NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with Fed. R. App. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted February 6, 2019*
Decided February 11, 2019

Before

DANIEL A. MANION, *Circuit Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

No. 17-3443

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

ULRIC JONES,
Defendant-Appellant.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 15 CR 505

John Robert Blakey, *Judge.*

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* After filing the appellant's brief, Jones's attorney was removed from the bar of this court. *See* Order, *Davis v. Anderson*, No. 17-1732 (7th Cir. May 29, 2018). Jones expressly declined to proceed with another attorney, public defender or pro se. We accepted the brief submitted by Jones's former attorney and agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments. FED. R. APP. P. 34(a)(2)(C).

ORDER

Ulric Jones sought $840,000 in tax refunds in connection with three fraudulent tax returns he filed on behalf of the "Ulric Jones Trust." The Internal Revenue Service processed one of the refunds and issued a $280,000 check to the trust before realizing that Jones's requests were frivolous. A jury convicted Jones of presenting false claims to the government, *see* 18 U.S.C. § 287, theft of government funds, *see id.* § 641, and mail fraud, *see id.* § 1341. On appeal, Jones primarily challenges the sufficiency of the evidence. Because Jones's conviction is supported by sufficient evidence, including his own testimony, we affirm.

At Jones's trial, the government submitted tax filings and introduced witness testimony showing that Jones made three false representations to the IRS, and as a result, the IRS mailed him a $280,000 check to which he was not entitled. In tax returns for his trust for 2008 and 2009, Jones attested that the trust had earned $840,000 in income and overpaid $280,000 in taxes. Kristi Morgan, an IRS employee, testified that she searched the trust's tax ID number in the IRS database and saw that the trust had neither earned income nor paid any taxes. Jones and his wife, moreover, had not paid the trust's taxes for the 2009 tax year. After the IRS flagged Jones's 2008 tax return as facially meritless (and requested a correction), Jones submitted an amended filing that reflected the same information as his original return. As a result of Jones's false statements, the IRS sent Jones a $280,000 check;

at trial, the government showed that this check bore Jones's endorsement and a deposit stamp.

Jones, for his part, testified that he created the "Ulric Jones Trust" and mailed tax filings requesting refunds for 2008 and 2009 based on his belief that the government owed him money because of his Moorish identity. Many self-described "Moors" believe that they descend from the rightful owners of North America (i.e., that they are sovereign citizens) and that the United States government now owes them payment. *See*, *e.g.*, *United States v. Walton*, 907 F.3d 548, 550–551 (7th Cir. 2018); *Bey v. State*, 847 F.3d 559, 560-61 (7th Cir. 2017). Jones admitted at trial that he knew his trust had neither earned income nor paid taxes, but testified that he believed filing the returns was the proper avenue to access funds that the government had kept for him in a "bank in Atlanta" since his birth.

After the jury began its deliberations, the court received a question from one juror asking for specific details about the $280,000 check. The question inquired about the source of the funds that the IRS paid to Jones. The court sought input from both parties about how to respond, and then instructed the jury to rely on their "collective memories of the evidence at trial" about the facts of the case and "the court's instructions" about the law.

The jury then found Jones guilty of three counts of presenting false claims to the government, *see* 18

U.S.C. § 287, one count of theft of government funds, *see id.* § 641, and one count of mail fraud, *see id.* § 1341.

On appeal, Jones argues that the government failed to introduce evidence showing that he had the necessary mens rea to support his convictions. Because he believed he was entitled to the money he sought, Jones asserts, he could not have knowingly intended to defraud the IRS.

We agree with the government that the evidence presented at trial, viewed in the light most favorable to the government, shows that Jones had the mens rea to support his convictions. *See United States v. Clarke*, 801 F.3d 824, 827 (7th Cir. 2015). First, to convict Jones for making a false claim to the government, the government had to prove only that he made a false, fictitious, or fraudulent claim to the IRS that he knew was false, fictitious, or fraudulent. *See* 18 U.S.C. § 287; *Clarke*, 801 F.3d at 827. Here, the government pointed to Jones's admissions that he falsely reported trust income to the IRS and knew that his returns were inaccurate. These admissions were corroborated by his tax returns and Morgan's testimony.

Sufficient evidence also supported the conclusion that Jones knowingly converted money "of the United States" to his own use. 18 U.S.C. § 641. The government introduced evidence that Jones knew he was not entitled to the $280,000 he received. His fraudulent returns and Morgan's testimony showed that the trust had neither earned income nor paid taxes in 2008 and 2009. The government, moreover, introduced the check

with Jones's signature and a deposit stamp to show that he deposited the funds in a bank account bearing the trust's name. Depositing fraudulently-obtained funds is sufficient to show a violation of § 641. *See United States v. Wilson*, 788 F.3d 1298, 1309 (11th Cir. 2015).

Last, on the mail fraud count, sufficient evidence supported the conclusion that Jones knowingly participated in a scheme with the intent to defraud, and "caused the mails to be used in furtherance" of the scheme. *United States v. Useni*, 516 F.3d 634, 648–49 (7th Cir. 2008); *see* 18 U.S.C. § 1341. Jones admitted to mailing returns that he knew were false with the expectation that his statements would, in turn, lead the IRS to mail him a check to which he was not entitled. (In anticipation of receiving the check, he even obtained a P.O. box.)

Jones finally challenges the court's answer to the jury's question. But a court does not err in instructing the jury to refer to previous instructions as long as "the original jury charge clearly and correctly states the applicable law." *United States v. Durham*, 645 F.3d 883, 894 (7th Cir. 2011). Jones has not disputed the accuracy of the original jury instructions, and we see no error in the court's response. Having sought input from both parties about how he should respond, the court directed the jury to rely on the original jury instructions—instructions that tracked the Seventh Circuit Pattern Jury Instructions and to which Jones had not objected.

We have considered Jones's remaining arguments but not one has merit.

AFFIRMED

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

[SEAL]

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FINAL JUDGMENT

February 11, 2019

Before: DANIEL A. MANION, Circuit Judge
ILANA DIAMOND ROVNER, Circuit Judge
MICHAEL B. BRENNAN, Circuit Judge

No. 17-3443	UNITED STATES OF AMERICA, Plaintiff - Appellee v. ULRIC JONES, Defendant - Appellant

Originating Case Information:

District Court No: 1:15-cr-00505-1
Northern District of Illinois, Eastern Division
District Judge John Robert Blakey

The judgment of the District Court is **AFFIRMED** in accordance with the decision of this court entered on this date.

form name: **c7_FinalJudgment**(form ID: **132**)

[SEAL]

FEDERAL PUBLIC DEFENDER
CENTRAL DISTRICT OF ILLINOIS

August 21, 2018

Ulric Jones
Reg. No. 49600-424
FCI Terre Haute
P.O. Box 33
Terre Haute, Indiana 47808

RE: UNITED STATES V. ULRIC JONES
Northern District of Illinois, Eastern Divison Case No. 15 CR 505 Seventh Circuit Court of Appeals Case No. 17-3443

Dear Mr. Jones:

I have received several letters from you indicating that you do not accept my office's appointment to represent you and that you are represented by attorney John Davis. I have attempted to set up a telephone conference call with you through your counselor at FCI Terre Haute. However, you have refused to speak with me because you believe you are represented by Mr. Davis.

I understand that you want Mr. Davis to continue to represent you on appeal. Unfortunately, Mr. Davis is no longer allowed to practice law in the Seventh Circuit Court of Appeals. Therefore, he is unable to represent you on appeal in any way. It does not matter at this point why he cannot represent you on appeal; the point is he cannot and you need to make a decision how to proceed given this fact.

At this point, you essentially have three options: (1) you can retain substitute counsel; (2) you can accept appointed counsel from the Court of Appeals; or (3) you can ask the Court of Appeals to proceed *pro se* on appeal. I will discuss each one of these options in more detail below.

First, you have the option to retain substitute counsel. I do not know if Mr. Davis has returned any fees to you. That issue is something you must work out with Mr. Davis personally. However, if you still want to be represented by private counsel, you must find and retain private counsel on your own. I cannot assist you in recruiting private counsel. If this is how you wish to proceed, you must either inform me so I can tell the Court of Appeals or you can inform the Court of Appeals directly. This will have to be done relatively soon; my suggestion is that you have any attorney retained and an appearance filed on the docket within the next 30 days.

Your second option is to accept appointed counsel, specifically me and my office. If this is the route you want to take, you must complete and return a signed copy of the financial affidavit I sent to you on August 9, 2018. If you need a new financial affidavit, please let me know and I will send you one. After I receive the affidavit, I will file a motion to proceed *in forma pauperis* with the district court. In most circumstances, these motions are quickly granted by the district court. After the motion is granted, I will notify the Court of Appeals and the Court will appoint my office to represent you on appeal. Your appeal will then proceed with appointed counsel.

Your third option is to ask the Court if you can proceed *pro se*, or represent yourself. Unlike district court, you do not have the right to represent yourself on appeal. The Court of Appeals does not automatically grant a request to proceed *pro se.* I have seen a few cases where a criminal defendant is allowed to proceed *pro se* on appeal, but it is not something you should count on. If they deny your request to proceed *pro se*, it is likely they will appoint counsel to represent you, most likely our office.

Please let me know which one of these options you would like to pursue. I am required to file a status report in the Court of Appeals on August 27, 2018, and I would like to inform the Court of which one of these options you have chosen. Again, having Mr. Davis as your attorney is not an option so you must pick one of the options I have detailed in this letter.

Sincerely,

/s/ Johanna M. Christiansen
JOHANNA M. CHRISTIANSEN
Assistant Federal Public Defender

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8-24-18

TO: Johanna M. Christiansen
Asst. Federal Public Defender

From: Ulric Jones

I'm writing again to let you know that John H. Davis is my counsel/attorney for my appeal. It my right to choose my counsel; pertaining to the Sixth Amendment, and you keep telling me to choose someone else. I do not want a public defender, another private attorney or to do pro se; just Mr. John H. Davis, who I have a contract with, not with you to represent me . . . You (Public Defender) keep trying to get me to change, I'm not interested. I trust Mr. John H. Davis, not you. Something personal is going on between, the courts and Mr. Davis, which have nothing to do with me or my case. Mr. Davis had already put in my brief. So if you have any question or mail, sent it to my counsel/attorney, Mr. John H. Davis, Attorney at Law, 5201 Broadway, Suite 203-205, Merrillville, IN 46409, 219-884-2461. I do not want to talk or see you, I prefer you getting in contact with Mr. John H. Davis; my attorney.

cc: John H. Davis
Seventh Circuit Court of Appeal

Thank you

By /s/ Ulric Jones