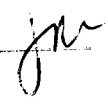


U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2026 MAR -4 PM 4:16

CLERK

BY DEPUTY CLERK 

UNITED STATES OF AMERICA

v.

HARKAMAL SINGH

Case No. 2:25-cr-98

JURY INSTRUCTIONS

Members of the Jury:

Now that you have heard the evidence and the arguments, it is my duty to instruct you on the law. It is your duty to accept these instructions of law and apply them to the facts as you determine them.

This case is a criminal prosecution brought by the United States of America against Harkamal Singh. You are now being asked only to consider Count Two of the Superseding Indictment, as Count One has been dismissed. Count Two reads as follows:

Count Two

On or about September 18, 2025, in the District of Vermont, the defendant, HARKAMAL SINGH, did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), an arm of the executive branch of the Government of the United States, by representing that he had a valid work permit when he completed the ATF Form 4473 at issue in Count One of this indictment. In fact, the defendant HARKAMAL SINGH's work permit had been revoked prior to the time he filled out the ATF Form 4473 at issue in Count One of this indictment and the defendant HARKAMAL SINGH knew his work permit had been revoked because he received written notice of that revocation several months prior to filling out the ATF Form 4473 at issue in Count One of this indictment.

Role of the Indictment

At this time, I would like to remind you of the function of an indictment. An indictment is merely a formal way to accuse an individual of a crime before trial. An indictment is not evidence. An indictment does not create any presumption of guilt or permit an inference of guilt. It should not influence your verdict in any way other than to inform you of the charges against the defendant. Mr. Singh has pleaded not guilty to the count in the indictment. You have been chosen and sworn as jurors in this case to determine the issues of fact that have been raised by the allegations in the indictment and the denial made by the not guilty plea of Mr. Singh. You are to perform this duty without bias or prejudice against Mr. Singh or the government.

Role of the Court, The Jury, and Counsel

Your first duty is to consider and decide the factual issues of this case. You are the sole and exclusive judges of the facts. By the rulings which I made during the trial, I did not intend to indicate to you or to express my own views about this case. You as jurors weigh the evidence, you determine the credibility or believability of the witnesses, you resolve any conflicts there may be in the evidence, and you draw any reasonable inferences or conclusions that you believe are justified by the facts as you find them. In a moment, I will define the word “evidence” and instruct you on how to assess it, including how to judge whether the witnesses have been honest and should be believed.

Your second duty is to apply the law that I give you to the facts. Do not single out one instruction alone but consider the instructions as a whole. You should not be concerned with whether you agree with any instruction given by the court. You may have a different opinion as to what the law ought to be, but it would be a violation of your sworn duty as jurors to base your verdict on any version of the law other than what is contained in the instructions given by the court.

The lawyers may have referred to some of the governing rules of law in their argument. If you find any differences between the law as stated by the lawyers and the law as stated by me in these instructions, you must follow my instructions. It is the lawyers' job to point out the things that are most significant or most helpful to their side of the case. Remember that their statements regarding the law are not evidence in the case.

In addition, nothing I say in these instructions should be taken as an indication that I have any opinion about the facts of the case, or what that opinion is. It is not my function to determine the facts. That job is yours alone. You must perform your duty as jurors with complete fairness and impartiality. You should consider the evidence carefully and without sympathy, bias, or prejudice for or against either party. All parties expect that you will diligently examine all of the evidence, follow the law as it is now being given to you, and reach a just verdict regardless of the consequences.

Juror Experience or Specialized Knowledge

Anything you have seen or heard outside the courtroom is not evidence and must be disregarded entirely. It would be a violation of your oath as jurors to consider anything outside the courtroom in your deliberations. In your consideration of the evidence, you do not leave behind your common sense and life experiences. In other words, you are not limited solely to what you see and hear as the witnesses testify. You are permitted to draw from facts which you find have been proved, such reasonable inferences as you feel are justified in light of the evidence. If any juror has specialized knowledge, expertise, or information about the facts and circumstances of this case, however, he or she may not rely upon it in deliberations or communicate it to other jurors.

Jurors' Sympathy, Passion, or Prejudice

In arriving at a verdict, you must not permit yourselves to be influenced in the slightest degree by sympathy, passion, or prejudice, or any other emotion in favor of or against either party. The law forbids you from being governed by mere sentiment, conjecture, sympathy, passion, or prejudice.

Equality Before the Court

This case is important to the parties and the court. You must give it the fair and serious consideration that it deserves.

The fact that the prosecution is brought in the name of the United States of America entitles the government to no greater consideration than that given to any other party to a case. By the same token, it is entitled to no less consideration. All parties, whether government or individuals, stand as equals before the court.

Race, Religion, National Origin, Gender, Sexual Orientation, or Age

You may not consider the race, religion, national origin, gender, sexual orientation, or age of the defendant or any other witnesses in your deliberations over the verdict or in the weight given to any evidence.

Bias and Prejudice

You are to perform the duty of finding the facts without bias or prejudice toward any party. You are to perform this duty in an attitude of complete fairness and impartiality. You must not allow any of your personal feelings about the nature of the crime charged to interfere with your deliberations, or to influence the weight given to any of the evidence.

Reasonable Doubt and Presumption of Innocence

The law presumes the defendant is innocent of the charge against him. The presumption of innocence is a piece of evidence that lasts throughout the trial and during your deliberations. The presumption of innocence ends only if you, the jury, find beyond a reasonable doubt that the defendant is guilty. Should the government fail to prove the guilt of the defendant beyond a reasonable doubt, you must find the defendant not guilty.

The government must prove Mr. Singh guilty beyond a reasonable doubt. The question is: What is a reasonable doubt? The words almost define themselves. It is a doubt based upon reason and common sense. It is a doubt that a reasonable person has after carefully weighing all of the evidence. Proof beyond a reasonable doubt must, therefore, be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it in the most important of his or her own affairs. Reasonable doubt is not a whim, speculation or suspicion. A reasonable doubt may arise from lack of evidence. It is not an excuse to avoid the performance of an unpleasant duty and it is not sympathy.

In a criminal case, the burden is at all times on the government to prove guilty beyond a reasonable doubt. The law does not require the government to prove guilt beyond all possible doubt. Proof beyond a reasonable doubt is what is required to convict. This burden never shifts to a defendant. This means that it is always the government's burden to prove each element of the crime charged beyond a reasonable doubt. The law never imposes upon a defendant in a criminal case the burden or duty of calling any witnesses or producing any evidence. A defendant is not even obligated to produce any evidence by cross-examining the witnesses for the government.

If, after a fair and impartial consideration of all the evidence, you have a reasonable doubt, it is your duty to find the defendant not guilty. On the other hand, if, after fair and impartial

consideration of the evidence, you are satisfied of the defendant's guilt beyond a reasonable doubt, you must vote to convict.

Evidence

You have seen and heard the evidence produced in this trial, and it is the sole province of the jury to determine the facts of this case. The evidence consists of the sworn testimony of the witnesses, any exhibits that have been admitted into evidence, and all the facts that have been admitted or stipulated. I would now like to call your attention to certain guidelines by which you are to evaluate the evidence.

There are two types of evidence that you may properly use in reaching your verdict. One type of evidence is direct evidence. Direct evidence is when a witness testified about something he or she knows by virtue of his or her own senses—something that he or she has seen, felt, touched, or heard. Direct evidence may also be in the form of an exhibit.

Circumstantial evidence is evidence that tends to prove a disputed fact by proof of other facts. You infer on the basis of reason, experience, and common sense from one established fact the existence of non-existence of some other fact. For example, if you were to see cow tracks in a pasture, that would be circumstantial evidence that there are or were cows in the pasture.

Circumstantial evidence is of no less value than direct evidence. Circumstantial evidence alone may be sufficient evidence of guilt.

You are only to determine whether the defendant is guilty or not guilty of the charges in the indictment. Your determination must be made only from the evidence admitted by the court in this case. The defendant is not on trial for any conduct or offense not charged in the indictment. You should consider evidence about other acts only as they relate to the charges against the

defendant, and whether they establish or fail to establish a motive or modus operandi for the charged crimes.

You should weigh all the evidence in the case. After weighing all the evidence, if you are not convinced of the defendant's guilty beyond a reasonable doubt, then you must find him not guilty. Your verdict must be based solely on the evidence introduced at trial, or the lack thereof.

Routine Practices

There has been evidence introduced that a witness had certain routine practices. This evidence may be considered by you in determining whether the witness acted in conformity with that routine practice on the occasion in question. The weight you give to this evidence, if any, is entirely up to you, since you are the sole judges of the facts.

Stricken Testimony, Attorneys' Statements and Objections and the Court's Rulings

I caution you that you should entirely disregard any testimony or exhibit that has been excluded or stricken from the record. Likewise, the arguments of the attorneys and the questions asked by the attorneys are not evidence in the case. I did not intend, by the rulings I made during the course of the trial, to indicate to you any of my own preferences, or to influence you in any manner regarding how you should decide the case. The attorneys have a duty to object to evidence they believe is not admissible. You must not hold it against either side if an attorney made an objection.

Credibility of Witnesses

You, as jurors, are the sole judges of the credibility of the witnesses and weight of their testimony. You do not have to accept all the evidence presented in this case as true and accurate. Instead, it is your job to determine the credibility or believability of each witness. You do not have to give the same weight to the testimony of each witness, because you may accept or reject the

testimony of any witness, in whole or in part. In weighing the testimony of the witnesses you have heard, you should consider their interest, if any, in the outcome of the case; their manner of testifying; their candor; their bias, if any; their resentment or anger, if any, toward the defendant; the extent to which other evidence in the case supports or contradicts their testimony; and the reasonableness of their testimony. You may believe as much or as little of the testimony of each witness as you think proper. You may accept all of it, some of it, or reject it altogether.

The weight of the evidence is not determined by the number of witnesses testifying. You may find the testimony of a small number of witnesses or a single witness about a fact more credible than the different testimony of a larger number of witnesses. The fact that one party called more witnesses and introduced more evidence than the other does not mean that you should necessarily find the facts in favor of the side offering the most witnesses or the most evidence. Remember, a defendant in a criminal prosecution has no obligation to present any evidence or call any witnesses.

Inconsistencies or discrepancies in the testimony of a witness, or between the testimony of different witnesses, may or may not cause you to discredit such testimony. Two or more persons may hear or see things differently or may have a different point of view regarding various occurrences. It is for you to weigh the effect of any discrepancies in the testimony, considering whether they pertain to matters of importance or unimportant details, and whether a discrepancy results from innocent error or intentional falsehood. You should attempt to resolve inconsistencies if you can, but you are also free to believe or disbelieve any part of the testimony of any witness as you see fit.

Interest in the Outcome

As a general matter, in evaluating the credibility of each witness, you should consider any evidence that a witness who testified may benefit in some way from the outcome of this case. Such an interest may create a motive to testify falsely and may sway the witness to testify in a way that advances his or her own interests. Therefore, if you find that any witness whose testimony you are considering has an interest in the outcome of this trial, then you should bear that factor in mind when evaluating the credibility of his or her testimony and accept it only with great care.

This is not to suggest that any witness who has an interest in the outcome of a case will testify falsely. It is for you to decide to what extent, if at all, the witness's interest has affected or colored his or her testimony.

Law Enforcement Witnesses:

You have heard the testimony of law enforcement officials. The fact that a witness may be employed by a federal, state, or local government as a law enforcement official does not mean that his or her testimony is deserving of more or less consideration or greater or lesser weight than that of any other witness.

At the same time, it is proper for defense counsel to try to attack the credibility of a law enforcement witness on the grounds that his or her testimony may be colored by a personal or professional interest in the outcome of the case.

It is your decision, after reviewing all of the evidence, whether to accept the testimony of a law enforcement witness and to give that testimony whatever weight, if any, you find it deserves.

Statement by Defendant

You have heard evidence that Mr. Singh made a statement in which the government claims he admitted certain facts. In deciding what weight to give each of this statement, you should first

examine with great care (1) whether the defendant made each statement and (2) if so, whether, in fact, such statements were voluntarily and understandingly made. In making those decisions, you should consider all of the evidence about the statements, including the circumstances in which the defendant may have made them. I instruct you that you are to give the statements such weight, if any, you feel they deserve in light of all circumstances.

Defendant Not Testifying

You may have observed that Mr. Singh did not testify in this case. The defendant has a constitutional right not to do so. He does not have to testify, and the government may not call him as witness. The defendant's decision not to testify raises no presumption of guilt and does not permit you to draw any unfavorable inference. Therefore, in determining the defendant's guilt or innocence of a crime charged, you are not to consider, in any manner, the fact that the defendant did not testify. Do not even discuss it in your deliberations.

Instructions on the Substantive Law of the Case

Having explained the general guidelines by which you will evaluate the evidence in this case, I will not instruct you on the law that is applicable to your determination in this case.

It is your duty as jurors to follow the law as stated to you in these instructions and to apply the rules of law to the facts that you find from the evidence. You will not be faithful to your oath as jurors if you find a verdict that is contrary to the law that I give to you. You are the sole deciders of the facts in the case, however. I do not, by any instructions given to you, intend to persuade you in any way as to any question of fact.

The parties in this case have a right to expect that you will carefully and impartially consider all the evidence in the case, that you will follow the law as I state it to you, and that you will reach a just verdict.

“On or About” Explained

The indictment charges that the offenses were committed “on or about” a certain date. Although it is necessary for the government to prove beyond a reasonable doubt that each offense was committed on a date reasonably near the date alleged in the indictment, it is not necessary for the government to prove that the offense was committed precisely on the date charged.

The Indictment and the Statute: Count Two

The Superseding Indictment charges the defendant in Count Two with willfully and knowingly making a false statement in a matter within the jurisdiction of a federal agency, in violation of 18 U.S.C. § 1001(a)(2). The Superseding Indictment reads as follows:

The Grand Jury charges:

Count Two

On or about September 18, 2025, in the District of Vermont, the defendant, HARKAMAL SINGH, did willfully and knowingly make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), an arm of the executive branch of the Government of the United States, by representing that he had a valid work permit when he completed the ATF Form 4473 at issue in Count One of this indictment. In fact, the defendant HARKAMAL SINGH’s work permit had been revoked prior to the time he filled out the ATF Form 4473 at issue in Count One of this indictment and the defendant HARKAMAL SINGH knew his work permit had been revoked because he received written notice of that revocation several months prior to filling out the ATF Form 4473 at issue in Count One of this indictment.

The statute under which Count Two of the Superseding Indictment is brought, Title 18, United States Code, Section 1001(a)(2), provides in pertinent part, that:

[W]hoever, in any matter within the jurisdiction of the executive . . . branch of the Government of the United States, knowingly and willfully makes any materially false, fictitious, or fraudulent statement or representation shall be [punished] under this title.

The government must prove beyond a reasonable doubt each of the essential elements of the crime of making a false statement in a matter within the jurisdiction of a federal agency.

To return a verdict, it is necessary that every juror agree to the verdict. To find the defendant guilty, your verdict must be unanimous regarding each essential element of the charged crime.

The Essential Elements for Count Two:
Making a False Statement in a Matter Within the Jurisdiction of the United States

The government must prove each of the following elements beyond a reasonable doubt in order to sustain its burden of proving the defendant guilty of Count Two:

1. The defendant made a statement or representation;
2. The statement or representation was material;
3. The statement or representation was false, fictitious or fraudulent;
4. The defendant made the false, fictitious or fraudulent statement or representation knowingly and willfully; and
5. The statement or representation was made in a matter within the jurisdiction of the government of the United States.

I will take a moment to define the elements in more detail.

First Element

The first element the government must prove beyond a reasonable doubt is that the defendant made a statement or representation. The government need not prove that the defendant physically made or otherwise personally prepared the statement in question. It is sufficient if the defendant caused the statement to have been made. Under this statute, there is no distinction between written and oral statements.

The government alleges Mr. Singh knowingly and willfully made a false, fictitious, or fraudulent statement when he represented to the Bureau of Alcohol, Tobacco, Firearms, and Explosive that he had a valid work permit when he completed the ATF Form 4473.

Second Element

The second element the government must prove beyond a reasonable doubt is that that defendant's statement or representation was material. A "material" statement or representation is

one that has the natural tendency to influence or is capable of influencing the decision of the government agency. The government is not required to prove that the statement actually influenced the decisions of the government agency. The decision at issue does not need to be a decision to prosecute the defendant, but only be a decision to investigate. The false, fictitious, or fraudulent statement or representation, however, must be capable of influencing the decision.

Third Element

The third element the government must prove beyond a reasonable doubt is that the statement or representation was false, fictitious, or fraudulent. A statement is “false” or “fictitious” if it was untrue when made, and the defendant knew it was untrue. A statement or representation is “fraudulent” if it was untrue when made, the defendant knew it was untrue, and the defendant made the statement with the intent to deceive the government agency.

If the question that was asked was unclear or ambiguous, so that it reasonably could be interpreted in several ways, then the government must prove that the defendant’s answer was false under any reasonable interpretation of the question.

Fourth Element

The fourth element the government must prove beyond a reasonable doubt is that the defendant acted knowingly and willfully.

An act is done “knowingly” if it is done purposely and voluntarily, as opposed to mistakenly or accidentally. An act is done “willfully” if it is done with an intention to do something the law forbids. To prove the defendant is acting knowingly and willfully, it is not necessary for the government to prove that the defendant was aware of the specific law or rule that his conduct may be violating.

The question of whether a person acted knowingly and willfully is a question of fact for you to determine, like any other fact question. Direct proof of knowledge and intent is almost never available. The ultimate facts of knowledge and intent, though subjective, may be established by circumstantial evidence, based upon a person's outward manifestations, his words, his conduct, his acts, and all the surrounding circumstances disclosed by the evidence and the rational or logical inferences that may be drawn from them.

Fifth Element

The fifth element is that the statement or representation be made about a matter within the jurisdiction of the government of the United States.

I charge you that the Bureau of Alcohol, Tobacco, Firearms, and Explosives is a federal law enforcement agency within the executive branch of the United States government. A matter is "within the jurisdiction of a department or agency" if the Bureau of Alcohol, Tobacco, Firearms, and Explosives has the power to exercise authority in that matter.

It is not necessary that the government prove that the defendant knew the matter was within the jurisdiction of the United States government.

If you find the government has failed to prove beyond a reasonable doubt any one of the essential elements of knowingly and willfully making a false statement or representation in a matter within the jurisdiction of a government agency (Count Two), you must find the defendant not guilty.

Unanimous Verdict Required

To return a verdict, it is necessary that every juror agree to the verdict. In other words, you verdict must be unanimous regarding each essential element of the crime charged.

Juror Note Taking

During this trial, you have been provided with pencil and paper, and some of you have taken notes. As I explained in the beginning of the trial, all jurors should be given equal attention during the deliberations regardless of whether they have taken notes. Any notes you have taken may only be used to refresh your memory during deliberations. You may not use your notes as authority to persuade your fellow jurors as to what a witness did or did not say. In your deliberations you must rely upon your collective memory of the evidence in deciding the facts of the case. If there is any difference between your memory of the evidence and your notes, you may ask that the record of the proceedings be read back. If a difference still exists, the record must prevail over your notes.

Recollection of Evidence

Let me remind you that in deliberating upon your verdict, you are to rely solely and entirely upon your own memory of the testimony.

If, during your deliberations, you are unable to recall with any degree of accuracy a particular part of the testimony, or a part of these instructions, you may do the following:

1. Write out your question and have the foreperson sign it;
2. Knock on the door of the jury room; and
3. Deliver your note to the Court Officer to give to me.

After the attorneys have been consulted, and the record has been reviewed, I will decide what action to take, and I will tell you my ruling.

Conclusion

I caution you, members of the jury, that you are here to determine whether the defendant is before you today is not guilty or guilty solely from the evidence in this case. I remind you that the mere fact that a defendant has been indicted is not evidence against him. Also, a defendant is not

on trial for any act or conduct or offense not alleged in the indictment. You are also not called upon to return a verdict as to the guilt or innocence of any other person or persons not on trial as a defendant in this case.

You should not consider the consequences of a guilty or not guilty determination. The punishment provided by law for the offense charged in the indictment is a matter exclusively within the responsibility of the judge and should never be considered by the jury in any way in arriving at an impartial verdict.

It is your duty as jurors to consult with one another and to deliberate. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence in the case with your fellow jurors. Do not hesitate to re-examine your own views and change your opinion if you think you were wrong. Do not, however, surrender your honest convictions about the case solely because of the opinion of your fellow jurors or for the mere purpose of returning a verdict.

Upon retiring to the jury room, your foreperson will preside over your deliberations and will be your spokesperson here in court. If a vote is to be taken, your foreperson will ensure that it is done. A verdict form has been prepared for your conclusions. If the verdict form varies in any way from the instructions provided within this jury charge, I instruct you to follow the instructions provided in this jury charge.

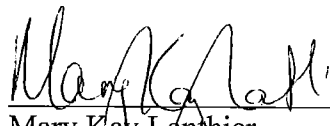
If you have reached an agreement, the foreperson will record a verdict of guilty or not guilty. Your foreperson will then sign and date the verdict form and you will return to the courtroom. In all other respects, a foreperson is the same as any other juror. His or her vote does not count more than any other member of the jury.

If, during your deliberations, you should desire to communicate with the court, please put your message or question in writing signed by the foreperson, and pass the note to the Court

Officer, who will bring it to my attention. I will then confer with the attorneys, and I will respond as promptly as possible, either in writing or by having you return to the courtroom so that I can speak with you. I caution you, however, with regard to any message or question you might send, that you should never state or specify your numerical division at the time. You should also never communicate the subject matter of your note or your deliberations to any member of the court staff.

I appoint  as your foreperson.

Dated at Burlington, in the District of Vermont, this 4th day of March 2026.



Mary Kay Lanthier
United States District Judge