

5/21/2024

Proposed Instruction on Accomplice as a Matter of Law, *People v. Trump*, Indictment No. 71543-23

People's Disputed Request

PART 59 MAY 22 2024

Defense Disputed Request

### Accomplice as a Matter of Law

Under our law, Michael Cohen is an accomplice because there is evidence that he [participated in a crime] [participated in and was convicted of two crimes] based upon conduct involved in the allegations here against the Defendant.

Our law is especially concerned about the testimony of an accomplice who implicates another in the commission of a crime, particularly when the accomplice has received, expects or hopes for a benefit in return for his testimony.

Therefore, our law provides that a defendant may not be convicted of any crime upon the testimony of an accomplice unless it is supported by corroborative evidence tending to connect the defendant with the commission of that crime.

In other words, even if you find the testimony of the accomplice **Cohen** to be believable, you may not convict the defendant solely upon that testimony unless you also find that it was corroborated by other evidence tending to connect the defendant with the commission of the crime.

The corroborative evidence need not, by itself, prove that a crime was committed or that the Defendant is guilty. What the law requires is that there be evidence that tends to connect the defendant with the commission of the crime charged in such a way as may reasonably satisfy you that the accomplice is telling the truth about the defendant's participation in that crime.

In determining whether there is the necessary corroboration, you may consider whether there is material, believable evidence, apart from the testimony of the accomplice **Cohen**, which itself tends to connect the Defendant with the commission of the crime.

You may also consider whether there is material, believable evidence, apart from the testimony of the accomplice **Cohen**, which, while it does not itself tend to connect the Defendant with the commission of the crime charged, it nonetheless so harmonizes with the narrative of the accomplice as to satisfy you that the accomplice is telling the truth about the Defendant's participation in the crime and thereby tends to connect the Defendant to the commission of the crime.