRUCTION NO. 26

In order to "use" a deadly weapon, there need not be conduct which actually produces harm but only conduct which produces a fear of harm or force by means or display of the deadly weapon in aiding the commission of the crime.

If more than one person commits a crime, and one of them uses a deadly weapon in the commission of that crime, each may be convicted of using the deadly weapon even though he did not personally himself use the weapon.

An unarmed defendant cannot be subject to a sentence enhancement for use of a deadly weapon by an armed defendant unless the armed defendant uses the deadly weapon in the commission of the offense, and the unarmed defendant had knowledge of the use of the deadly weapon and is liable as a principal for the offense that is sought to be enhanced.

INSTRUCTION NO. 28

Ignorance of the law is no excuse. Everyone is conclusively presumed to know the law, and one accused of a crime is precluded from using as a defense his ignorance of the law.

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

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2 The Defendants are presumed innocent until the contrary is proved. This presumption
3 places upon the State the burden of proving beyond a reasonable doubt every material
4 element of the crimes charged and that the Defendants are the persons who committed the
5 offense.

6 A reasonable doubt is one based on reason. It is not mere possible doubt but is such a
7 doubt as would govern or control a person in the more weighty affairs of life. If the minds of
8 the jurors, after the entire comparison and consideration of all the evidence, are in such a
9 condition that they can say they feel an abiding conviction of the truth of the charge, there is
10 not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or
11 speculation.

12 If you have a reasonable doubt as to the guilt of the Defendants, they are entitled to a
13 verdict of not guilty.
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An accomplice is one who is subject to prosecution for the identical offense charged against the defendant on trial. A conviction shall not be had on the testimony of an accomplice unless he is corroborated by other evidence which in itself, and without the aid of the testimony of the accomplice, tends to independently connect the defendant with the commission of the offense; and the corroboration shall not be sufficient if it merely shows the commission of the offense or the circumstances thereof.

INSTRUCTION NO. 33

You are here to determine the guilt or innocence of the Defendants from the evidence in the case. You are not called upon to return a verdict as to the guilt or innocence of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendants, you should so find, even though you may believe one or more persons are also guilty.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendants are guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

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2 The credibility or believability of a witness should be determined by his manner upon
3 the stand, his relationship to the parties, his fears, motives, interests or feelings, his
4 opportunity to have observed the matter to which he testified, the reasonableness of his
5 statements and the strength or weakness of his recollections.

6 If you believe that a witness has lied about any material fact in the case, you may
7 disregard the entire testimony of that witness or any portion of his testimony which is not
8 proved by other evidence.
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A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his opinion as to any matter in which he is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

The weight of the evidence is not necessarily determined by the number of witnesses testifying. You should consider all the facts and circumstances in evidence.

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 39

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendants.

When you retire to consider your verdict, you must select one of your number to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

INSTRUCTION NO. 41

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:


DISTRICT JUDGE