

**EXHIBIT A**

**Count 2 – Damage to Religious Property (18 U.S.C. § 247(c))**

(1) Count 2 of the Indictment charges the defendant, Nathan Weeden, with causing damage to religious property. For you to find the defendant guilty of this offense, you must find that the government has proved each and every one of the following two elements beyond a reasonable doubt:

(A) FIRST, that the defendant intentionally defaced, damaged, or destroyed religious real property, here, the Temple Jacob synagogue.

(B) SECOND, that the defendant did so because of the race, color, or ethnic characteristics of any individual associated with that religious property.

(2) Now, I will give you more detailed instructions on each of these elements.

(A) The first element requires the government to prove that the defendant intentionally defaced, damaged, or destroyed religious real property.

(i) An intentional act is one that a person desires to take—that is, the specific action was done on purpose, rather than by mistake or accident.

(ii) Give the terms, “deface,” “damage,” and “destroy” their ordinary (i.e., everyday) meanings.

(iii) The term “religious real property” includes churches, synagogues, mosques, and religious cemeteries. The parties agree that the Temple Jacob synagogue is religious real property.

(B) The second element requires the government to prove beyond a reasonable doubt that the defendant targeted the religious property “because of”

the race, color, or ethnic characteristics of any individual associated with Temple Jacob—such as being Jewish.

(i) This means that you must find that the defacement, damage, or destruction would not have taken place absent the race, color, or ethnicity of anyone associated with Temple Jacob. This is sometimes called a “but for” cause.

(ii) The language “because of” does not require proof that the race, color, or ethnicity of anyone associated with Temple Jacob was the sole cause of the defendant’s actions. Therefore, a defendant cannot avoid culpability by citing some other factor that contributed to his actions.

But for the “because of” element to be met, it is essential that you find the defendant would not have targeted Temple Jacob absent the race, color, or ethnicity of any person associated with Temple Jacob.”

(3) If you are convinced that the government has proved all of these elements, return a guilty verdict on this charge. If you have a reasonable doubt about any one of these elements, then you must find the defendant not guilty of this charge.