

JURY CHARGE

1 this count the prosecution is required to prove beyond a
2 reasonable doubt:

3 One, that on October 8, 1999 in New York Mr. Dellos
4 Santos acting in concert with others restricted the
5 movements of Angelly Ortiz in such a manner as to interfere
6 substantially with her liberty by moving her from one place
7 to another or by confining her either in the place where
8 the restriction began or in a place to which she had been
9 moved.

10 Two, that the movements of Ms. Ortiz were restricted
11 without her consent.

12 Three, that Mr. Dellos Santos acted intentionally.

13 Four, that the restriction of Ms. Ortiz movements was
14 unlawful. And that Mr. Dellos Santos knew that.

15 Five, that Mr. Dellos Santos or one or more people
16 acting with him restrained Ms. Ortiz under circumstances
17 which exposed her to a risk of serious physical injury.

18 If you find that the prosecution has proven all of
19 these elements to your satisfaction beyond a reasonable
20 doubt then you must find Mr. Dellos Santos guilty of this
21 count.

22 On the other hand, if you find that the prosecution has
23 failed to prove one or more of these elements beyond a
24 reasonable doubt then you must find him not guilty.

25 Count 5 charges Mr. Dellos Santos with unlawful

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1 imprisonment in the first-degree on the theory that acting
2 in concert with others he unlawfully imprisoned Carlos
3 Ortiz. It is the same as the last one. The same
4 elements but this time you look at the action vis-a-vis
5 Carlos Ortiz.
6 So, in order for you to find Mr. Dello Santos guilty
7 of Count 5 the prosecution is required to prove beyond a
8 reasonable doubt that on October 8, 1999 in New York Mr.
9 Dello Santos acting in concert with others restricted the
10 movements of Carlos Ortiz in such a manner as to interfere
11 substantially with his liberty by moving him from one place
12 to another or by confining him either in a place where the
13 restriction began or in a place to which he had been moved.
14 Two, that his movements were restricted without his
15 consent. That Mr. Dello Santos acted intentionally.
16 That the restriction was unlawful. And Mr. Dello Santos
17 knew that. And that Mr. Dello Santos or one or more
18 people acting in concert with him restrained Mr. Ortiz
19 under circumstances which exposed him to risk of serious
20 physical injury.
21 If you find that the prosecution has proven all of
22 these elements beyond a reasonable doubt then you must find
23 Mr. Dello Santos guilty of this count of unlawful
24 imprisonment.
25 On the other hand, if you find that the prosecution has

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1 failed to prove one or more of these elements beyond a
2 reasonable doubt then you must find him not guilty.

3 Count 6 charges Mr. Dellos Santos with burglary in the
4 first-degree on the theory that he or someone acting in
5 concert with him was armed with a deadly weapon while
6 burglarizing Apartment 33 at 478 West 145 Street.

7 The penal law states a person is guilty of burglary in
8 the first-degree when he knowingly enters unlawfully a
9 dwelling with the intent to commit a crime. And when he
10 uses or threatens the immediate use of a dangerous
11 instrument. In this case a gun.

12 The term dwelling means a building which is usually
13 occupied by a person who sleeps there at night.

14 Where a building consist of two or more units
15 separately secured or occupied each unit is considered both
16 a separate building in itself and part of the main
17 building.

18 According to the law a person unlawfully enters a
19 dwelling when he has no permission to do so. And he
20 knowingly enters the dwelling unlawfully when he is aware
21 that he doesn't have permission.

22 A person also enters a dwelling unlawfully when he
23 enters by means of a trick or deception.

24 In addition, the prosecution must prove that at the
25 time that Mr. Dellos Santos entered the building he

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