

GOVERNMENT PROPOSED JURY INST. NO. 15Conspiracy to Defraud the Government
With Respect to Claims (Elements)

To sustain the charge of conspiracy to defraud the government with respect to claims, the government must prove the following propositions:

First, the defendant entered into a conspiracy to [**obtain payment; allowance; aid in obtaining payment; aid in obtaining allowance**] ¹ of a claim against [**the United States; a department or agency of the United States**]; ²

Second, the claim was false, fictitious, or fraudulent; and,

Third, the defendant knew at the time that the claim was false, fictitious, or fraudulent.

If you find from your consideration of all the evidence that each of these propositions has been proved beyond a reasonable doubt, then you should find the defendant guilty.

If, on the other hand, you find from your consideration of all the evidence that any of these propositions has not been proved beyond a reasonable doubt, then you should find the defendant not guilty.

Federal Criminal Jury Instructions of the Seventh Circuit (1986), Vol. III, p.23.

NOTES

- 1 Insert language to reflect the charges in the case.
- 2 Insert language to reflect the charges in the case.

COMMENT

¹ Section 286 does not require the allegation or proof of an overt act. See **United States v. Umentum**, 547 F.2d 987, 989-991 (7th Cir. 1976)(21 U.S.C. § 846); **United States v. Cortwright**, 528 F.2d 168, 172 n.1 (7th Cir. 1975) (21 U.S.C. § 846).