

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ABDULAZIZ BAH,

Defendant.

No. CR 04-0067 LRR

**FINAL JURY
INSTRUCTIONS**

Ladies and Gentlemen of the Jury:

The instructions I gave you at the beginning of the trial and during the trial remain in effect. I will now give you some additional instructions.

You must, of course, continue to follow the instructions I gave you earlier, as well as those I give you now. You must not single out some instructions and ignore others, because all are important. This is true even though some of those I gave you at the beginning of and during trial are not repeated here.

The instructions I am about to give you now are in writing and will be available to you in the jury room. I emphasize, however, that this does not mean they are more important than my earlier instructions. Again, all instructions, whenever given and whether in writing or not, must be followed.

INSTRUCTION NUMBER _____

In considering these instructions, attach no importance or significance whatsoever to the order in which they are given.

INSTRUCTION NUMBER _____

Neither in these instructions nor in any ruling, action, or remark that I have made during this trial have I intended to give any opinion or suggestion as to what the facts are or what your verdict should be.

INSTRUCTION NUMBER _____

It is your duty to find from the evidence what the facts are. You will then apply the law, as I give it to you, to those facts. You must follow my instructions on the law, even if you thought the law was different or should be different.

Do not allow sympathy or prejudice to influence you. The law demands of you a just verdict, unaffected by anything except the evidence, your common sense, and the law as I give it to you.

INSTRUCTION NUMBER _____

I have mentioned the word “evidence.” The “evidence” in this case consists of the following: the testimony of the witnesses, and the documents and other things received as exhibits.

You may use reason and common sense to draw deductions or conclusions from facts which have been established by the evidence in the case.

Certain things are not evidence. I shall list those things again for you now:

1. Statements, arguments, questions, and comments by the lawyers are not evidence.

2. Objections are not evidence. The parties have a right to object when they believe something is improper. You should not be influenced by the objection. If I sustained an objection to a question, you must ignore the question and must not try to guess what the answer might have been.

3. Testimony that I struck from the record, or told you to disregard, is not evidence and must not be considered.

4. Anything you saw or heard about this case outside the courtroom is not evidence.

INSTRUCTION NUMBER _____

There are two types of evidence from which a jury may properly find the truth as to the facts of a case: direct evidence and circumstantial evidence. Direct evidence is the evidence of the witness to a fact or facts of which they have knowledge by means of their senses. The other is circumstantial evidence – the proof of a chain of circumstances pointing to the existence or nonexistence of certain facts. The law makes no distinction between direct and circumstantial evidence. You should give all evidence the weight and value you believe it is entitled to receive.

INSTRUCTION NUMBER _____

You have heard testimony from persons described as experts. Persons who, by knowledge, skill, training, education or experience, have become expert in some field may state their opinions on matters in that field and may also state the reasons for their opinion.

Expert testimony should be considered just like any other testimony. You may accept or reject it, and give it as much weight as you think it deserves, considering the witness's education and experience, the soundness of the reasons given for the opinion, the acceptability of the methods used, and all the other evidence in the case.

INSTRUCTION NUMBER _____

You have heard a certain category of evidence called “similar acts” evidence. Here, you have heard evidence that the defendant _____.

You may not use this “similar acts” evidence to decide whether the defendant carried out the acts involved in the crimes charged in the Indictment. In order to consider “similar acts” evidence at all, you must first unanimously find beyond a reasonable doubt, based on the rest of the evidence introduced, that the defendant carried out the acts involved in the crimes charged in the Indictment. If you make that finding, then you may consider the “similar acts” evidence to decide motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. “Similar acts” evidence must be proven by a preponderance of the evidence; that is, you must find that the evidence is more likely true than not true. This is a lower standard than proof beyond a reasonable doubt. If you find that this evidence is proven by a preponderance of the evidence, you should give it the weight and value you believe it is entitled to receive. If you find that it is not proven by a preponderance of the evidence, then you shall disregard such evidence.

Remember, even if you find that the defendant may have committed a similar act in the past, this is not evidence that he committed such acts in this case. You may not convict a person simply because you believe he may have committed a similar act in the past. The defendant is on trial only for the crimes charged, and you may consider the evidence of “similar acts” only on the issue of the defendant’s motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

INSTRUCTION NUMBER _____

The jurors are the sole judges of the weight and credibility of the testimony and the value to be given to each witness who has testified in this case. In deciding what the facts are, you may have to decide what testimony you believe and what testimony you do not believe. You may believe all of what a witness said, or only part of it, or none of it.

In deciding what testimony to believe, consider the witness's intelligence, the opportunity the witness had to have seen or heard the things testified about, the witness's memory, any motives that witness may have for testifying a certain way, the manner of the witness while testifying, whether that witness said something different at an earlier time, the general reasonableness of the testimony, and the extent to which the testimony is consistent with any evidence that you believe.

In deciding whether or not to believe a witness, keep in mind that people sometimes hear or see things differently and sometimes forget things. You need to consider, therefore, whether a contradiction is an innocent misrecollection or lapse of memory or an intentional falsehood, and that may depend on whether it has to do with an important fact or only a small detail.

INSTRUCTION NUMBER ____

In the previous instruction, I instructed you generally on the credibility of witnesses. I now give you this further instruction on how the credibility of a witness can be “impeached” and how you are to consider the testimony of certain witnesses.

A witness may be discredited or impeached by contradictory evidence; by a showing that the witness testified falsely concerning a material matter; by showing the witness has a motive to be untruthful; or by evidence that at some other time the witness has said or done something, or has failed to say or do something, that is inconsistent with the witness’s present testimony.

You have heard evidence that a witness was once convicted of a crime. You may use that evidence to help you decide whether to believe that witness and how much weight to give his testimony.

INSTRUCTION NUMBER _____

In this case the defendant did not testify. The fact that the defendant did not testify must not be considered by you in any way, or even discussed, in arriving at your verdict.

INSTRUCTION NUMBER ____

Exhibits have been admitted into evidence and are to be considered along with all the other evidence to assist you in reaching a verdict. You are not to tamper with the exhibits or their contents, and each exhibit should be returned into open court, along with your verdict, in the same condition as it was received by you.

INSTRUCTION NUMBER _____

A reasonable doubt is a doubt based upon reason and common sense, and not the mere possibility of innocence. A reasonable doubt is the kind of doubt that would make a reasonable person hesitate to act. Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that a reasonable person would not hesitate to rely and act upon it. However, proof beyond a reasonable doubt does not mean proof beyond all possible doubt.

INSTRUCTION NUMBER _____

The Indictment in this case charges the defendant with three separate crimes.

Under Count 1, the Indictment charges that on or about June 17, 2004, the defendant did knowingly possess a forged, counterfeited, falsely made or otherwise unlawfully obtained alien registration card bearing the name of “Mohamed Conte” and an alien registration number with the last four digits of “6601.”

Under Count 2, the Indictment charges that on or about June 17, 2004, the defendant did knowingly possess a forged, counterfeited, falsely made or otherwise unlawfully obtained social security card bearing the name of “Mohamed Conte” and a social security number with the last four digits of “7811.”

Under Count 3, the Indictment charges that during at least 2003 and continuing until at least June 17, 2004, the defendant did knowingly and unlawfully conspire with others to commit one or more of the following offenses:

- (1) the use of, and the attempt to use, a passport issued and designed for the use of another person;
- (2) the knowing possession of a social security card, alien registration card, birth certificate, passport or other document prescribed by statute or regulation for entry into, or as evidence of authorized stay or employment in, the United States, knowing that such document had been forged, counterfeited, falsely made, and otherwise unlawfully obtained;
- (3) the knowing transfer of an identification document or false identification document, or attempt to do so, in and affecting foreign commerce, knowing that such document was stolen or produced without lawful authority;

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd)

- (4) the knowing possession of, or the attempt to possess, five or more identification documents (other than those issued lawfully for the use of the possessor) or false identification documents, with the intent to use or transfer such documents unlawfully, in and affecting interstate and foreign commerce;
- (5) having devised and participated in a scheme and artifice to defraud, the knowingly causing of one or more articles of mail to be sent, delivered, and moved by the United States Postal Service and private and interstate commercial carriers (including DHL and Federal Express) for the purpose of executing and attempting to execute the scheme and artifice, and in order to effect the scheme and artifice to defraud;
- (6) having devised and participated in a scheme and artifice to defraud, the transmittal and causing the transmittal of one or more signs and signals, including e-mail communications transmitted via the internet from Maryland, and interstate telephone communications, in interstate commerce, for the purpose of executing and attempting to execute the scheme and artifice, and in order to effect the scheme and artifice to defraud.

The defendant has pleaded not guilty to each of these charges.

As I told you at the beginning of the trial, an indictment is simply an accusation. It is not evidence of anything. To the contrary, the defendant is presumed to be innocent. Thus the defendant, even though charged, begins the trial with no evidence against him. The presumption of innocence alone is sufficient to find the defendant not guilty and can be overcome only if the government proves, beyond a reasonable doubt, each essential element of the crime charged. Keep in mind that each count charges a separate crime. You must consider each count separately, and return a separate verdict for each count.

INSTRUCTION NUMBER _____

The crime of unlawful possession of an alien registration card, as charged in Count 1, has three essential elements, which are:

- One*, on or about June 17, 2004, the defendant knowingly possessed a false resident alien card with the last four digits “6601”;
- Two*, the defendant knew the card was forged, counterfeited, altered, falsely made, obtained by means of false statement or otherwise procured by fraud or unlawfully obtained; and
- Three*, such card was of the type prescribed by statute or regulation for entry into or evidence of authorized stay or employment in the United States.

For you to find the defendant guilty of this offense, the government must prove each of these three essential elements beyond a reasonable doubt, otherwise you must find the defendant not guilty.

You are instructed as a matter of law a resident alien card (Form I-551) is a document prescribed by statute or regulation for entry into the United States or as evidence of authorized stay or employment in the United States.

INSTRUCTION NUMBER _____

The crime of unlawfully possessing a social security card, as charged in Count 2, has three essential elements, which are:

- One*, on or about June 17, 2004, the defendant knowingly possessed a false social security card with the last four digits “7811”;
- Two*, the defendant knew the card was forged, counterfeited, altered, falsely made, obtained by means of false statement or otherwise procured by fraud or unlawfully obtained; and
- Three*, such card was of the type prescribed by statute or regulation for entry into or evidence of authorized stay or employment in the United States.

For you to find the defendant guilty of this offense, the government must prove each of these three essential elements beyond a reasonable doubt, otherwise you must find the defendant not guilty.

You are instructed that a social security card, when presented with other forms of identification such as a government-issued photo identification card, is a document which is evidence of authorized stay or employment in the United States.

INSTRUCTION NUMBER _____

The crime of conspiracy, as charged in Count 3, has four essential elements, which are:

One, during at least 2003 and continuing until at least June 17, 2004, two or more persons reached an agreement or came to an understanding to commit one or more of the following six crimes or Objects:

Object 1, the use of, and the attempt to use, a passport issued and designed for the use of another person;

Object 2, the knowing possession of a social security card, alien registration card, birth certificate, passport or other document prescribed by statute or regulation for entry into, or as evidence of authorized stay or employment in, the United States, knowing that such document had been forged, counterfeited, falsely made, and otherwise unlawfully obtained;

Object 3, the knowing transfer of an identification document or false identification document, or attempt to do so, in and affecting foreign commerce, knowing that such document was stolen or produced without lawful authority;

Object 4, the knowing possession or attempt to possess five or more identification documents (other than those issued lawfully for the use of the possessor) or false identification documents, with the intent to use or transfer such documents unlawfully, in and affecting interstate and foreign commerce;

Object 5, having devised and participated in a scheme and artifice to defraud, the knowingly causing of one or more articles of mail to be sent, delivered, and moved by the United States Postal Service and private and interstate commercial carriers (including DHL and Federal Express), for the purpose of executing and attempting to execute the scheme and artifice, and in order to effect the scheme and artifice to defraud;

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INSTRUCTION NUMBER _____

- Object 6,* having devised and participated in a scheme and artifice to defraud, the transmittal and causing the transmittal of one or more signs and signals, including e-mail communications transmitted via the internet from Maryland, and interstate telephone communications, in interstate commerce, for the purpose of executing and attempting to execute the scheme and artifice, and in order to effect the scheme and artifice to defraud;
- Two,* the defendant voluntarily joined in the agreement or understanding, either at the time the agreement or understanding was first reached, or at some later time while the agreement or understanding was still in effect;
- Three,* at the time the defendant joined in the agreement or understanding, he knew that the purpose of the agreement or understanding was to commit one or more of the offenses described as Objects 1 through 6 in Element One above; and
- Four,* while the agreement or understanding was in effect, a person or persons who had joined in the agreement knowingly did one or more of the following acts:
- (1) On about March 31, 2003, a Federal Express package containing an “airline ticket” was sent from “Aziz Bah, 5628 Emerson St. #B6, Bladensburg, Md. 20710,” to “Thiornor Diallo, Conakry, Guinea.”
 - (2) On about April 29, 2003, a Federal Express package was sent from the British Consulate “Visa Section” in Los Angeles, California, to “D. Kamara, 5628 Emerson St. Apt B, Bladensburg, MD 20710.”

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INSTRUCTION NUMBER _____ (Cont'd)

- (3) On about May 13, 2003, an application for a Schengen Visa was submitted to the Luxembourg Embassy in Washington, D.C., in the name "Unis Bah." The address listed on the application was "5620 Emerson St., #B6 Bladensburg, MD 20710."
- (4) On about May 22, 2003, a Federal Express package was sent from the British Consulate in New York to "Abdulai Sesay, 5628 Emerson St. #B6, Bladensburg, MD 20710."
- (5) On about May 23, 2003, a Federal Express package was sent from the British Consulate "Visa Dept." in Chicago, Illinois, to "Mr. D. Koroma, 5628 Emerson St. D6, Bladensburg, MD 20710."
- (6) On about May 27, 2003, a Federal Express package was sent from the British Consulate "Visa Dept." in Chicago, Illinois, to "Mr. D. Koroma, 5628 Emerson St. #B6, Bladensburg, MD 20710."
- (7) On about May 28, 2003, a Federal Express package containing a "document" was sent from "Aziz Bah, 5628 Emerson St. #B6, Bladensburg, MD 20710," to "Thiernor Diallo, Conakry, Guinea."
- (8) On about June 5, 2003, a Federal Express package was sent from the British Consulate "Visa Department" in Chicago, Illinois, to "Unis Bah, 5628 Emerson St. B6, Bladensburg, MD 20710."
- (9) On about June 5, 2003, an application for a Schengen Visa was submitted to the Belgium Embassy in Washington, D.C., in the name "Abdulai Sesay." The address listed on the application was "6319 Landover, MD, 20785."

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INSTRUCTION NUMBER _____ (Cont'd)

- (10) On about June 13, 2003, a Federal Express package was sent from the British Consulate in New York to "Unis Bah, 5628 Emerson St. #B6, Bladensburg, MD 20710."
- (11) On about June 13, 2003, a Federal Express package was sent from "Koroma, 152 Bayard Drive, Claymont, DE 19703" to the Embassy of Portugal in Washington, D.C.
- (12) On about June 16, 2003, an application for a Schengen Visa was submitted to the Netherlands Embassy in Washington, D.C., in the name "Unis Bah." The address listed on the application was "5620 Emerson St., #B6 Bladensburg, MD 20710."
- (13) On about June 19, 2003, "Unis Bah," showing a Maryland provisional drivers license with address "6401 Landover Road Apt. 202, Cheverly, Md.," came to the Netherlands Embassy in Washington, D.C., to retrieve documents he had submitted in support of a Schengen Visa application. He was given the documents with the exception of a Sierra Leone passport which was returned to the embassy of Sierra Leone.
- (14) On about June 23, 2003, a Federal Express package was sent from the "Azia Bah, Blandesburg, Md. 20710" to "Thiewor Diallo, Cowakry, Guinea."
- (15) On about June 27, 2003, a Federal Express package was sent from the British Consulate "Visa Section" in Los Angeles, California, to "Unis Bah, 3801 Kenilworth Ave. #302, Bladensburg, Md. 20710."
- (16) On about July 14, 2003, a Federal Express package was sent from the "AK Picasso Travel" to "Mariama Diawara, 5628 Emerson St. Apt. B6, Bladensburg, Md. 20710."

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INSTRUCTION NUMBER _____ (Cont'd)

- (17) On about July 18, 2003, a Federal Express package was sent from the British Consulate "Visa Department" in Chicago, Illinois, to "Ms. I Mansaray, 5628 Emerson St. Apt. #B6, Bladensburg, Md. 20710."
- (18) On about July 24, 2003, a Federal Express package containing a "document" was sent from "Aziz Bah, 5628 Emerson St. #B6, Bladensburg, MD 20710" to "Thienor Diallo, Conakry, Guinea."
- (19) On about August 15, 2003, a Federal Express package was sent from "Abdulai Sesay, 5628 Emerson St. #B6, Bladens, TX 75207 " to the British Consular General in Los Angeles, California.
- (20) On about August 19, 2003, a Federal Express package was sent from the British Consulate "Visa Section" in Los Angeles, California, to "Abdulai Sesay, 5628 Emerson St. #B6, Dallas, TX 75207."
- (21) On about September 5, 2003, a Federal Express package was sent from the British Consulate "Visa Department" in Chicago, Illinois, to "D. Kamara, 3201 30th St. #29, Des Moines, Iowa 50310."
- (22) On about September 7, 2003, a Federal Express package was sent from "Kanii, 5628 Emerson St. #B6, Bladensburg, Montana 20710" to the Belgium Consulate in Chicago, Illinois.
- (23) On about September 8, 2003, a Federal Express package was sent from the British Consulate "Visa Department" in Chicago, Illinois, to "D. Komora, 5628 Emerson St. Apt. #B6, Bladensburg, Md. 20710."

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INSTRUCTION NUMBER _____ (Cont'd)

- (24) On September 12, 2003, a Federal Express package was sent from "Fode Conte, 5628 Emerson St. #B6, Bladensburg, Mn. 20710," to the Belgium Consulate in Chicago, Illinois.
- (25) On about September 12, 2003, applications for Schengen Visas were submitted to the Belgium Consulate in Chicago, Illinois, in the names "Fode Conte" and "Boubacar Conte." The "home address" listed on each application was "5628 Emerson St., #B6, Bladensburg, Minnesota 20710."
- (26) The Schengen Visa applications submitted to the Belgium Consulate on behalf of "Fode Conte" and "Boubacar Conte" were accompanied by copies of false and fraudulent resident alien cards and by other documents.
- (27) The Belgium Consulate subsequently denied the Schengen Visa applications submitted on behalf of "Fode Conte" and "Boubacar Conte."
- (28) On about September 17, 2003, a Federal Express package was sent from the British Consulate in Los Angeles, California, to "Moseray Kanu, 5800 Annapolis Road, Dallas, MD 20710." On about September 18, 2003, the package was signed for by "Bah, 5628 Emerson St. B6."
- (29) On about September 19, 2003, a Federal Express package containing a "document" was sent from "Aziz Bah, 5628 Emerson St. Apt. #B6, Bladensburg, Md. 20710," to "Thiernor Diallo, Conakry, Guinea."
- (30) On about September 22, 2003, a Federal Express package was sent from "Renner, 5628 Emerson St. B6, BLA 20710" to the Belgium Consulate in Chicago, Illinois.

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INSTRUCTION NUMBER _____ (Cont'd)

- (31) On about September 22, 2003, applications for Schengen Visas were submitted to the Belgium Consulate in Chicago, Illinois, in the names "Mucktarr Renner" and "Mary Tjan Gbla." The "home address" listed on each application was "5628 Emerson St., #B6, Blaburg, Missouri 20710-1613."
- (32) The Schengen Visa applications submitted to the Belgium Consulate on behalf of "Mucktarr Renner" and "Mary Tjan Gbla" were accompanied by copies of false and fraudulent resident alien cards and by other documents.
- (33) On about September 24, 2003, a Federal Express package was sent from the Belgium Consulate in New York to "Sesay, 5628 Emerson St. #B6, Blaburg, Mass. 20710."
- (34) On about September 27, 2003, a Federal Express package was sent from "K Khnll, 5628 Emerson St., Bladensburg, MD 20710" to the Belgium Consulate in Los Angeles, California.
- (35) On about September 30, 2003, the Belgium Consulate denied the Schengen Visa applications submitted on behalf of "Mucktarr Renner" and "Mary Tjan Gbla."
- (36) On about October 13, 2003, a Federal Express package was sent from the French Consulate in Boston, Massachusetts to "Djenaba Keita, 5628 Emerson St. #B6, Blad., Maine 20710."
- (37) On about October 13, 2003, a Federal Express package was sent from "Fode, 5628 Emerson St. #B6, Bladensburg, TX 20710" to the Belgium Consulate in Chicago, Illinois.
- (38) On about October 14, 2003, an application for a Schengen Visa was submitted to the Belgium Consulate in Chicago, Illinois, in the name "Boubacar C. Fode." The "home address" listed on the application was "5628 Emerson St., #B6, Bladensburg, Texas 20710." The application was signed by "B. Conte Fode."

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INSTRUCTION NUMBER _____ (Cont'd)

- (39) The Schengen Visa application submitted to the Belgium Consulate on behalf of “Boubacar C. Fode” was accompanied by a copy of a false and fraudulent resident alien card and by a purported Guinea passport and other documents.
- (40) On about October 14, 2003, a Federal Express package was sent from the French Consulate in Boston, Massachusetts, to “D Keita, 5628 Emerson St. B6, Bladensburg, MD 20710.”
- (41) On about October 17, 2003, a Federal Express package was sent from the French Consulate in Boston, Massachusetts, to “Isatu Mansaray, 5628 Emerson St. #B6, Blad, MD. 20710.”
- (42) On about October 17, 2003, a Federal Express package was sent from the Irish Embassy in Washington, D.C., to “Mucktarr Renner, 5101 Buchanan St., Harrisburg, Md. 20781.”
- (43) On about October 22, 2003, the Belgium Consulate denied the Schengen Visa application submitted on behalf of “Boubacar C. Fode.”
- (44) On about October 23, 2003, the Belgium Consulate returned the original documents submitted by Boubacar C. Fode via Federal Express to “5628 Emerson St., #B6, Bladensburg, Texas 20710.”
- (45) On about November 4, 2003, a Federal Express package was sent from the French Embassy “Visas” to “Renner, 5628 Emerson St. #B6, Bladensburg, Ohio 20710.”
- (46) In about November, 2003, a Federal Express package was sent from “Aziz Bah, 5628 Emerson St. Ste B6, Bladensburg, MD 20710 ” to “Thienor Diallo, Conarkry, Guinea.”
- (47) On about December 1, 2003, a DHL package was sent from “Aziz Bah 5628 Emerson St. #B6, Bladensburg, Md. 20710” to “Abdulai Barrie, Freetown. Sierra Leone.”

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INSTRUCTION NUMBER _____ (Cont'd)

- (48) On about December 20, 2003, a Federal Express package was sent from “Keita, 3801 Kenilworth Ave. #404, Augusta, ME, 20710” to the French Consulate in Boston, Massachusetts.
- (49) On about December 24, 2003, a Federal Express package was sent from “Keita Family, 3801 Kenilworth Ave 404W, Bladensburg, MD 20710” to “Keita Family, 5628 Emerson St. Apt B6, Bladensburg, MD 20710.”
- (50) On about January 6, 2004, visa applications were submitted to the Irish Consulate in Chicago, Illinois, in the names “Mohamed Conte,” DOB 04/07/64 and “Mohamed Conte,” DOB 04/08/87. The “present address” listed on each application was “5628 Emerson St., #B6, Bladensburg, Texas 20710.”
- (51) The visa applications submitted to the Irish Consulate on behalf of each “Mohamed Conte” were accompanied by copies of false and fraudulent resident alien cards and by a purported Guinea passport and other documents.
- (52) On about January 8, 2004, visa applications were submitted to the Irish Consulate in Chicago, Illinois, in the names “Fatmata Bah,” “Lansana Bah, DOB 01/01/65” and “Lansana Bah, DOB 07/07/87.” The “present address” listed on each application was “5628 Emerson St., Bladensburg, MD.”
- (53) On about January 12, 2004, a package containing “document” was sent via DHL express delivery service from “Aziz Bah, 5628 Emerson St #B6, Bladensburg, MD 20710, phone (301) 277-4710,” to “Thienor Diallo, Conakry, Guinea, Phone 224 22-8774.”

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INSTRUCTION NUMBER _____ (Cont'd)

- (54) On about January 29, 2004, visa applications were submitted to the Irish Consulate in Chicago, Illinois, in the names "Mohamed Keita" and "Fode Keita." The "present address" listed on each application was "5012 57th Ave, C6, Bladensburg, TX 75207."
- (55) The visa applications submitted to the Irish Consulate on behalf of "Mohamed Keita" and "Fode Keita" were accompanied by copies of false and fraudulent resident alien cards and by purported Guinea passports in their respective names and by other documents.
- (56) On about February 5, 2004, visa applications were submitted to the Irish Consulate in Chicago, Illinois, in the names "Boubacar Bah" and "Lansana Bah." The "present address" listed on each application was "341 Blvd. of Allis, Pittsburg, PA 15123."
- (57) "Lansana Bah" subsequently sent a letter to the Irish Consulate asking his passport and his son's passport be returned to his "new address," "5012 57th Ave. #C6, Bladensburg, MD 20710." A phone number of 301-277-4710 was provided in the letter.
- (58) On about February 6, 2004, a package containing "document" was sent via DHL express delivery service from "Bah." The DHL sender account number was 757474088. The sender address was shown as "341 blvd of the Allis, Pittsburg, PA" to the Irish Consulate in New York, New York.
- (59) On about February 9, 2004, a package containing "document" was sent via DHL express delivery service from "Conte." The DHL sender account number was 757474088. The sender address was shown as 97 Hall St., Concord, N.H., phone (412) 576-7734, to the French Consulate in Boston, Massachusetts.

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INSTRUCTION NUMBER _____ (Cont'd)

- (60) On about February 16, 2004, a package containing “document” was sent via DHL express delivery service from “Aziz Bah.” The DHL sender account number was 757474088. The sender address was shown as 5012 57th Ave. #C6, Bldensburg, MD, phone (301) 277-4710, to “Thierno Diallo, Conarkry, Guinea.”
- (61) On about February 18, 2004, a package containing “document” was sent via DHL express delivery service from “Conte.” The DHL sender account number was 757474088. The sender address was shown as 97 Hall St., Concord, N.H., phone (412) 576-7734, to the French Consulate in Boston, Massachusetts.
- (62) On about February 25, 2004, a package containing “document” was sent via DHL express delivery service from “Conte.” The DHL sender account number was 757474088. The sender address was shown as 704 1st Ave. Iowa City, Iowa 52241, phone (412) 576-7734, to the Irish Consulate in Chicago, Illinois.
- (63) On about February 25, 2004, Guinea passports and visa applications in the names of “Lansana Conte,” “Mohamed Conte,” and “Unis Conte” were submitted by commercial courier to the Irish Consulate in Chicago, Illinois. The return address on two of these applications was “100 F Ave. NW, Cedar Rapid, Iowa.”
- (64) On about March 15, 2004, “Charles Bangura” wrote a letter to the French Consulate, requesting the return of his, his wife’s, and his son’s passports.
- (65) On about March 27, 2004 a Federal Express package was sent from “Bah, 200 E Amite St., Jackson, MS 39201” to the French Consulate, Atlanta, Georgia.

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INSTRUCTION NUMBER _____ (Cont'd)

- (66) On about March 31, 2004, a package containing “letters” was sent via DHL express delivery service from “Conte.” The sender’s address was shown as 100 F St. NW, Cedar Rapid, IA 52405, phone (319) 377-3054, to the Belgium Consulate in Chicago, Illinois.
- (67) On about April 5, 2004, a DHL account was established in the name of “Conte,” 100 F Ave. NW, Cedar Rapids, Iowa, 52405-2736.
- (68) On about April 8, 2004, the Belgium Consulate denied the Schengen Visa applications submitted on behalf of “Fode Conte” and “Boubacar Conte.” The original documents were returned along with a denial letter to “5012 57th Ave., #C6, Bladensburg, IA 20710” via United States Postal Service Express Mail.
- (69) On about April 21, 2004, a DHL account was established in the name of “Abdeul Bahr,” 5012 57th Ave., Bladensburg, MD.
- (70) On about May 12, 2004, a package containing “document” was sent via Federal Express. The sender address was shown as “Aziz Bah, Phone (703) 582-6490, 5012 57th Ave #C6, Bladensburg, MD 20710” to “Thienor Diallo,” Phone “(224) 22-8774, Conakry, Guinea.”
- (71) On about May 12, 2004, a Federal Express package was sent from “Sesay, 5771 Harwich Ct. 13B, Alexandria, TN 20770” to the French Consulate in Atlanta, Georgia.
- (72) On about June 4, 2004, applications for Schengen Visas were completed for submission to the Belgium Consulate in Atlanta, Georgia, in the names “Fode Camara,” “Mohamed Camara,” “Lansana Camara,” and “Abdul Camara.” The applicants’ home addresses were each listed as “5012 57th Ave. #C6, Bladensburg, Miss. 20710.”

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd)

- (73) On June 5, 2004, a Federal Express package was sent from “Camara” at “5012 57th Ave #C6, Bladensburg, MD. 20710,” to the Belgium Consulate in Atlanta, Georgia.
- (74) On about June 10, 2004, the Belgium Consulate in Atlanta, Georgia, returned purported Guinea passports in the names of “Fode Camara,” “Mohamed Camara,” “Lansana Camara,” and “Abdoul Camara,” via United States Postal Service express mail, to “Fode Camara” at “5012 57th Ave. #C6, Bladensburg, MI, 20710-1613.”
- (75) On June 14, 2004, an Irish Consulate official spoke by phone with a person identifying himself as “Mohamed Conte.” The Consulate official advised “Mohamed Conte” that a package containing the Guinea passports and Irish visas had been sent to Cedar Rapids, Iowa, via United States Postal Service Express Mail. The official provided “Mohamed Conte” with a package tracking number.
- (76) On June 15, 2004, at approximately 10:15 a.m., an adult male, identifying himself as “Mohamed Conte,” contacted the West Postal Station located in Cedar Rapids, Iowa. “Conte” spoke with the USPS Supervisor-West Station. “Conte” stated he wanted to check the delivery status of an Express Mail package. He provided the supervisor with the Express Mail tracking number.
- (77) On about June 15, 2004, driving directions were generated via the internet via Mapquest.com for a trip from 5012 57th Ave., Bladensburg, Maryland, to “100 f st nw, Cedar Rapid, IO 52405.”

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd)

- (78) On June 16, 2004, "Mohamed Conte" again contacted the West Postal Station in Cedar Rapids to inquire about the status of the package. "Mohamed Conte" spoke several times by phone with postal officials, advising them that he would have his cousin, "Abdulaziz Bah" pick up the package in Cedar Rapids on the morning of June 17, 2004.
- (79) On about June 16, 2004, Abdulaziz Bah rented a car from Enterprise Rental Car Company in Landover, Maryland.
- (80) On about June 17, 2004, Abdulaziz Bah, a/k/a "Mohamed Conte," and Unis Bah traveled via rental car from Maryland to Cedar Rapids, Iowa, to pick up the package at the West Postal Station.
- (81) On June 17, 2004, Abdulaziz Bah identifying himself as "Mohamed Conte" approached the counter and asked for the Express Mail package addressed to "Mohamed Conte."
- (82) The package was delivered by the postal employee to Abdulaziz Bah.
- (83) The computer at the residence of Abdulaziz Bah was used periodically to access the internet to check on the status of parcels shipped via United States mail or a commercial carrier and to make travel reservations or research other information to be used in connection with the scheme to acquire visas. Each use of the internet is alleged to constitute a separate overt act committed in furtherance of the conspiracy.

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd)

- (84) The computer and scanner at the residence of Abdulaziz Bah were used periodically to produce or copy documents to be used in connection with the scheme to acquire visas. Each use of the computer and scanner is alleged to constitute a separate overt act committed in furtherance of the conspiracy.
- (85) Cell phones and other phones were used periodically in furtherance of the scheme to acquire visas. Each use of cell phones and other phones is alleged to constitute a separate overt act committed in furtherance of the conspiracy.

for the purpose of carrying out or carrying forward the agreement or understanding.

If all of the essential elements have been proved beyond a reasonable doubt, then you must find the defendant guilty of conspiracy as charged under Count 3; otherwise you must find the defendant not guilty of the crime charged under Count 3.

To assist you in deciding whether there was an agreement or understanding to commit the crimes described as Objects 1 through 6, you are advised that the elements for each of these crimes are set out in Instruction Number ____.

Keep in mind that Count 3 of the Indictment charges a *conspiracy* to commit the crimes described as Objects 1 through 6 and does not require the government to prove that the crimes described as Objects 1 through 6 were actually committed.

Also keep in mind that the Indictment charges that the conspiracy involved in Count 3 had six objectives, that is, that the defendant conspired to commit six separate crimes or offenses described as Objects 1 through 6. You are instructed that, under Count 3, it is not necessary for the government to prove a conspiracy to commit all six offenses. It would be sufficient if the government proves, beyond a reasonable doubt, a

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd)

conspiracy to commit any *one* of the six offenses. However, in that event, in order to return a verdict of guilty, you must unanimously agree upon *which* one or more of the offenses was the object of the conspiracy. If you cannot agree in that manner, you must find the defendant not guilty.

INSTRUCTION NUMBER _____

In considering whether the government has met its burden of proving conspiracy, as charged in Count 3, you are instructed as follows:

The government must prove that the defendant reached an agreement or understanding with at least one other person. It makes no difference whether that person is a defendant or named in the Indictment.

The “agreement or understanding” need not be an express or formal agreement or be in writing or cover all the details of how it is to be carried out. Nor is it necessary that the members have directly stated between themselves the details or purpose of the scheme.

You should understand that merely being present at the scene of an event, or merely acting in the same way as others or merely associating with others, does not prove that a person has joined in an agreement or understanding. A person who has no knowledge of a conspiracy but who happens to act in a way which advances some purpose of one, does not thereby become a member.

But a person may join in an agreement or understanding, as required by this element, without knowing all the details of the agreement or understanding, and without knowing who all the other members are. Further it is not necessary that a person agree to play any particular part in carrying out the agreement or understanding. A person may become a member of a conspiracy even if that person agrees to play only a minor part in the conspiracy, as long as that person has an understanding of the unlawful nature of the plan and voluntarily and intentionally joins in it.

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd.)

You must decide, after considering all of the evidence, whether the conspiracy alleged in Count 3 of the Indictment existed. If you find that the alleged conspiracy did exist, you must also decide whether the defendant voluntarily and intentionally joined the conspiracy, either at the time it was first formed or at some time later while it was still in effect. In making that decision, you must consider only evidence of the defendant's own actions and statements. You may not consider actions and pretrial statements of others, except to the extent that pretrial statements of others describe something that had been said or done by the defendant.

If you have found beyond a reasonable doubt that a conspiracy existed and that the defendant was one of its members, then you may consider acts knowingly done and statements knowingly made by the defendant's co-conspirators during the existence of the conspiracy and in furtherance of it as evidence pertaining to the defendant even though they were done or made in the absence of and without the knowledge of the defendant. This includes acts done or statements made before the defendant joined the conspiracy, for a person who knowingly, voluntarily, and intentionally joins an existing conspiracy is responsible for all of the conduct of the co-conspirators from the beginning of the conspiracy.

INSTRUCTION NUMBER _____

In considering whether the government has met its burden of proving conspiracy to commit one or more of the six Objects charged in Count 3, you are further instructed:

Object 1

To assist you in determining whether there was an agreement or understanding to knowingly and unlawfully conspire with others to use and attempt to use a passport issued and designed for the use of another person, as charged in Object 1 of the conspiracy under Count 3, you are advised that the elements of this offense are:

One, an individual willingly and knowingly uses, or attempts to use, a passport;
and

Two, the passport was issued or designed for use by another individual.

Keep in mind that the Indictment charges a *conspiracy* to commit the offense described in Object 1, and not that the offense described in Object 1 was actually committed.

Object 2

To assist you in determining whether there was an agreement or understanding to knowingly possess a social security card, alien registration card, birth certificate, passport or other document prescribed by statute or regulation for entry into, or as evidence of authorized stay or employment in, the United States, knowing that such document had been forged, counterfeited, falsely made, and otherwise unlawfully obtained, as charged in Object 2 of the conspiracy under Count 3, you are advised that the elements of this offense are:

One, an individual knowingly possessed a social security card, alien registration card, birth certificate, passport or other document;

Two, the individual knew such document had been forged, counterfeited, falsely made, and otherwise unlawfully obtained; and

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd)

Three, such document was of the type prescribed by statute or regulation for entry into or evidence of authorized stay or employment in the United States.

Keep in mind that the Indictment charges a *conspiracy* to commit the offense described in Object 2, and not that the offense described in Object 2 was actually committed.

Object 3

To assist you in determining whether there was an agreement or understanding to knowingly transfer an identification document or false identification document, or attempt to do so, in and affecting foreign commerce, knowing that such document was stolen or produced without lawful authority, as charged in Object 3 of the conspiracy under Count 3, you are advised that the elements of this offense are:

One, an individual knowingly transferred or attempted to transfer an identification document or a false identification document;

Two, the individual knew such document was stolen or produced without lawful authority; and

Three, such transfer or attempted transfer was in or affected interstate or foreign commerce, including the transfer of a document by electronic means.

Keep in mind that the Indictment charges a *conspiracy* to commit the offense described in Object 3, and not that the offense described in Object 3 was actually committed.

Object 4

To assist you in determining whether there was an agreement or understanding to knowingly possess or attempt to possess five or more identification documents (other than those issued lawfully for the use of the possessor) or false identification documents, with the intent to use or transfer such documents unlawfully, in and affecting interstate and

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd)

foreign commerce, as charged in Object 4 of the conspiracy under Count 3, you are advised that the elements of this offense are:

- One*, an individual possessed, or attempted to possess, five or more identification documents (other than those issued lawfully for the use of the possessor) or false identification documents;
- Two*, the individual knew he was in possession of such identification documents;
- Three*, the individual intended to use or transfer such documents unlawfully; and
- Four*, such use or transfer was in or affected interstate or foreign commerce, including the transfer of a document by electronic means.

Keep in mind that the Indictment charges a *conspiracy* to commit the offense described in Object 4, and not that the offense described in Object 4 was actually committed.

Object 5

To assist you in determining whether there was an agreement or understanding, having devised and participated in a scheme and artifice to defraud, to knowingly cause one or more articles of mail to be sent, delivered, and moved by the United States Postal Service and private and interstate commercial carriers (including DHL and Federal Express), for the purpose of executing and attempting to execute the scheme and artifice, and in order to effect the scheme and artifice to defraud, as charged in Object 5 of the conspiracy under Count 3, you are advised that the elements of this offense are:

- One*, an individual voluntarily and intentionally participated in a scheme to defraud in connection with the acquisition and use of travel visas;
- Two*, the individual did so with the intent to defraud;

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd)

Three, it was reasonably foreseeable that the United States Postal Service or commercial interstate carriers, such as DHL Express or Federal Express, would be used; and

Four, the United States Postal Service and commercial interstate carriers were used in furtherance of some essential step in the scheme.

Keep in mind that the Indictment charges a *conspiracy* to commit the offense described in Object 5, and not that the offense described in Object 5 was actually committed.

Object 6

To assist you in determining whether there was an agreement or understanding, having devised and participated in a scheme and artifice to defraud, to transmit and cause to be transmitted in interstate commerce one or more signs and signals, including e-mail communications transmitted via the internet from Maryland, and interstate telephone communications, for the purpose of executing and attempting to execute the scheme and artifice, and in order to effect the scheme and artifice to defraud, as charged in Object 6 of the conspiracy under Count 3, you are advised that the elements of this offense are:

One, an individual voluntarily and intentionally devised and participated in a scheme and artifice to defraud in connection with the acquisition and use of travel visas;

Two, the individual did so with the intent to defraud;

Three, it was reasonably foreseeable that some form of interstate wire communications would be used; and

Four, some form of interstate wire communication was used in furtherance of some essential step in the scheme and artifice to defraud.

Keep in mind that the Indictment charges a *conspiracy* to commit the offense described in Object 6, and not that the offense described in Object 6 was actually committed.

INSTRUCTION NUMBER _____

To aid you in determining whether the defendant conspired to commit one or more of the mail or wire fraud crimes alleged in Objects 3 and 4 of Count 3 of the Indictment, you are given the following additional instructions.

The phrase “interstate commerce” means commerce between any combination of states, territories, and possessions of the United States, including the District of Columbia.

The phrase “foreign commerce” means commerce between any state, territory or possession of the United States and a foreign country.

The term “commerce” includes, among other things, travel, trade, transportation and communication.

It is not necessary for the government to show that the defendant actually intended or anticipated an effect on interstate or foreign commerce. All that is necessary is that interstate or foreign commerce was affected as a natural and probable consequence of the defendant’s actions.

You may find an effect on interstate or foreign commerce has been proven if you find from the evidence beyond a reasonable doubt that interstate or foreign wire communications occurred. The phrase “interstate or foreign wire communications” is defined in Instruction Number _____.

INSTRUCTION NUMBER _____

To aid you in determining whether the defendant conspired to commit one or more of the crimes alleged in Objects 5 and 6 of Count 3 of the Indictment, you are given the following additional instructions.

The phrase “scheme to defraud” includes any plan or course of action intended to deceive someone for the purpose of obtaining money, property, or property rights. It also means obtaining money or property from others by means of false representations.

To act with “intent to defraud” means to act knowingly and with the intent to deceive someone for the purpose of gaining money, property, or property rights.

“Interstate or foreign wire communications” include telephone communications, e-mail, wire transfers of funds between financial institutions, or other communications that go from one state to another.

It is not necessary that the use of the mail, commercial interstate courier, or wire communications by the participants themselves be contemplated or that defendant actually used or specifically intended that the mail, commercial interstate courier or wire communications be used. It is sufficient if the mail, commercial interstate courier, or wire communications were intended to be used to carry out the scheme and the use of mail, commercial interstate courier, or wire communications by someone was reasonably foreseeable as part of the conspiracy which defendant joined.

Mailings, the use of commercial interstate courier, or wire communications, which are designed to lull victims into a false sense of security, postpone inquiries or complaints, or make the transaction less suspect are in furtherance of the scheme.

(CONTINUED)

INSTRUCTION NUMBER _____ (Cont'd)

Each separate use of the mail, commercial interstate courier, or wire communications in furtherance of the scheme to defraud would constitute a separate criminal offense.

The conspiracy count in the Indictment charges that the defendant agreed with others to commit mail or wire fraud. The substantive offenses of mail and wire fraud would each require proof that the defendant, devised or participated in a scheme to defraud by use of the mail, commercial interstate courier or wire. To prove mail or wire fraud, the government need not prove that the defendant met with others to formulate the scheme charged, or that there was a formal agreement with others, in order for the defendant to be held responsible for conspiring with others to the operate a scheme and to use mail, commercial interstate courier or wire communications for the purpose of accomplishing the scheme. It would be sufficient if only one person, either the defendant or another person, conceived the scheme as long as the defendant knowingly, voluntarily and intentionally joined in and participated in some way in the operation of the scheme.

In order to prove mail or wire fraud it would also not be necessary that the government prove that the material mailed or shipped by commercial interstate courier, or the wire communications, were themselves false; that the scheme actually succeeded in defrauding anyone; or that the use of the mail, commercial interstate courier, or electronic communications were intended as the exclusive means of accomplishing the alleged fraud.

Remember, the Indictment does not allege that defendant committed mail or wire fraud, only that he agreed with one or more other persons to do so.

INSTRUCTION NUMBER _____

It is not necessary that the act done in furtherance of the conspiracy be in itself unlawful. It may be perfectly innocent in itself.

It is not necessary that the defendant personally committed the act, knew about it, or witnessed it. It makes no difference which of the conspirators did the act. This is because a conspiracy is a kind of “partnership” so that under the law each member is an agent or partner of every other member and each member is bound by or responsible for the acts of every other member done to further their scheme.

It is not necessary that the government prove, beyond a reasonable doubt, that more than one act was done in furtherance of the conspiracy. It is sufficient if the government proves beyond a reasonable doubt, *one* such act; but in that event, in order to return a verdict of guilty, you must unanimously agree upon which act was done.

INSTRUCTION NUMBER _____

It is not necessary for the government to prove that the conspirators actually succeeded in their unlawful plan.

INSTRUCTION NUMBER ____

The law recognizes several kinds of possession. A person may have actual possession or constructive possession. A person may have sole or joint possession.

A person who knowingly has direct physical control over a thing, at a given time, is then in “actual possession” of it.

A person who, although not in actual possession, knowingly has both the power and the intention at a given time to exercise dominion or control over a thing, either directly or through another person or persons, is then in “constructive possession” of it.

If one person alone has actual or constructive possession of a thing, possession is “sole.” If two or more persons share actual or constructive possession of a thing, possession is “joint.”

Whenever the word “possession” has been used in these instructions it includes “actual” as well as “constructive” possession and also “sole” as well as “joint” possession.

INSTRUCTION NUMBER ____

Intent may be proven by circumstantial evidence. It rarely can be established by other means. While witnesses may see or hear and thus be able to give direct evidence of what a person does or fails to do, there can be no eyewitness account of the state of mind with which the acts were done or omitted. But what the defendant does or fails to do may indicate intent or lack of intent to commit an offense.

You may consider it reasonable to draw the inference and find that a person intends the natural and probable consequences of acts knowingly done, but you are not required to do so. As I have said, it is entirely up to you to decide what facts to find from the evidence.

INSTRUCTION NUMBER _____

You will note the Indictment charges that the offenses were committed “on about” or “during at least” and “continuing until at least” certain dates. The government need not prove with certainty the exact date or the exact time period of an offense charged. It is sufficient if the evidence established that an offense occurred within a reasonable time of the date or period of time alleged by the Indictment.

INSTRUCTION NUMBER_____

An act is done “knowingly” if the defendant realized what he was doing and did not act through ignorance, mistake or accident. The government is not required to prove that the defendant knew that his acts or omissions were unlawful. You may consider the evidence of the defendant’s acts and words, along with all other evidence, in deciding whether the defendant acted knowingly.

INSTRUCTION NUMBER _____

Throughout the trial, you have been permitted to take notes. Your notes should be used only as memory aids, and you should not give your notes precedence over your independent recollection of the evidence.

In any conflict between your notes, a fellow juror's notes, and your memory, your memory must prevail. Remember that notes sometimes contain the mental impressions of the note taker and can be used only to help you recollect what the testimony was. At the conclusion of your deliberations, your notes should be left in the jury room for destruction.

INSTRUCTION NUMBER _____

In conducting your deliberations and returning your verdict, there are certain rules you must follow. I shall list those rules for you now.

First, when you go to the jury room, you must select one of your members as your foreperson. That person will preside over your discussions and speak for you here in court.

Second, it is your duty, as jurors, to discuss this case with one another in the jury room. You should try to reach an agreement if you can do so without violence to individual judgment, because a verdict - whether guilty or not guilty - must be unanimous.

Each of you must make your own conscientious decision, but only after you have considered all the evidence, discussed it fully with your fellow jurors, and listened to the views of your fellow jurors.

Do not be afraid to change your opinions if the discussion persuades you that you should. But do not come to a decision simply because other jurors think it is right, or simply to reach a verdict.

Third, if the defendant is found guilty, the sentence to be imposed is my responsibility. You may not consider punishment in any way in deciding whether the government has proved its case beyond a reasonable doubt.

(CONTINUED)

INSTRUCTION NUMBER ____ (Cont'd.)

Fourth, if you need to communicate with me during your deliberations, you may send a note to me through the marshal or court security officer, signed by one or more jurors. I will respond as soon as possible either in writing or orally in open court. Remember that you should not tell anyone – including me – how your votes stand numerically.

Finally, your verdict must be based solely on the evidence and on the law which I have given to you in my instructions. The verdict, whether guilty or not guilty, must be unanimous. Nothing I have said or done is intended to suggest what your verdict should be – that is entirely for you to decide.

INSTRUCTION NUMBER _____

Attached to these instructions you will find three Verdict Forms. The Verdict Forms are simply the written notice of the decisions that you reach in this case. The answers to the Verdict Forms must be the unanimous decision of the jury.

You will take the Verdict Forms to the jury room, and when you have completed your deliberations and each of you has agreed on the answer to each Verdict Form, your foreperson will fill out each Form, sign and date it, and advise the marshal or court security officer that you are ready to return to the courtroom.

Finally, members of the jury, take this case and give it your most careful consideration, and then without fear or favor, prejudice or bias of any kind, return such verdict as accords with the evidence and these instructions.

DATE

**LINDA R. READE
JUDGE, U. S. DISTRICT COURT**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ABDULAZIZ BAH,

Defendant.

No. CR 04-0067 LRR

VERDICT FORM - COUNT 1

We, the jury, find the defendant Abdulaziz Bah, _____ of the crime of
Not Guilty/Guilty
knowingly possessing an alien registration card which the defendant knew to be forged,
counterfeited, falsely made, and otherwise unlawfully obtained, on about June 17, 2004,
as charged in Count 1 of the Indictment.

FOREPERSON

DATE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ABDULAZIZ BAH,

Defendant.

No. CR 04-0067 LRR

VERDICT FORM - COUNT 2

We, the jury, find the defendant Abdulaziz Bah, _____ of the crime of
Not Guilty/Guilty
knowingly possessing a social security card which the defendant knew to be forged,
counterfeited, falsely made, and otherwise unlawfully obtained, on about June 17, 2004,
as charged in Count 2 of the Indictment.

FOREPERSON

DATE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ABDULAZIZ BAH,

Defendant.

No. CR 04-0067 LRR

VERDICT FORM - COUNT 3

We, the jury, make the following findings on the questions put to us regarding Count 3 of the Indictment:

Question 1: We, the jury, find the defendant Abdulaziz Bah, _____ of
Not Guilty/Guilty
the crime of conspiracy to commit one or more of the crimes described as Objects 1 through 6 during at least 2003 and continuing until at least June 17, 2004, as charged in Count 3 of the Indictment.

If your answer to Question 1 is “not guilty” do not answer any further questions on this form as to Count 3.

If your answer to Question 1 is “guilty” please proceed to answer Questions 2 and 3.

(CONTINUED)

Question 2: Please place a check mark (✓) before the Object or Objects you unanimously find were committed as part of the conspiracy charged in Count 3:

- _____ *Object 1* The use of, and the attempt to use, a passport issued and designed for the use of another person.
- _____ *Object 2* The knowing possession of a social security card, alien registration card, birth certificate, passport or other document prescribed by statute or regulation for entry into, or as evidence of authorized stay or employment in, the United States, knowing that such document had been forged, counterfeited, falsely made, and otherwise unlawfully obtained.
- _____ *Object 3* The knowing transfer of an identification document or false identification document, or attempt to do so, in and affecting foreign commerce, knowing that such document was stolen or produced without lawful authority.
- _____ *Object 4* The knowing possession or attempt to possess five or more identification documents (other than those issued lawfully for the use of the possessor) or false identification documents, with the intent to use or transfer such documents unlawfully, in and affecting interstate and foreign commerce.
- _____ *Object 5* Having devised and participated in a scheme and artifice to defraud, the knowing causing of one or more articles of mail to be sent, delivered, and moved by the United States Postal Service and private and interstate commercial carriers (including DHL and Federal Express) for the purpose of executing and attempting to execute the scheme and artifice, and in order to effect the scheme and artifice to defraud.
- _____ *Object 6* Having devised and participated in a scheme and artifice to defraud, the transmittal and causing the transmittal of one or more signs and signals, including e-mail communications transmitted via the internet from Maryland, and interstate telephone communications, in interstate commerce, for the purpose of executing and attempting to execute the scheme and artifice, and in order to effect the scheme and artifice to defraud.

(CONTINUED)

Question 3: Please place a check mark (√) before the overt act or acts you unanimously find were committed in furtherance of the conspiracy charged in Count 3:

- _____ (1) On about March 31, 2003, a Federal Express package containing an “airline ticket” was sent from “Aziz Bah, 5628 Emerson St. #B6, Bladensburg, Md. 20710,” to “Thiernor Diallo, Conakry, Guinea.”
- _____ (2) On about April 29, 2003, a Federal Express package was sent from the British Consulate “Visa Section” in Los Angeles, California, to “D. Kamara, 5628 Emerson St. Apt B, Bladensburg, MD 20710.”
- _____ (3) On about May 13, 2003, an application for a Schengen Visa was submitted to the Luxembourg Embassy in Washington, D.C., in the name “Unis Bah.” The address listed on the application was “5620 Emerson St., #B6 Bladensburg, MD 20710.”
- _____ (4) On about May 22, 2003, a Federal Express package was sent from the British Consulate in New York to “Abdulai Sesay, 5628 Emerson St. #B6, Bladensburg, MD 20710.”
- _____ (5) On about May 23, 2003, a Federal Express package was sent from the British Consulate “Visa Dept.” in Chicago, Illinois, to “Mr. D. Koroma, 5628 Emerson St. D6, Bladensburg, MD 20710.”
- _____ (6) On about May 27, 2003, a Federal Express package was sent from the British Consulate “Visa Dept.” in Chicago, Illinois, to “Mr. D. Koroma, 5628 Emerson St. #B6, Bladensburg, MD 20710.”
- _____ (7) On about May 28, 2003, a Federal Express package containing a “document” was sent from “Aziz Bah, 5628 Emerson St. #B6, Bladensburg, MD 20710,” to “Thiernor Diallo, Conakry, Guinea.”
- _____ (8) On about June 5, 2003, a Federal Express package was sent from the British Consulate “Visa Department” in Chicago, Illinois, to “Unis Bah, 5628 Emerson St. B6, Bladensburg, MD 20710.”
- _____ (9) On about June 5, 2003, an application for a Schengen Visa was submitted to the Belgium Embassy in Washington, D.C., in the name “Abdulai Sesay.” The address listed on the application was “6319 Landover, MD, 20785.”

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- _____ (10) On about June 13, 2003, a Federal Express package was sent from the British Consulate in New York to “Unis Bah, 5628 Emerson St. #B6, Bladensburg, MD 20710.”
- _____ (11) On about June 13, 2003, a Federal Express package was sent from “Koroma, 152 Bayard Drive, Claymont, DE 19703” to the Embassy of Portugal in Washington, D.C.
- _____ (12) On about June 16, 2003, an application for a Schengen Visa was submitted to the Netherlands Embassy in Washington, D.C., in the name “Unis Bah.” The address listed on the application was “5620 Emerson St., #B6 Bladensburg, MD 20710.”
- _____ (13) On about June 19, 2003, “Unis Bah,” showing a Maryland provisional drivers license with address “6401 Landover Road Apt. 202, Cheverly, Md.,” came to the Netherlands Embassy in Washington, D.C., to retrieve documents he had submitted in support of a Schengen Visa application. He was given the documents with the exception of a Sierra Leone passport which was returned to the embassy of Sierra Leone.
- _____ (14) On about June 23, 2003, a Federal Express package was sent from the “Azia Bah, Blandesburg, Md. 20710” to “Thiewor Diallo, Cowakry, Guinea.”
- _____ (15) On about June 27, 2003, a Federal Express package was sent from the British Consulate “Visa Section” in Los Angeles, California, to “Unis Bah, 3801 Kenilworth Ave. #302, Bladensburg, Md. 20710.”
- _____ (16) On about July 14, 2003, a Federal Express package was sent from the “AK Picasso Travel” to “Mariama Diawara, 5628 Emerson St. Apt. B6, Bladensburg, Md. 20710.”
- _____ (17) On about July 18, 2003, a Federal Express package was sent from the British Consulate “Visa Department” in Chicago, Illinois, to “Ms. I Mansaray, 5628 Emerson St. Apt. #B6, Bladensburg, Md. 20710.”
- _____ (18) On about July 24, 2003, a Federal Express package containing a “document” was sent from “Aziz Bah, 5628 Emerson St. #B6, Bladensburg, MD 20710” to “Thienor Diallo, Conakry, Guinea.”

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- _____ (19) On about August 15, 2003, a Federal Express package was sent from “Abdulai Sesay, 5628 Emerson St. #B6, Bladens, TX 75207” to the British Consular General in Los Angeles, California.
- _____ (20) On about August 19, 2003, a Federal Express package was sent from the British Consulate “Visa Section” in Los Angeles, California, to “Abdulai Sesay, 5628 Emerson St. #B6, Dallas, TX 75207.”
- _____ (21) On about September 5, 2003, a Federal Express package was sent from the British Consulate “Visa Department” in Chicago, Illinois, to “D. Kamara, 3201 30th St. #29, Des Moines, Iowa 50310.”
- _____ (22) On about September 7, 2003, a Federal Express package was sent from “Kanii, 5628 Emerson St. #B6, Bladensburg, Montana 20710” to the Belgium Consulate in Chicago, Illinois.
- _____ (23) On about September 8, 2003, a Federal Express package was sent from the British Consulate “Visa Department” in Chicago, Illinois, to “D. Komora, 5628 Emerson St. Apt. #B6, Bladensburg, Md. 20710.”
- _____ (24) On September 12, 2003, a Federal Express package was sent from “Fode Conte, 5628 Emerson St. #B6, Bladensburg, Mn. 20710,” to the Belgium Consulate in Chicago, Illinois.
- _____ (25) On about September 12, 2003, applications for Schengen Visas were submitted to the Belgium Consulate in Chicago, Illinois, in the names “Fode Conte” and “Boubacar Conte.” The “home address” listed on each application was “5628 Emerson St., #B6, Bladensburg, Minnesota 20710.”
- _____ (26) The Schengen Visa applications submitted to the Belgium Consulate on behalf of “Fode Conte” and “Boubacar Conte” were accompanied by copies of false and fraudulent resident alien cards and by other documents.
- _____ (27) The Belgium Consulate subsequently denied the Schengen Visa applications submitted on behalf of “Fode Conte” and “Boubacar Conte.”
- _____ (28) On about September 17, 2003, a Federal Express package was sent from the British Consulate in Los Angeles, California, to “Moseray Kanu, 5800 Annapolis Road, Dallas, MD 20710.” On about September 18, 2003, the package was signed for by “Bah, 5628 Emerson St. B6.”

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- _____ (29) On about September 19, 2003, a Federal Express package containing a “document” was sent from “Aziz Bah, 5628 Emerson St. Apt. #B6, Bladensburg, Md. 20710,” to “Thiernor Diallo, Conakry, Guinea.”
- _____ (30) On about September 22, 2003, a Federal Express package was sent from “Renner, 5628 Emerson St. B6, BLA 20710” to the Belgium Consulate in Chicago, Illinois.
- _____ (31) On about September 22, 2003, applications for Schengen Visas were submitted to the Belgium Consulate in Chicago, Illinois, in the names “Mucktarr Renner” and “Mary Tjan Gbla.” The “home address” listed on each application was “5628 Emerson St., #B6, Blaburg, Missouri 20710-1613.”
- _____ (32) The Schengen Visa applications submitted to the Belgium Consulate on behalf of “Mucktarr Renner” and “Mary Tjan Gbla” were accompanied by copies of false and fraudulent resident alien cards and by other documents.
- _____ (33) On about September 24, 2003, a Federal Express package was sent from the Belgium Consulate in New York to “Sesay, 5628 Emerson St. #B6, Blaburg, Mass. 20710.”
- _____ (34) On about September 27, 2003, a Federal Express package was sent from “K Khnll, 5628 Emerson St., Bladensburg, MD 20710” to the Belgium Consulate in Los Angeles, California.
- _____ (35) On about September 30, 2003, the Belgium Consulate denied the Schengen Visa applications submitted on behalf of “Mucktarr Renner” and “Mary Tjan Gbla.”
- _____ (36) On about October 13, 2003, a Federal Express package was sent from the French Consulate in Boston, Massachusetts, to “Djenaba Keita, 5628 Emerson St. #B6, Blad., Maine 20710.”
- _____ (37) On about October 13, 2003, a Federal Express package was sent from “Fode, 5628 Emerson St. #B6, Bladensburg, TX 20710” to the Belgium Consulate in Chicago, Illinois.

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- _____ (38) On about October 14, 2003, an application for a Schengen Visa was submitted to the Belgium Consulate in Chicago, Illinois, in the name “Boubacar C. Fode.” The “home address” listed on the application was “5628 Emerson St., #B6, Bladensburg, Texas 20710.” The application was signed by “B. Conte Fode.”
- _____ (39) The Schengen Visa application submitted to the Belgium Consulate on behalf of “Boubacar C. Fode” was accompanied by a copy of a false and fraudulent resident alien card and by a purported Guinea passport and other documents.
- _____ (40) On about October 14, 2003, a Federal Express package was sent from the French Consulate in Boston, Massachusetts, to “D Keita, 5628 Emerson St. B6, Bladensburg, MD 20710.”
- _____ (41) On about October 17, 2003, a Federal Express package was sent from the French Consulate in Boston, Massachusetts, to “Isatu Mansaray, 5628 Emerson St. #B6, Blad, MD. 20710.”
- _____ (42) On about October 17, 2003, a Federal Express package was sent from the Irish Embassy in Washington, D.C., to “Mucktarr Renner, 5101 Buchanan St., Harrisburg, Md. 20781.”
- _____ (43) On about October 22, 2003, the Belgium Consulate denied the Schengen Visa application submitted on behalf of “Boubacar C. Fode.”
- _____ (44) On about October 23, 2003, the Belgium Consulate returned the original documents submitted by Boubacar C. Fode via Federal Express to “5628 Emerson St., #B6, Bladensburg, Texas 20710.”
- _____ (45) On about November 4, 2003, a Federal Express package was sent from the French Embassy “Visas” to “Renner, 5628 Emerson St. #B6, Bladensburg, Ohio 20710.”
- _____ (46) In about November, 2003, a Federal Express package was sent from “Aziz Bah, 5628 Emerson St. Ste B6, Bladensburg, MD 20710” to “Thienor Diallo, Conarkry, Guinea.”

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- _____ (47) On about December 1, 2003, a DHL package was sent from “Aziz Bah 5628 Emerson St. #B6, Bladensburg, Md. 20710” to “Abdulai Barrie, Freetown. Sierra Leone.”
- _____ (48) On about December 20, 2003, a Federal Express package was sent from “Keita, 3801 Kenilworth Ave. #404, Augusta, ME, 20710” to the French Consulate in Boston, Massachusetts.
- _____ (49) On about December 24, 2003, a Federal Express package was sent from “Keita Family, 3801 Kenilworth Ave 404W, Bladensburg, MD 20710” to “Keita Family, 5628 Emerson St. Apt B6, Bladensburg, MD 20710.”
- _____ (50) On about January 6, 2004, visa applications were submitted to the Irish Consulate in Chicago, Illinois, in the names “Mohamed Conte,” DOB 04/07/64 and “Mohamed Conte,” DOB 04/08/87. The “present address” listed on each application was “5628 Emerson St., #B6, Bladensburg, Texas 20710.”
- _____ (51) The visa applications submitted to the Irish Consulate on behalf of each “Mohamed Conte” were accompanied by copies of false and fraudulent resident alien cards and by a purported Guinea passport and other documents.
- _____ (52) On about January 8, 2004, visa applications were submitted to the Irish Consulate in Chicago, Illinois, in the names “Fatmata Bah,” “Lansana Bah, DOB 01/01/65” and “Lansana Bah, DOB 07/07/87.” The “present address” listed on each application was “5628 Emerson St., Bladensburg, MD.”
- _____ (53) On about January 12, 2004, a package containing “document” was sent via DHL express delivery service from “Aziz Bah, 5628 Emerson St #B6, Bladensburg, MD 20710, phone (301) 277-4710,” to “Thienor Diallo, Conakry, Guinea, Phone 224 22-8774.”

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- _____ (54) On about January 29, 2004, visa applications were submitted to the Irish Consulate in Chicago, Illinois, in the names “Mohamed Keita” and “Fode Keita.” The “present address” listed on each application was “5012 57th Ave, C6, Bladensburg, TX 75207.”
- _____ (55) The visa applications submitted to the Irish Consulate on behalf of “Mohamed Keita” and “Fode Keita” were accompanied by copies of false and fraudulent resident alien cards and by purported Guinea passports in their respective names and by other documents.
- _____ (56) On about February 5, 2004, visa applications were submitted to the Irish Consulate in Chicago, Illinois, in the names “Boubacar Bah” and “Lansana Bah.” The “present address” listed on each application was “341 Blvd. of Allis, Pittsburg, PA 15123.”
- _____ (57) “Lansana Bah” subsequently sent a letter to the Irish Consulate asking his passport and his son’s passport be returned to his “new address,” “5012 57th Ave. #C6, Bladensburg, MD 20710.” A phone number of 301-277-4710 was provided in the letter.
- _____ (58) On about February 6, 2004, a package containing “document” was sent via DHL express delivery service from “Bah.” The DHL sender account number was 757474088. The sender address was shown as “341 blvd of the Allis, Pittsburg, PA” to the Irish Consulate in New York, New York.
- _____ (59) On about February 9, 2004, a package containing “document” was sent via DHL express delivery service from “Conte.” The DHL sender account number was 757474088. The sender address was shown as 97 Hall St., Concord, N.H., phone (412) 576-7734, to the French Consulate in Boston, Massachusetts.

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- _____ (60) On about February 16, 2004, a package containing “document” was sent via DHL express delivery service from “Aziz Bah.” The DHL sender account number was 757474088. The sender address was shown as 5012 57th Ave. #C6, Bldensburg, MD, phone (301) 277-4710, to “Thierno Diallo, Conarkry, Guinea.”
- _____ (61) On about February 18, 2004, a package containing “document” was sent via DHL express delivery service from “Conte.” The DHL sender account number was 757474088. The sender address was shown as 97 Hall St., Concord, N.H., phone (412) 576-7734, to the French Consulate in Boston, Massachusetts.
- _____ (62) On about February 25, 2004, a package containing “document” was sent via DHL express delivery service from “Conte.” The DHL sender account number was 757474088. The sender address was shown as 704 1st Ave. Iowa City, Iowa 52241, phone (412) 576-7734, to the Irish Consulate in Chicago, Illinois.
- _____ (63) On about February 25, 2004, Guinea passports and visa applications in the names of “Lansana Conte,” “Mohamed Conte,” and “Unis Conte” were submitted by commercial courier to the Irish Consulate in Chicago, Illinois. The return address on two of these applications was “100 F Ave. NW, Cedar Rapid, Iowa.”
- _____ (64) On about March 15, 2004, “Charles Bangura” wrote a letter to the French Consulate, requesting the return of his, his wife’s, and his son’s passports.
- _____ (65) On about March 27, 2004 a Federal Express package was sent from “Bah, 200 E Amite St., Jackson, MS 39201” to the French Consulate, Atlanta, Georgia.
- _____ (66) On about March 31, 2004, a package containing “letters” was sent via DHL express delivery service from “Conte.” The sender’s address was shown as 100 F St. NW, Cedar Rapid, IA 52405, phone (319) 377-3054, to the Belgium Consulate in Chicago, Illinois.

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- _____ (67) On about April 5, 2004, a DHL account was established in the name of “Conte,” 100 F Ave. NW, Cedar Rapids, Iowa, 52405-2736.
- _____ (68) On about April 8, 2004, the Belgium Consulate denied the Schengen Visa applications submitted on behalf of “Fode Conte” and “Boubacar Conte.” The original documents were returned along with a denial letter to “5012 57th Ave., #C6, Bladensburg, IA 20710” via United States Postal Service Express Mail.
- _____ (69) On about April 21, 2004, a DHL account was established in the name of “Abdeul Bahr,” 5012 57th Ave., Bladensburg, MD.
- _____ (70) On about May 12, 2004, a package containing “document” was sent via Federal Express. The sender address was shown as “Aziz Bah, Phone (703) 582-6490, 5012 57th Ave #C6, Bladensburg, MD 20710” to “Thienor Diallo,” Phone “(224) 22-8774, Conakry, Guinea.”
- _____ (71) On about May 12, 2004 a Federal Express package was sent from “Sesay, 5771 Harwich Ct. 13B, Alexandria, TN 20770” to the French Consulate in Atlanta, Georgia.
- _____ (72) On about June 4, 2004, applications for Schengen Visas were completed for submission to the Belgium Consulate in Atlanta, Georgia, in the names “Fode Camara,” “Mohamed Camara,” “Lansana Camara,” and “Abdul Camara.” The applicants’ home addresses were each listed as “5012 57th Ave. #C6, Bladensburg, Miss. 20710.”
- _____ (73) On June 5, 2004, a Federal Express package was sent from “Camara” at “5012 57th Ave #C6, Bladensburg, MD. 20710,” to the Belgium Consulate in Atlanta, Georgia.
- _____ (74) On about June 10, 2004, the Belgium Consulate in Atlanta, Georgia, returned purported Guinea passports in the names of “Fode Camara,” “Mohamed Camara,” “Lansana Camara,” and “Abdoul Camara,” via United States Postal Service express mail, to “Fode Camara” at “5012 57th Ave. #C6, Bladensburg, MI, 20710-1613.”

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- _____ (75) On June 14, 2004, an Irish Consulate official spoke by phone with a person identifying himself as “Mohamed Conte.” The Consulate official advised “Mohamed Conte” that a package containing the Guinea passports and Irish visas had been sent to Cedar Rapids, Iowa, via United States Postal Service Express Mail. The official provided “Mohamed Conte” with a package tracking number.
- _____ (76) On June 15, 2004, at approximately 10:15 a.m., an adult male, identifying himself as “Mohamed Conte,” contacted the West Postal Station located in Cedar Rapids, Iowa. “Conte” spoke with the USPS Supervisor-West Station. “Conte” stated he wanted to check the delivery status of an Express Mail package. He provided the supervisor with the Express Mail tracking number.
- _____ (77) On about June 15, 2004, driving directions were generated via the internet via Mapquest.com for a trip from 5012 57th Ave., Bladensburg, Maryland, to “100 f st nw, Cedar Rapid, IO 52405.”
- _____ (78) On June 16, 2004, “Mohamed Conte” again contacted the West Postal Station in Cedar Rapids to inquire about the status of the package. “Mohamed Conte” spoke several times by phone with postal officials, advising them that he would have his cousin, “Abdulaziz Bah” pick up the package in Cedar Rapids on the morning of June 17, 2004.
- _____ (79) On about June 16, 2004, Abdulaziz Bah rented a car from Enterprise Rental Car Company in Landover, Maryland.
- _____ (80) On about June 17, 2004, Abdulaziz Bah, a/k/a “Mohamed Conte,” and Unis Bah traveled via rental car from Maryland to Cedar Rapids, Iowa, to pick up the package at the West Postal Station.
- _____ (81) On June 17, 2004, Abdulaziz Bah identifying himself as “Mohamed Conte” approached the counter and asked for the Express Mail package addressed to “Mohamed Conte.”
- _____ (82) The package was delivered by the postal employee to Abdulaziz Bah.

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- _____ (83) The computer at the residence of Abdulaziz Bah was used periodically to access the internet to check on the status of parcels shipped via United States mail or a commercial carrier and to make travel reservations or research other information to be used in connection with the scheme to acquire visas. Each use of the internet is alleged to constitute a separate overt act committed in furtherance of the conspiracy.
- _____ (84) The computer and scanner at the residence of Abdulaziz Bah were used periodically to produce or copy documents to be used in connection with the scheme to acquire visas. Each use of the computer and scanner is alleged to constitute a separate overt act committed in furtherance of the conspiracy.
- _____ (85) Cell phones and other phones were used periodically in furtherance of the scheme to acquire visas. Each use of cell phones and other phones is alleged to constitute a separate overt act committed in furtherance of the conspiracy.

FOREPERSON

DATE