

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

<p>UNITED STATES OF AMERICA</p> <p style="text-align: center;">v.</p> <p>MOHAMMAD SHARIFULLAH,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 1:25-cr-00143</p> <p>Honorable Anthony J. Trenga</p> <p>Trial: April 20, 2026</p>
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DEFENSE PROPOSED JURY INSTRUCTIONS

Mohammad Sharifullah, through counsel, submits these proposed disputed jury instructions for the Court to charge the jury.

The defense reserves the right to modify, withdraw, supplement or substitute instructions based on pending Court rulings or as may be suggested by the evidence in the case before the charge conference. The defense also reserves the right to submit a “Theory of the Defense” instruction prior to the charge conference.

No.	Instruction	Authority
1.	Pretrial Publicity	1A O’Malley, Grenig and Lee, <i>Federal Jury Practice and Instructions</i> , § 10:02 (6th ed. through January 2025).
2.	Presumption of Innocence, Burden of Proof, and Reasonable Doubt	1A O’Malley, Grenig, and Lee, <i>Federal Jury Practice and Instructions</i> , § 12:10 (6th ed. through January 2025); <i>see United States v. Blankenship</i> , 846 F.3d 663, 679 (4th Cir. 2017); <i>United States v. Reives</i> , 15 F.3d 42, 43 (4th Cir. 1994).

No.	Instruction	Authority
3.	Witness Credibility – General Instruction	3 L. Sand, et al., <i>Modern Federal Jury Instruction</i> , § 7.01 (2022); <i>see also</i> 1A O’Malley, Grenig and Lee, <i>Federal Jury Practice and Instruction</i> , § 15:01 (Credibility of Witnesses – Generally) (6th ed. through January 2025).
4.	Absence of Witness	1A O’Malley, Grenig and Lee, <i>Federal Jury Practice and Instructions</i> , § 14:15 (6th ed. through January 2025).
5.	Witness Credibility – Bias and Hostility	3 L. Sand, et al., <i>Modern Federal Jury Instruction</i> , § 7-2 (2022).
6.	Credibility of Witness – Inconsistent Statements	1A O’Malley, Grenig and Lee, <i>Federal Jury Practice and Instruction</i> , § 15:06 (6th ed. through January 2025). (modified); First Circuit Pattern Criminal Jury Instruction at 2.03 (2002) (third paragraph of the above).
7.	Credibility of Witnesses – The Defendant as a Witness (<i>if applicable</i>)	1A O’Malley, Grenig and Lee, <i>Federal Jury Practice and Instructions</i> , § 15:12 (6th ed. through January 2025).
8.	Weaker or Less Satisfactory Evidence	1A O’Malley, Grenig and Lee, <i>Federal Jury Practice and Instructions</i> , § 14:02 (6th ed. through January 2025).
9.	Corroboration of Statement of Defendant	<i>United States v. Rodriguez-Soriano</i> , 931 F.3d 281 (4th Cir. 2019); <i>United States v. Adams</i> , 583 F.3d 457 (6th Cir. 2009); <i>United States v. Abu Ali</i> , 528 F.3d 210 (4th Cir. 2008).
10.	Prior Statement of Defendant	Adapted from Mod. Crim. Jury Instr. 3 rd Cir. 4.27 (2024), <i>United States v. Abu Ali</i> , 395 F. Supp. 2d 338, 378–79 (E.D. Va. 2005); Pattern Crim. Jury Instr. 36 (1988).
11.	Count 1 – The Statute Defining the Offense Charged	18 U.S.C. § 2339B

No.	Instruction	Authority
12.	Count 1 – The Essential Elements of the Offense Charged	18 U.S.C. § 2339B; 2 O'Malley, Grenig, Lee and Wichern, <i>Federal Jury Practice and Instructions</i> , § 31:03 (7th ed., updated July, 2025).
13.	Conspiracy – Existence of an Agreement	2 O'Malley, Grenig and Lee, <i>Federal Jury Practice and Instructions</i> , § 31:04 (7th ed. through January 2025).
14.	Conspiracy – Membership in an Agreement	2 O'Malley, Grenig and Lee, <i>Federal Jury Practice and Instructions</i> , § 31:05 (7th ed. through January 2025).
15.	Single or Multiple Conspiracies	2 O'Malley, Grenig and Lee, <i>Federal Jury Practice and Instructions</i> , § 31:09 (6th ed. through January 2026).
16.	Conspiracy – Acts and Declarations of Co-Conspirators	2 O'Malley, Grenig and Lee, <i>Federal Jury Practice and Instructions</i> , § 31:06 (7th ed. through January 2025).
17.	Proximate Cause	2A O'Malley, Grenig and Lee, <i>Fed. Jury Prac. & Instr.</i> § 45:12 (6th ed. Jan. 2026); <i>Paroline v. United States</i> , 572 U.S. 434, 444 (2014).
18.	Definition of “Providing Material Support” –	<i>See</i> 18 U.S.C. § 2339B(g) (indicating that the definition of “material support or resources” set forth at 18 U.S.C. § 2339A(b) applies to offenses charged under 18 U.S.C. § 2339B(g)).
19.	Death Results Element	Adapted from Federal Jury Practice and Instructions 7th Cir. Instructions for 18 U.S.C. § 241 (2023); <i>United States v. Harris</i> , 701 F.2d 1095, 1101 (4th Cir. 1983).

Dated: April 15, 2026.

Respectfully submitted,

MOHAMMAD SHARIFULLAH
Defendant

By Counsel,

_____/s/_____

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DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 1

Pretrial Publicity

There has been some publicity about this case prior to the beginning of this trial. The statements contained in some of the accounts may, of course, not be accurate and may have come from individuals who will not be present in court and who, therefore, cannot be seen and evaluated by the jury like all of the other witnesses and will not be examined or cross-examined by either of the parties under oath.

You, of course, must lay aside and completely disregard anything you may have read or heard about the case outside of this courtroom because your verdict must be based solely and exclusively on the evidence presented here in court in accordance with the law.

Said very simply, to rely upon anything you see or hear outside of this courtroom in reaching your verdict is a violation of your oath as a juror.

AUTHORITY: 1A O'Malley, Grenig and Lee, *Federal Jury Practice and Instruction*, § 10:02 (6th ed. through January 2025).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 2

Presumption of Innocence, Burden of Proof, and Reasonable Doubt

You must presume the defendant to be innocent of the crime charged. The defendant, although accused of a crime in the indictment, begins 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 the defendant. The presumption of innocence alone 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 cross-examine the witnesses for the government.

To establish a defendant's guilt, the government's evidence must exclude any reasonable doubt as to the defendant's innocence. A “reasonable doubt” may arise either from the evidence or from a lack of evidence. You must remember that a defendant is never to be convicted on mere suspicion or conjecture. Unless the government proves, beyond a reasonable doubt, that the defendant has committed each and every element of an offense charged in the indictment, you must find the defendant not guilty of the offense.

AUTHORITY: 1A O'Malley, Grenig, and Lee, *Federal Jury Practice and Instructions*, § 12:10 (6th ed. through January 2022) (definition of “reasonable doubt” and “two-inference instruction” omitted to conform with Fourth Circuit law); see *United States v. Blankenship*, 846 F.3d 663, 679 (4th Cir. 2017) (directing district courts not to use the two-inference instruction); *United States v. Reives*, 15 F.3d 42, 43 (4th Cir. 1994).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 3

Witness Credibility—General Instruction

You have had an opportunity to observe all of the witnesses. It is now your job to decide how believable each witness was in his or her testimony. You are the sole judge of the credibility of each witness and of the importance of his or her testimony.

It must be clear to you by now that you are being called upon to resolve various factual issues under the counts of the indictment, in the face of the very different pictures painted by the government and the defense, which cannot be reconciled. You will now have to decide where the truth lies, and an important part of that decision will involve making judgments about the testimony of witnesses you have listened to and observed. In making those judgments, you should carefully scrutinize all of the testimony of each witness, the circumstances under which each witness testified, and any other matter in evidence which may help you to decide the truth and the importance of each witness' testimony.

Your decision whether or not to believe a witness may depend on how that witness impressed you. Was the witness candid, frank and forthright? Or, did the witness seem as if he or she was hiding something, being evasive or suspect in some way? How did the way the witness testified on direct examination compare with how the witness testified on cross-examination? Was the witness consistent in his testimony or did he contradict himself? Did the witness appear to know what he or she was talking about and did the witness strike you as someone who was trying to report his or her knowledge accurately?

How much you choose to believe a witness may be influenced by the witness' bias. Does the witness have a relationship with the government or the defendant which may affect how he or she testifies? Does the witness have some incentive, loyalty or motive that might cause him or her to shade the truth; or, does the witness have some bias, prejudice or hostility that may have caused the witness—consciously or not—to give you something other than a completely accurate account of the facts he testified to?

Even if the witness was impartial, you should consider whether the witness had an opportunity to observe the facts he or she testified about and you should also consider the witness' ability to express himself or herself. Ask yourselves whether the witness' recollection of the facts stand up in light of other evidence.

In other words, what you must try to do in deciding credibility is to size a person up in light of his or her demeanor, the explanations given, and in light of all the other evidence in the case, just as you would in any important matter where you are trying to decide if a person is truthful, straightforward and accurate in his or her recollection. In deciding the question of credibility, remember that you should use your common sense, your good judgment, and your experience.

AUTHORITY: 3 L. Sand, et al., *Modern Federal Jury Instruction*, § 7.01 (2022); see also 1A O'Malley, Grenig and Lee, *Federal Jury Practice and Instruction*, § 15:01 (Credibility of Witnesses – Generally) (6th ed. through January 2025).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 4

Absence of a Witness

If it is peculiarly within the power of the government to produce a witness who could give relevant testimony on an issue in the case, failure to call that witness may give rise to an inference that this testimony would have been unfavorable to that party. No such conclusion should be drawn by you, however, with regard to a witness who is equally available to both parties or where the testimony of that witness would be merely repetitive or cumulative.

The jury must always bear in mind that the law never imposes on a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence.

AUTHORITY: 1A O'Malley, Grenig and Lee, *Federal Jury Practice and Instruction*, § 14:05 (6th ed. through January 2025)(modified).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 5

Witness Credibility – Bias and Hostility

In connection with your evaluation of the credibility of the witnesses, you should specifically consider evidence of bias, prejudice, resentment or anger which some government witnesses may have towards the defendant.

Evidence that a witness is biased, prejudiced or hostile towards the defendant requires you to view that witness' testimony with caution, to weigh it with care, and subject it to particularly close and searching scrutiny.

AUTHORITY: 3 L. Sand, et al., *Modern Federal Jury Instruction*, § 7-2 (2022).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 6

Credibility of Witnesses – Inconsistent Statements

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 during this trial.

If a witness subsequently makes statements out of court that are inconsistent with their initial statement, that does not mean that the initial statement cannot be introduced at trial to attack the credibility of the witness.

You may consider the witness' earlier inconsistent statement to help you decide how much of the witness's testimony to believe. If you find that the prior statement was not consistent with the witness's testimony at this trial, then you should decide whether that affects the believability of his or her testimony at this trial.

It is the province of the jury to determine the credibility of a witness who has made prior inconsistent or contradictory statements.

AUTHORITY: 1A O'Malley, Grenig and Lee, *Federal Jury Practice and Instruction*, § 15:06 (6th ed. through January 2025) (modified); First Circuit Pattern Criminal Jury Instruction at 2.03 (2002) (third paragraph of the above).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 7

Credibility of Witnesses – The Defendant as a Witness (if applicable)

You should judge the testimony of the defendant in the same manner as you judge the testimony of any other witness in this case.

AUTHORITY: 1A O'Malley, Grenig and Lee, *Federal Jury Practice and Instruction*, § 15:12 (6th ed. through January 2025).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 8

Weaker or Less Satisfactory Evidence

If a party offers weaker or less satisfactory evidence when stronger and more satisfactory evidence could have been produced at trial, you may, but are not required to, consider this fact in your deliberations.

You must remember, however, that a defendant is not obliged to produce any evidence or to call any witnesses.

AUTHORITY: 1A O'Malley, Grenig and Lee, *Federal Jury Practice and Instruction*, § 14:14 (6th ed. through January 2025).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 9

Corroboration of Statement of Defendant

You have heard evidence that Mr. Sharifullah made statements to the FBI. You may not convict Mr. Sharifullah solely upon his own uncorroborated statement or admission. You cannot rely on subsequent uncorroborated admissions or statements as independent evidence corroborating the initial statement. Independent evidence adequately corroborates a confession if it supports the essential facts admitted sufficiently to justify an inference of their truth.

AUTHORITY: *United States v. Rodriguez-Soriano*, 931 F.3d 281 (4th Cir. 2019); *United States v. Adams*, 583 F.3d 457 (6th Cir. 2009); *United States v. Abu Ali*, 528 F.3d 210 (4th Cir. 2008).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 10

Prior Statement of Defendant

The government has introduced evidence that Mr. Sharifullah made a statement to the FBI. You should scrutinize the evidence concerning the defendant's statements carefully and must decide what weight, if any, you feel the statement deserves. In making this decision, you should consider all matters in evidence having to do with the statement, including those concerning Mr. Sharifullah and the circumstances under which the statement was made, and ask yourselves whether a statement made under these circumstances is one you can rely on.

If, after considering the evidence, you determine that a statement was made voluntarily, you may give it such weight as you feel it deserves under the circumstances. On the other hand, if you determine that the statement was not made voluntarily, you must disregard it. In determining whether any alleged statement was made voluntarily, you should consider Mr. Sharifullah's age, training, education, occupation, and physical and mental condition, and his treatment while in custody or under interrogation as shown by the evidence in the case. Also consider all other circumstances in evidence surrounding the making of the alleged statement.

AUTHORITY: Mod. Crim. Jury Instr. 3rd Cir. 4.27 (2024)(modified), *United States v. Abu Ali*, 395 F. Supp. 2d 338, 378–79 (E.D. Va. 2005); Pattern Crim. Jury Instr. 36 (1988).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 11

Count 1 – The Statute Defining the Offense Charged

In Count 1, the government has charged a violation of 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 attempts or conspires to do so, [shall be guilty of a crime].

To violate this paragraph, a person must have knowledge that the organization is an organization designated as a terrorist organization through a process established by law, or that the organization has engaged or engages in terrorist activity as defined by law.

The statute also provides an enhancement if the death of any person results from the offense charged.

AUTHORITY: 18 U.S.C. § 2339B.

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 12

Count 1 – The Essential Elements of the Offense Charged

To establish a violation of Title 18, United States Code, Section 2339(B) as alleged in Count 1 of the Indictment, the Government must prove each of the following elements beyond a reasonable doubt:

- One:** That two or more persons entered into an agreement that had as its objective that the defendant would provide material support or resources to a foreign terrorist organization;
- Two:** The defendant knowingly became part of the conspiracy charged in Count One of the Indictment;
- Three:** 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;
- Four:** That the defendant was brought to the United States after the charged conduct.

In addition, for the enhancement:

- Five:** The death of a person proximately resulted from the material support the defendant conspired to provide.

Authority: 18 U.S.C. § 2339B; 2 O'Malley, Grenig, Lee and Wichern, *Federal Jury Practice and Instructions*, § 31:03 (7th ed., updated July, 2025)

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 13

Conspiracy – Existence of an Agreement

The first element that the government must prove beyond a reasonable doubt to establish the offense of conspiracy is that two or more persons conspired, or agreed, to cooperate with each other to commit the crime of providing material support or resources to a foreign terrorist organization.

This does not require proof of any formal agreement, written or spoken. Nor does this require proof that everyone involved agreed on all the details. But, proof that people simply met together from time to time and talked about common interests, or engaged in similar conduct, is not enough to establish a criminal agreement. These are things that you may consider in deciding whether the government has proved an agreement, but without more, they are not enough.

What the government must prove is that there was a mutual understanding, either spoken or unspoken, between two or more people, to cooperate with each other to commit the crime of providing material support to a foreign terrorist organization. This is essential.

An agreement can be proved directly or indirectly, by facts and circumstances which lead to a conclusion that an agreement existed. But it is the government's burden to convince you that such facts and circumstances existed in this particular case. Unless the government proves beyond a reasonable doubt that a conspiracy, as charged in the indictment, actually existed, then you must acquit the defendant of the charge in the Indictment.

AUTHORITY: Adapted from 2 O'Malley, Grenig, and Lee, Federal Jury Practice and Instruction, § 31:04 (6th ed. 2008), and Pattern Criminal Jury Instructions of the Sixth Circuit, Instruction 3.02

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 14

Conspiracy – Membership in an Agreement

Before the jury may find that the defendant, or any other person, became a member of a charged conspiracy, the evidence in the case must show beyond a reasonable doubt that the defendant knew the unlawful 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, 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.

You may only convict the defendant of a count if you find that the government has proven beyond a reasonable doubt that the defendant was a member of the particular conspiracy charged in the indictment.

AUTHORITY: 2 O'Malley, Grenig and Lee, *Federal Jury Practice and Instructions*, § 31:05 (7th ed. through January 2025).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 15

Single or Multiple Conspiracies

Count One of the indictment charges that Defendant Mohammad Sharifullah knowingly and deliberately entered into a conspiracy to provide material support to ISIS-K between 2016 and March 2025.

In order to sustain its burden of proof for this charge, the government must show that the single overall conspiracy alleged in Count One of the indictment existed. Proof of separate or independent conspiracies is not sufficient.

In determining whether or not any single conspiracy has been shown by the evidence in the case you must decide whether common, master, or overall goals or objectives existed which served as the focal point for the efforts and actions of any members to the agreement. In arriving at this decision you may consider the length of time the alleged conspiracy existed, the mutual dependence or assistance between various persons alleged to have been its members, and the complexity of the goal(s) or objective(s) shown.

A single conspiracy may involve various people at differing levels and may involve numerous transactions which are conducted over some period of time and at various places. In order to establish a single conspiracy, however, the government need not prove that an alleged co-conspirator knew each of the other alleged members of the conspiracy nor need it establish that an alleged co-conspirator was aware of each of the transactions alleged in the indictment.

Even if the evidence in the case shows that Defendant Sharifullah was a

member of some conspiracy, but that this conspiracy is not the single conspiracy charged in the indictment, you must acquit Defendant Sharifullah of this charge.

Unless the government proves the existence of the single overall conspiracy described in the indictment beyond a reasonable doubt, you must acquit Defendant Sharifullah of this charge.

AUTHORITY: 2 O'Malley, Grenig and Lee, *Federal Jury Practice and Instructions*, § 31:09 (6th ed. through January 2026).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 16

Conspiracy – Acts and Declarations of Co-Conspirators

Evidence has been received in this case that certain persons, who are alleged in Count One of the Indictment to be 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 O'Malley, Grenig and Lee, *Federal Jury Practice and Instructions*, § 31:06 (7th ed. through January 2025).

DEFENDANT’S PROPOSED JURY INSTRUCTION NO. 17

Proximate Cause

Under the law, a person generally is not responsible for a result unless there is a direct relationship between the person’s conduct and the result. This is known as “proximate cause.”

In this case, the indictment charges that at least one death that occurred in the attack on the Abbey Gate on August 26, 2021, resulted from the charged conspiracy. To find that a death resulted as charged in the indictment, you must find beyond a reasonable doubt that the charged conspiracy was a proximate cause of at least one death from that attack.

A proximate cause is one that played a substantial part in bringing about the death, so that the death was the direct result or a reasonably probable consequence of the defendant’s commission of the charged offense.

AUTHORITY: 2A O’Malley, Grenig and Lee, *Fed. Jury Prac. & Instr.* § 45:12 (6th ed. Jan. 2026); *Paroline v. United States*, 572 U.S. 434, 444 (2014).

DEFENDANT’S PROPOSED JURY INSTRUCTION NO. 18

Definition of “Providing Material Support”

The term “material support or resources” means “any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, and transportation.” It does not include medicine or religious materials.

AUTHORITY: *See* 18 U.S.C. § 2339B(g) (indicating that the definition of “material support or resources” set forth at 18 U.S.C. § 2339A(b) applies to offenses charged under 18 U.S.C. § 2339B(g)).

DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 19

Resulting in Death and Verdict Form

The government has charged that the offense in Count One resulted in the death of one or more persons. Accordingly, if you find the defendant guilty on Count One, then you also must determine whether the Government has proven beyond a reasonable doubt that a death resulted from the conspiracy charged in Count One.

In order to prove that at least one person's death resulted from the charged conspiracy, the Government must prove beyond a reasonable doubt that a person's death would not have occurred if not for the conduct in furtherance of the charged conspiracy to provide material support and was proximately caused by the charged conspiracy. That means that the Government must prove beyond a reasonable doubt that (1) but for the commission of the offense, the person would not have died, and (2) the death was a natural and foreseeable consequence of the material support the defendant conspired to provide.

In other words, the commission of the offense must be a but-for cause of the person's death but it need not be the sole cause. It is sufficient if the Government proves that the commission of the offense combined with other factors to cause a person's death, so long as these other factors would not have resulted in the person's death even if the offense did not happen. However, it is not enough that the commission of the offense merely played a non-essential role in the death. If the death or deaths would have occurred regardless of whether the charged conspiracy happened, then the person's death did not result from the commission of the offense.

The Government is also required to prove that a person's death was a natural and foreseeable consequence of the defendant's conspiracy to provide his material support. As I have explained, the government must prove that the charged conspiracy to provide the defendant's material support is a "proximate cause" of a death charged in the indictment.

Furthermore, in order to find that the Government has proven that the commission of the offense resulted in a death, you must be unanimous as to the person's death that you are considering. It is not enough for some of you to find that the Government has proven one person's death and others of you to find that the Government has proven a different person's death. In other words, if you find that a death resulted, you must all agree as to that specific death that it was actually and foreseeably and naturally the result of the charged material support conspiracy.

The Verdict Form asks you two questions. First, whether you find that the Defendant is Not Guilty or Guilty of the charged conspiracy. Second, if you find the defendant Guilty, whether the Government has proven that a death resulted from the conspiracy.

If you conclude that the Government has proven beyond a reasonable doubt that the Defendant committed the offense charged in Count One, but the government has not proven beyond a reasonable doubt that a death resulted from that offense under these instructions, then you should check "Guilty" as to Count One on your verdict form but check "Not proven" to indicate that a death did not result from the commission of the offense.

If you conclude that the Government has proven both that the Defendant committed the offense charged in Count One and that a death resulted from that conspiracy under these instructions, then you should check “Guilty” as to both the offense and “Proven” to indicate that a death resulted from the commission of the offense.

AUTHORITY: Adapted from Federal Jury Practice and Instructions 7th Cir. Instructions for 18 U.S.C. § 241 (2023); *United States v. Harris*, 701 F.2d 1095, 1101 (4th Cir. 1983).

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

As to the charge of conspiracy to provide material support or resources to a designated foreign terrorist organization, we, the jury, unanimously find the defendant, Mohammad Sharifullah:

Not Guilty:_____ Guilty:_____

If you find the defendant guilty in Count One, please indicate whether you unanimously find that the death of either a U.S. Service member or an Afghan civilian, at the Hamid Karzai International Airport on August 26, 2021, resulted from that conspiracy.

Not Proven:_____ Proven:_____

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

FOREPERSON