

JURY CHARGE

1 the furtherance of that kidnapping caused the death of
2 Manuel Gonzalez. And that Mr. Gonzalez was not a
3 participant in that crime.

4 If you find that the prosecution has proven both of
5 these elements beyond a reasonable doubt then you must find
6 Mr. Dellos Santos guilty of murder in the second-degree in
7 this count.

8 On the other hand, if you find that the prosecution has
9 not proven either one or both of these elements beyond a
10 reasonable doubt then you must find him not guilty.

11 * **Now, the third count charges Mr. Dellos Santos with**
12 **kidnapping in the first-degree.**

13 Again, a person is guilty of kidnapping in the first
14 degree when he abducts another person with the intent to
15 compel another person to engage in a particular conduct.

16 **In this case it is the prosecution's theory that Manuel**
17 **Gonzalez was kidnapped in order to compel Wilson Gonzalez**
18 **to pay money for drugs that were allegedly purchased from**
19 **Mr. Dellos Santos.**

20 I have already given you all of the definitions that
21 pertain to the legal definitions of abduct. And that
22 applies here.

23 In order for you to find Mr. Dellos Santos guilty of
24 kidnapping in the first-degree the prosecution must prove
25 not only that acting in concert with others he abducted Mr.

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Instruction
on Count 3

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1 Gonzalez but that he did so with the intent to compel a
2 third person to engage in certain conduct in this case in
3 order to compel Wilson Gonzalez to pay them.

4 In order for you to find Mr. Dellos Santos guilty of
5 kidnapping in the first-degree the prosecution is required
6 to prove from all the evidence in the case beyond a
7 reasonable doubt:

8 One, that on October 8, 1999 in New York Mr. Dellos
9 Santos acting in concert with others restricted the
10 movements of Manuel Gonzalez in such a manner as to
11 interfere substantially with his liberty by moving him from
12 one place to another or by confining him in the place where
13 the restriction began or to a place to which he had been
14 moved.

15 Two, that he did so without the consent of Mr.
16 Gonzalez.

17 Three, that he intended to do so.

18 Four, that the restriction of Mr. Gonzalez movements
19 were unlawful. And Mr. Dellos Santos knew that it was
20 unlawful.

21 Five, that Mr. Dellos Santos restrained Mr. Gonzalez
22 with the intent to prevent his liberation by using or
23 threatening to use deadly physical force. And that Mr.
24 Dellos Santos abducted Manuel Gonzalez with the intent to
25 compel Wilson Gonzalez to pay for drugs that were allegedly

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1 purchased for Mr. Dellos Santos.

2 If you find that the prosecution has proven each of
3 these elements beyond a reasonable doubt then you must find
4 Mr. Dellos Santos guilty of this count of kidnapping.

5 On the other hand, if you find that the prosecution has
6 failed to prove one or more of these elements then you must
7 find him not guilty.

8 Count 4, unlawful imprisonment in the first-degree.

9 This is regarding Angelly Ortiz.

10 Count 4 charges Mr. Dellos Santos with unlawful
11 imprisonment in the first-degree on the theory that acting
12 in concert with others he unlawfully imprisoned Angelly
13 Ortiz.

14 Under our law a person is guilty of unlawful
15 imprisonment in the first-degree when he restrains another
16 person under circumstances which exposed that other person
17 to a risk of serious physical injury.

18 I remind you that restrain means to restrict a person's
19 movements intentionally and unlawfully in such a manner to
20 interfere substantially with her liberty by moving her from
21 one place to another or by confining her either to the
22 place where the restriction commenced or in a place to
23 which she had been moved without her consent and without
24 knowledge that the restriction is unlawful.

25 In order for you to find Mr. Dellos Santos guilty of

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