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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) No. CR 034-0095-WBS  
15 Plaintiff, )  
16 ) DEFENDANT AMR MOHSEN'S  
17 v. ) PROPOSED JURY INSTRUCTIONS  
18 AMR MOHSEN, ) (PHASE TWO)  
19 Defendant. ) Hon. William B. Shubb

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21 Defendant Amr Mohsen, by and through his attorneys, Bruce Locke and John Balazs,  
22 submit the following attached proposed jury instructions concerning the elements of the  
23 charges in counts 21-23.

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1 Dr. Mohsen reserves the right to propose additional instructions after review of the  
2 government's and court's proposed general instructions and the conclusion of the evidence.

3 Dated: February 28, 2006

4 Respectfully submitted,

5  
6 /s/ JOHN BALAZS  
7 Bruce Locke  
8 John Balazs

9 Attorneys for Defendant  
10 Amr Mohsen  
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COUNT 21--Attempted Witness Tampering

The defendant is charged in the indictment with attempted witness tampering. In order for the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant intended to use intimidation, threats, or to corruptly persuade other persons with intent to influence, delay, and prevent the testimony of those persons in an official proceeding, that is, *United States v. Amr Mohsen*, No. CR-03-95; and

Second, the defendant did something which was a substantial step toward committing the crime of witness tampering, with all of you agreeing as to what constituted the substantial step.

Mere preparation is not a substantial step toward the commission of the witness tampering.

Ninth Circuit Model Crim. Jury Instr. 5.3; *Superseding Indictment*, 1/10/06, Count 21.

COUNT 22--Solicitation To Commit Arson

The defendant is charged in the indictment with solicitation to commit arson. In order for the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant solicited, commanded, induced or otherwise tried to persuade another person to commit the crime of arson, namely the use of fire to burn a witness' car in order to influence, delay, or prevent the testimony of that witness in the case of *United States v. Amr Mohsen*, No. 03-95.

Second, that the defendant intended the other person to commit the crime of arson of a witness' car; and

Third, that the defendant's actions occurred under circumstances that were strongly corroborative of the defendant's intent that the crime actually be committed.

COUNT 23--Solicitation To Commit Murder

The defendant is charged in the indictment with solicitation to commit murder. In order for the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant solicited, commanded, induced or otherwise tried to persuade another person to commit the crime of murder of a federal judge in order to prevent that judge from performing his official judicial duties in the case of *United States v. Amr Mohsen*, No. 03-95;

Second, that the defendant intended the other person to commit the crime of murder of a federal judge; and

Third, that the defendant's actions occurred under circumstances that were strongly corroborative of the defendant's intent that the crime actually be committed.