

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 1:25-cr-143-AJT
)	
MOHAMMAD SHARIFULLAH,)	
)	
<i>Defendant.</i>)	
_____)	

GOVERNMENT SUBMITTAL REGARDING JURY INSTRUCTIONS

Pursuant to Federal Rule of Criminal Procedure 30 and the Court’s Order on July 24, 2025, ECF 29, the government proposes the following instructions, which have been labeled “G-___” (government’s proposed instructions). The defense objects to these government-only instructions. The government reserves right to propose any supplemental instructions as appear necessary based on pending Court rulings and the evidence at trial.

Respectfully Submitted,

_____/s/_____
John T. Gibbs
Avi Panth
Reed Sawyers
Assistant United States Attorneys
United States Attorney’s Office
Ryan D. White
Trial Attorney
National Security Division

TABLE OF CONTENTS

No.	Government Proposed Instructions	Pg.
Government General Instructions		
G-1	Inference of Regularity	3
G-2	Presumption of Innocence—Burden of Proof	4
G-3	Credibility of Witnesses—Generally	5
G-4	Credibility of Witnesses—Inconsistent Statement [if applicable]	7
G-5	False Exculpatory Statements	8
G-6	Disjunctive Proof—Explained	9
Government Offense Instructions		
G-7	The Statute Defining the Offense Charged	10
G-8	Elements of the Offense Charged	11
G-9	Conspiracy—Existence of an Agreement	13
G-10	Conspiracy—Membership in an Agreement	15
G-11	Conspiracy—Acts and Declarations of Co-Conspirators	16
G-12	Success of Conspiracy Immaterial	17
G-13	Designated Foreign Terrorist Organization & Terrorist Activity & Terrorism	18
G-14	“Material Support or Resources” – Defined	21
G-15	Deliberate Ignorance—Explained [if applicable]	22
G-16	“Resulting in Death” & Special Verdict Form	23
Government Verdict Form		
-	Verdict Form	25

GOVERNMENT INSTRUCTION NO. 1

Inference of Regularity

In the absence of evidence in the case to the contrary, you may infer, but are not compelled to infer, that official duty has been regularly and properly performed, that private transactions have been fair and regular, that the ordinary course of business or employment has been followed, that things have happened according to the ordinary course of nature and the ordinary habits of life, and that the law has been obeyed.

When evidence has been received in the case concerning any of these questions, you should be guided by the evidence and the application of your common sense.

Authority: 1A Kevin F. O'Malley, et al., *Federal Jury Practice and Instructions* § 12:06 (6th ed. 2008, updated through Jan. 2026).

GOVERNMENT INSTRUCTION NO. 2

Presumption of Innocence—Burden of Proof

I instruct you that you must presume the defendant to be innocent of the crime charged. Thus the defendant, although accused of a crime in the indictment, began the trial with a “clean slate”—with no evidence against him. The indictment, as you already know, is not evidence of any kind. The defendant is, of course, not on trial for any act or crime not contained in the indictment. The law permits nothing but legal evidence presented before the jury in court to be considered in support of any charge against a defendant. The presumption of innocence alone, therefore, is sufficient to acquit the defendant.

The burden is always upon the prosecution to prove guilt beyond a reasonable doubt. This burden never shifts to a defendant for the law never imposes upon a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence. The defendant is not even obligated to produce any evidence by cross-examining the witnesses for the government.

It is not required that the government prove guilt beyond all possible doubt. The test is one of reasonable doubt.

Unless the government proves, beyond a reasonable doubt, that the defendant has committed each and every element of the offense charged in the indictment, you must find the defendant not guilty of the offense.

Authority: 1A Kevin F. O’Malley, et al., *Federal Jury Practice and Instructions* § 12:10 (6th ed. updated through Jan. 2026) (modified to remove definition of “reasonable doubt” and “two-inference instruction” to conform with Fourth Circuit law); *see United States v. Blankenship*, 846 F.3d 663, 679 (4th Cir. 2017); *United States v. Frazer*, 98 F.4th 102 (4th Cir. 2024) (reviewing Fourth Circuit’s “longstanding rule” discouraging courts from attempting to define reasonable doubt).

GOVERNMENT INSTRUCTION NO. 3

Credibility of Witnesses—Generally

You, as jurors, are the sole and exclusive judges of the credibility of each of the witnesses called to testify in this case and only you determine the importance or the weight, if any, that their testimony deserves. After making your assessment concerning the credibility of a witness, you may decide to believe all of that witness's testimony, only a portion of it, or none of it.

In making your assessment of that witness you should carefully scrutinize all of the testimony given by that witness, the circumstances under which each witness has testified, and all of the other evidence which tends to show whether a witness, in your opinion, is worthy of belief.

Consider each witness's intelligence, motive to falsify, state of mind, and appearance and manner while on the witness stand. Consider the witness's ability to observe the matters as to which he or she has testified and consider whether he or she impresses you as having an accurate memory or recollection of these matters. Consider also any relation a witness may bear to either side of the case, the manner in which each witness might be affected by your verdict, and the extent to which, if at all, each witness is either supported or contradicted by other evidence in the case.

Inconsistencies or discrepancies in the testimony of a witness or between the testimony of different witnesses may or may not cause you to disbelieve or discredit such testimony. Two or more persons witnessing an incident or a transaction may simply see or hear it differently. Innocent misrecollection, like failure of recollection, is not an uncommon human experience. In weighing the effect of a discrepancy, however, always consider whether it pertains to a matter of importance or an insignificant detail and consider whether the discrepancy results from innocent error or from intentional falsehood.

After making your own judgment or assessment concerning the believability of a witness, you can then attach such importance or weight to that testimony, if any, that you feel it deserves.

You will then be in a position to decide whether the government has proven the charge beyond a reasonable doubt.

[If appropriate]: The testimony of a defendant should be judged in the same manner as the testimony of any other witness.

Authority: 1A Kevin F. O'Malley, et al., *Federal Jury Practice and Instructions* § 15:01(6th ed. 2008, updated through Jan. 2026).

GOVERNMENT INSTRUCTION NO. 4

[If Applicable: Credibility of Witnesses—Inconsistent Statement]

The testimony of a witness may be discredited or, as we sometimes say, impeached by showing that he or she previously made statements which are different than or inconsistent with his or her testimony here in court. The earlier inconsistent or contradictory statements are admissible only to discredit or impeach the credibility of the witness and not to establish the truth of these earlier statements made somewhere other than here in Court during this trial. It is the province of the jury to determine the credibility of a witness who has made prior inconsistent or contradictory statements.

If a person is shown to have knowingly testified falsely concerning any important or material matter, you obviously have a right to distrust the testimony of such an individual concerning other matters. You may reject all of the testimony of that witness or give it such weight or credibility as you may think it deserves.

Authority: 1A Kevin F. O'Malley, et al., *Federal Jury Practice and Instructions* § 15:06 (6th ed. 2008, updated through Jan. 2026).

GOVERNMENT INSTRUCTION NO. 5

False Exculpatory Statements

Statements knowingly and voluntarily made by the defendant upon being informed that a crime had been committed or upon being accused of a criminal charge may be considered by the jury.

When a defendant voluntarily offers an explanation or voluntarily makes some statement tending to show his innocence and it is later shown that the defendant knew that this statement or explanation was false, the jury may consider this as showing a consciousness of guilt on the part of a defendant since it is reasonable to infer that an innocent person does not usually find it necessary to invent or fabricate an explanation or statement tending to establish his innocence.

Whether or not evidence as to a defendant's explanation or statement points to a consciousness of guilt on his part and the significance, if any, to be attached to any such evidence, are matters exclusively within the province of the jury since you are the sole judges of the facts of this case.

In your evaluation of evidence of an exculpatory statement shown to be false, you may consider that there may be reasons—fully consistent with innocence—that could cause a person to give a false statement showing that he did not commit a crime. Fear of law enforcement, reluctance to become involved, and simple mistake may cause a person who has committed no crime to give such a statement or explanation.

Authority: 1A Kevin F. O'Malley, et al., *Federal Jury Practice and Instruction* § 14.06 (6th ed. 2008, updated through Jan. 2026).

GOVERNMENT INSTRUCTION NO. 6

Disjunctive Proof—Explained

The Court instructs the jury that although the indictment may charge the defendant with committing an offense in several ways, using conjunctive language (*i.e.*, “and”), it is sufficient if the government proves the offense in the disjunctive (*i.e.*, “or”), that is to say, the jury may convict on a unanimous finding of any of the alternative acts of a conjunctively charged offense.

Therefore, I instruct you that it is not necessary for the government to prove that the defendant did each of those things named in that particular count of the indictment. It is sufficient if the government proves beyond a reasonable doubt that the defendant did one of the alternative acts as charged, as long as you all agree that the same particular alternative act was committed.

Authority: *United States v. Chippa*, 1:23-cr-97 (E.D. Va. Nov. 15, 2024), ECF 230-2 at 33 (instruction no. 27); *United States v. Perry*, 560 F.3d 246, 256 (4th Cir. 2009), *as corrected* (Mar. 31, 2009) (“It is well established that when the Government charges in the conjunctive, and the statute is worded in the disjunctive, the district court can instruct the jury in the disjunctive.”).

GOVERNMENT INSTRUCTION NO. 7

The Statute Defining the Offense Charged

(Conspiracy to Provide Material Support or Resources to a Foreign Terrorist Organization Resulting in Death)

Section 2339B of Title 18 of the United States Code provides, in relevant part, that:

[w]hoever knowingly provides material support or resources to a foreign terrorist organization, . . . or conspires to do so, . . . and, if the death of any person results, shall be [guilty of an offense].

To violate this paragraph, a person must have knowledge that the organization is a designated terrorist organization (as defined [by law]), that the organization has engaged or engages in terrorist activity (as defined [by law]) . . . , or that the organization has engaged or engages in terrorism (as defined [by law])

Authority: 18 U.S.C. § 2339B; *United States v. Elsheikh*, 1:20-cr-239 (E.D. Va. Apr. 13, 2022), ECF 354 at 120:21-25 (transcript of final jury charge); *United States v. Chhipa*, 1:23-cr-97 (E.D. Va. Nov. 15, 2024), ECF 230-2 at 36 (instruction no. 30).

GOVERNMENT INSTRUCTION NO. 8

Elements of the Offense Charged

(Conspiracy to Provide Material Support or Resources to a Foreign Terrorist Organization Resulting in Death)

In order to prove the defendant, Mohammad Sharifullah, guilty of conspiracy to provide material support or resources to a foreign terrorist organization, as charged in Count One of the indictment, the government must prove the following elements beyond a reasonable doubt:

- One: That two or more persons entered into an agreement that had as its objective providing material support or resources to a foreign terrorist organization;
- Two: That the defendant knowingly and voluntarily became a part of that agreement;
- Three: That the defendant knew that the organization was a designated terrorist organization, or that the organization had engaged or was engaging in terrorist activity or terrorism; and
- Four: That after the conduct required for this offense occurred, the defendant was brought into the United States or found in the United States, even if the conduct required for the offense occurred outside the United States.

For the purposes of the third element, you must unanimously agree which condition or conditions are met. For the purposes of the fourth element, it is of no consequence that the defendant was brought into the United States by law enforcement authorities.

There is no requirement that the government prove that the defendant acted with specific intent to further the terrorist activities of the organization.

The government has also charged that this offense resulted in a person's death. Therefore, when it comes time to deliberate, you must first determine whether the government has proven beyond a reasonable doubt that the defendant is guilty of conspiring to provide material support or resources to a foreign terrorist organization under the elements I have just described. If you find that the defendant is guilty of conspiring to provide material support or resources to terrorists, you

must then determine whether the government has proven beyond a reasonable doubt that a victim's death resulted from the commission of this offense. I will give you instructions on the standard for death resulting shortly.

Authority: 18 U.S.C. § 2339B; *United States v. Chippa*, 1:23-cr-97 (E.D. Va. Nov. 15, 2024), ECF 230-2 at 37 (instruction no. 31); *United States v. Elsheikh*, 1:20-cr-239 (E.D. Va. Apr. 13, 2022), ECF 354 at 121:1-122:8 (transcript of final jury charge); *Holder v. Humanitarian Law Project*, 561 U.S. 1, 16–17 (2010) (holding that the mental state required to violate 18 U.S.C. § 2339B is “knowledge about the organization’s connection to terrorism, not specific intent to further the organization’s terrorist activities”).

GOVERNMENT INSTRUCTION NO. 9

Conspiracy—Existence of an Agreement

A criminal conspiracy is an agreement or a mutual understanding knowingly made or knowingly entered into by at least two people to violate the law by some joint or common plan or course of action. A conspiracy is, in a very true sense, a partnership in crime.

A conspiracy or agreement to violate the law, like any other kind of agreement or understanding, need not be formal, written, or even expressed directly in every detail.

The government must prove that the defendant and at least one other person knowingly and deliberately arrived at an agreement or understanding that they, and perhaps others, would violate some law by means of some common plan or course of action as alleged in Count One of the indictment. It is proof of this conscious understanding and deliberate agreement by the alleged members that should be central to your consideration of the charge of conspiracy.

To prove the existence of a conspiracy or an illegal agreement, the government is not required to produce a written contract between the parties or even produce evidence of an express oral agreement spelling out all of the details of the understanding. To prove that a conspiracy existed, moreover, the government is not required to show that all of the people named in the indictment as members of the conspiracy were, in fact, parties to the agreement, or that all of the members of the alleged conspiracy were named or charged, or that all of the people whom the evidence shows were actually members of a conspiracy agreed to all of the means or methods set out in the indictment.

Unless the government proves beyond a reasonable doubt that a conspiracy, as just explained, actually existed, then you must acquit the defendant of the charge contained in Count One of the indictment.

Authority: 2 Kevin F. O'Malley, et al., *Federal Jury Practice and Instructions* § 31:04 (6th ed., updated through Jan. 2026); *United States v. Chippa*, 1:23-cr-97 (E.D. Va. Nov. 15, 2024), ECF 230-2 at 38-39 (instruction no. 32).

GOVERNMENT INSTRUCTION NO. 10

Conspiracy—Membership in an Agreement

Before the jury may find that the defendant, or any other person, became a member of the conspiracy charged in Count One of the indictment, the evidence in the case must show beyond a reasonable doubt that the defendant knew the purpose or goal of the agreement or understanding and then deliberately entered into the agreement intending, in some way, to accomplish the goal or purpose by this common plan or joint action.

If the evidence establishes beyond a reasonable doubt that the defendant knowingly and deliberately entered into an agreement to provide material support, the fact that the defendant did not join the agreement at its beginning, or did not know all of the details of the agreement, or did not participate in each act of the agreement, or did not play a major role in accomplishing the unlawful goal is not important to your decision regarding membership in the conspiracy.

Merely associating with others and discussing common goals, mere similarity of conduct between or among such persons, merely being present at the place where a crime takes place or is discussed, or even knowing about criminal conduct does not, of itself, make someone a member of the conspiracy or a conspirator.

Authority: 2 Kevin F. O'Malley, et al., *Federal Jury Practice and Instructions* § 31:05 (6th ed., updated through Jan. 2026); *United States v. Pahlawan*, 3:24-cr-41 (E.D. Va. June 3, 2025), ECF 523-1 at 41 (instruction no. 35); *United States v. Chippa*, 1:23-cr-97 (E.D. Va. Nov. 15, 2024), ECF 230-2 at 40 (instruction no. 33); *United States v. Elsheikh*, 1:20-cr-239 (E.D. Va. Apr. 13, 2022), ECF 354 at 102:6-103:8 (transcript of final jury charge).

GOVERNMENT INSTRUCTION NO. 11

Conspiracy—Acts and Declarations of Co-Conspirators

Evidence has been received in this case that alleged co-conspirators of the defendant have done or said things during the existence or life of the alleged conspiracy in order to further or advance its goals.

Such acts and statements of these other individuals may be considered by you in determining whether or not the government has proven the charges in Count One of the indictment against the defendant.

Since these acts may have been performed and these statements may have been made outside the presence of the defendant and even done or said without the defendant's knowledge, these acts or statements should be examined with particular care by you before considering them against the defendant who did not do the particular act or make the particular statement.

Acts done or statements made by an alleged co-conspirator before a defendant joined a conspiracy may also be considered by you in determining whether the government has sustained its burden of proof in Count One of the indictment. Acts done or statements made before an alleged conspiracy began or after an alleged conspiracy ended, however, may only be considered by you regarding the person who performed that act or made that statement.

Authority: 2 Kevin F. O'Malley, et al., *Federal Jury Practice and Instructions* § 31:06 (6th ed., updated through Jan. 2026); *United States v. Pahlawan*, 3:24-cr-41 (E.D. Va. June 3, 2025), ECF 523-1 at 43 (instruction no. 37); *United States v. Chippa*, 1:23-cr-97 (E.D. Va. Nov. 15, 2024), ECF 230-2 at 41 (instruction no. 34).

GOVERNMENT INSTRUCTION NO. 12

Success of Conspiracy Immaterial

The government is not required to prove that the parties to, or members of, the alleged agreement or conspiracy were successful in achieving any or all of the objects of the agreement or conspiracy.

Authority: 2 Kevin F. O'Malley, et al., *Federal Jury Practice and Instructions* § 31:08 (6th ed., updated through Jan. 2026); *United States v. Pahlawan*, 3:24-cr-41 (E.D. Va. June 3, 2025), ECF 523-1 at 44 (instruction no. 38); *United States v. Chippa*, 1:23-cr-97 (E.D. Va. Nov. 15, 2024), ECF 230-2 at 42 (instruction no. 35); *United States v. Elsheikh*, 1:20-cr-239 (E.D. Va. Apr. 13, 2022), ECF 354 at 103:9-12 (transcript of final jury charge).

GOVERNMENT INSTRUCTION NO. 13

Designated Foreign Terrorist Organization & Terrorist Activity & Terrorism

The term “foreign terrorist organization” has a particular meaning under this statute. In order for an organization to qualify as a “foreign terrorist organization,” the organization must have been designated as such by the Secretary of State through a process established by law.

I instruct you that ISIL Khorasan is and at all times relevant to the indictment was designated as a foreign terrorist organization by the United States Secretary of State. The Secretary of State has also listed the following aliases to the ISIL Khorasan listing, among others: The Islamic State of Iraq and ash-Sham—Khorasan Province; Islamic State’s Khorasan Province; ISIS Wilayat Khorasan; ISIL’s South Asia Branch; South Asian chapter of ISIL; The Islamic State of Iraq and Syria—Khorasan; Islamic State of Iraq and Levant in Khorasan Province; Islamic State Khurasan, ISISK; ISIS-K; and IS-Khorasan.

The term “terrorist activity” includes any activity that is unlawful under the laws of the place where it is committed (or which, if it had been committed in the United States, would be unlawful under the laws of the United States or any State) and that involves:

- (I) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.
- (II) An assassination.
- (III) The use of any--
 - (a) biological agent, chemical agent, or nuclear weapon or device, or

(b) explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.

(IV) A threat, attempt, or conspiracy to do any of the foregoing.

The term “engages in terrorist activity” means, for the purposes of this offense:

(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

(II) to prepare or plan a terrorist activity;

(III) to gather information on potential targets for terrorist activity;

(IV) to solicit funds or other things of value for—

(a) a terrorist activity; or

(b) a foreign terrorist organization;

(V) to solicit any individual—

(a) to engage in conduct otherwise described in this definition; or

(b) for membership in a foreign terrorist organization; or

(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

(a) for the commission of a terrorist activity;

(b) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity; or

(c) to a foreign terrorist organization.

The term “terrorism” means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents.

A conviction under the statute requires proof that the defendant conspired to provide material support to a designated foreign terrorist organization. The statute does not criminalize membership in or association with a designated terrorist organization or the expression of any particular views or beliefs. It is insufficient for a conviction to conspire to provide material support for a person who happens to be a member of a foreign terrorist organization because Section 2339B requires that a defendant must knowingly provide material support or resources to a foreign terrorist organization. This is true even if the defendant knows the person is a member of the terrorist organization. Providing material support to a person knowing that the person is a member of a foreign terrorist organization, standing alone, does not fall within the statute.

Authority: 18 U.S.C. § 2339B(a)(1), (g)(6) (defining designated terrorist organization as one designated under Section 219 of the Immigration and Nationality Act, engages in terrorist activity as in section 212(a)(3)(B) of the Immigration and Nationality Act, and engages in terrorism as in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989); 81 Fed. Reg. 1983 (Jan. 14, 2016); 86 Fed. Reg. 68,294-95 (Dec. 1, 2021); 8 U.S.C. § 182(a)(3)(B)(iii)–(iv); 22 U.S.C. § 2656f(d)(2); *United States v. Chippa*, 1:23-cr-97 (E.D. Va. Nov. 15, 2024), ECF 230-2 at 46-48 (instruction no. 39).

GOVERNMENT INSTRUCTION NO. 14

“Material Support or Resources”—Defined

The term “material support or resources” means any property, tangible or intangible, or service, including currency, financial services, lodging, training, expert advice or assistance, false documentation or identification, facilities, weapons, lethal substances, explosives, personnel (one or more individuals who may be or include oneself), and transportation, except medicine or religious materials. There is no requirement that the defendant conspired to provide all of these forms of material support or resources.

The defendant can be convicted for a violation of this statute in connection with providing personnel if you find he knowingly provided one or more individuals, including himself, to work under ISIS-K’s direction or control. Individuals who act entirely independently of the foreign terrorist organization to advance its goals or objectives shall not be considered to be working under the foreign terrorist organization’s direction and control.

Service refers to concerted activity, not independent advocacy. Service means the performance of work commanded or paid for by another, or an act done for the benefit or at the command of another.

Authority: 18 U.S.C. § 2339A(b)(1); 18 U.S.C. § 2339B(h); *Holder v. Humanitarian Law Project*, 561 U.S. 1, 23-24 (2010) (defining services); *United States v. Elsheikh*, 1:20-cr-239 (E.D. Va. Apr. 13, 2022), ECF 354 at 122:9-123:19 (transcript of final jury charge).

GOVERNMENT INSTRUCTION NO. 15

[If Applicable: Deliberate Ignorance—Explained]

The government may prove that the defendant acted “knowingly” by proving, beyond a reasonable doubt, that this defendant deliberately closed his eyes to what would otherwise have been obvious to him.

No one can avoid responsibility for a crime by deliberately ignoring what is obvious. A finding beyond a reasonable doubt of an intent of the defendant to avoid knowledge or enlightenment of a fact would permit the jury to find knowledge of that fact. Stated another way, a person’s knowledge of a particular fact may be shown from a deliberate or intentional ignorance or deliberate or intentional blindness to the existence of that fact.

It is, of course, entirely up to you as to whether you find any deliberate ignorance or deliberate closing of the eyes and any inferences to be drawn from any such evidence.

You may not conclude that the defendant had knowledge, however, from proof of a mistake, negligence, carelessness, or a belief in an inaccurate proposition.

Authority: 1A Kevin F. O’Malley, et al., *Federal Jury Practice and Instructions* § 17:09 (6th ed. 2008, updated through Jan. 2026).

GOVERNMENT INSTRUCTION NO. 16

“Resulting in Death” & Verdict Form

The government has charged that the offense in Count One resulted in the death of one or more persons named in the indictment. That means that if you conclude that the Government has proved beyond a reasonable doubt every element of Count One as I have previously explained them, you must then determine whether the Government has also proved beyond a reasonable doubt that a death resulted from the commission of that offense.

In order to prove that a death resulted from the commission of an offense, the Government must prove beyond a reasonable doubt that a person’s death was a consequence of the offense being committed. That means that the Government must prove beyond a reasonable doubt that but for the commission of the offense, the victim would not have died.

It is sufficient if the Government proves that the commission of the offense combined with other factors to cause the victim’s death, as long as those other factors would not have resulted in the victim’s death regardless of whether the offense happened. The Government is not required to prove that the defendant, or anyone else, intended to cause the victim’s death or that the victim’s death was foreseeable to the defendant or others. The Government does not have to prove that any act personally done by the defendant caused the victim’s death. It needs to prove beyond a reasonable doubt only that the defendant is guilty of committing the offense under the law previously explained and that if the offense had not been committed, the victim would not have died.

Further, it is sufficient for the government to prove beyond a reasonable doubt that only one death resulted from the offense. The government therefore need not prove that the offense resulted in the death of every victim alleged in the indictment. However, you must unanimously agree as to at least one specific victim whose death resulted from the commission of the offense.

If you conclude that the Government has proven beyond a reasonable doubt that the defendant committed the offense charged in Count One, you should indicate whether death resulted from that offense. If you conclude that the Government has proved beyond a reasonable doubt both that the defendant committed the offense charged in Count One and that death resulted from that offense, then you should write “Guilty” as to the offense and check “Yes” as to each listed person whose death resulted from the offense. You should check “No” as to each listed person whose death the Government did not prove beyond a reasonable doubt resulted from the offense..

Authority: *United States v. Elsheikh*, 1:20-cr-239 (E.D. Va. Apr. 13, 2022), ECF 354 at 126:12-128:9 (transcript of final jury charge on death resulting); *United States v. Saipov*, 1:17-cr-722 (S.D.N.Y. Jan. 25, 2023), ECF No. 833 at 1634:23-1635:12 (transcript of final jury charge on death resulting); *United States v. Abu Khatallah*, 14-cr-141 (D.D.C. Nov. 16, 2017), ECF 464 at 17-18 (final jury instruction on death resulting).

IN THE UNITED STATES DISTRICT COURT FOR THE
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 1:25-cr-143-AJT
)	
MOHAMMAD SHARIFULLAH,)	
)	
<i>Defendant.</i>)	
_____)	

VERDICT FORM

COUNT ONE

(Conspiracy to Provide Material Support or Resources to a Foreign Terrorist Organization)

We, the jury, unanimously find the defendant, MOHAMMAD SHARIFULLAH,
_____ of conspiracy to provide material support or resources to
(Guilty or Not Guilty)

a designated foreign terrorist organization, as charged in Count One of the Indictment.

If you find the defendant guilty in Count One, please indicate whether the death of any of the following resulted from that offense.

Do you unanimously find that the offense resulted in the death of Marine Corps Staff Sergeant Darin T. Hoover?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Marine Corps Sergeant Johanny Rosario Pichardo?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Marine Corps Sergeant Nicole L. Gee?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Marine Corps Corporal Hunter Lopez?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Marine Corps Corporal Daegan W. Page?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Marine Corps Corporal Humberto A. Sanchez?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Marine Corps Lance Corporal David L. Espinoza?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Marine Corps Lance Corporal Jared M. Schmitz?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Marine Corps Lance Corporal Rylee J. McCollum?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Marine Corps Lance Corporal Dylan R. Merola?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Marine Corps Lance Corporal Kareem M. Nikoui?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Navy Petty Officer Maxton W. Soviak?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of Army Staff Sergeant Ryan C. Knauss?

Yes _____ No _____

Do you unanimously find that the offense resulted in the death of at least one Afghan civilian?

Yes _____ No _____

So, Say We All, this ___ day of _____, 2026

FOREPERSON