

Aaron Hernandez Trial - Witness Intimidation Instruction

Witness Intimidation Statute: Whoever directly or indirectly willfully threatens or attempts or causes physical injury, emotional injury, economic injury or property damage to another person, who is a witness or potential witness at any stage of a criminal investigation, grand jury proceeding, trial or other criminal proceeding of any type; or a person who is or was aware of information, records, documents or objects that relate to a violation of a criminal statute with the intent to impede, obstruct, delay, harm, punish or otherwise interfere thereby or do so with reckless disregard with such a proceeding shall be punished.

In order to prove the defendant guilty of this offense the CW must prove 3 elements beyond a reasonable doubt -

- 1 -That the defendant directly or indirectly willfully threatened or attempted to caused physical injury to AB.
 - 2 -That AB was either a wit or pot wit at any stage in a criminal invest grand jury proceeding, trial, or other criminal proceeding of any type or a person aware of information, records, documents or objects that relate to a violation of a criminal statute.
 - 3 -That defendant did so with the specific intent to impede, delay, obstruct, harm, punish or otherwise interfere with a criminal proceeding.
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- 1st element - The CW must satisfy you beyond a reasonable doubt that the def shot AB on 02-13-13.
 - 2nd element - The CW must prove that AB was a witness or potential witness to some criminal investigation or proceeding. The CW does not have to prove that AB actually provided information to police at the time of injury.
 - 3rd element - CW must prove beyond reasonable doubt that the defendant's conduct in injuring or attempting to injure AB was committed with specific intent to impede, obstruct, delay or interfere with a criminal investigation, this requires that cw prove the defendant's purpose in shooting AB was to prevent him from providing information to LE regarding the shooting deaths of Daniel de Abreu and Safrio Furtado. The defendant must have specifically intended to impede, obstruct, delay or interfere with the investigation of these shootings.

If the CW proved he shot AB but failed to prove he shot him to impede the investigation then they have not proved the crime of witness intimidation.

If CW fails to prove 1 or 2 elements then verdict must be Not Guilty. Must prove all 3 elements for Guilty.