



**District of Columbia
Court of Appeals**

No. 19-OA-4

IN RE: SALEEM ELAMIN

2014 CF3 8040

BEFORE: Easterly and McLeese, Associate Judges, and Ruiz, Senior Judge.

ORDER

On consideration of petitioner's motion to proceed *in forma pauperis* and his lodged petition for writ of mandamus wherein he states he should be released because the indictment was faulty and therefore the court lacked jurisdiction to convict him of crimes "while armed", and it appearing this court affirmed appellant's conviction in appeal no. 14-CF-1134 and the denial of his collateral attack on his conviction in appeal no.18-CO-854, and it further appearing that no motions are pending in the trial court, it is

ORDERED that petitioner's motion to proceed *in forma pauperis* is granted and the Clerk shall file his lodged petition for writ of mandamus. It is

FURTHER ORDERED that the petition for writ of mandamus is denied. *See Banov v. Kennedy*, 694 A.2d 850, 857 (D.C. 1997). The underlying indictment in this case properly included the date of the offense and references to D.C. Code § 22-4502 that provides for additional penalties for crimes committed while armed. The Gerstein statement provided the date, time, and address where the offense occurred.

PER CURIAM

Appendix A

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

United States of America
Vs.

JUDGMENT IN A CRIMINAL CASE (Incarceration)

SALEEM ELAMIN
DOB:05/06/1981

Case No. 2014 CF3 008040
PDID No. 632082
DCDC No.

THE DEFENDANT HAVING BEEN FOUND GUILTY ON THE FOLLOWING COUNT(S) AS INDICATED BELOW:

<u>Count</u>	<u>Court Finding</u>	<u>Charge</u>
1	Jury Trial Guilty	Robbery While Armed(Knife)

SENTENCE OF THE COURT

Count 1: Robbery While Armed(Knife) Sentenced to 120 month(s) incarceration, 5 year(s) supervised release., \$200.00 VVCA
Due Date 11/14/2018

The defendant is hereby committed to the custody of the Attorney General to be incarcerated for a total term of 120 months. MANDATORY MINIMUM term of _____ applies.

Upon release from incarceration, the Defendant shall be on supervised release for a term of: 5 years

The Court makes the following recommendations to the Bureau of Prisons/Department of Corrections:

[Redacted]

Total costs in the aggregate amount of \$ 200.00 have been assessed under the Victims of Violent Crime Compensation Act of 1996, and have have not been paid. Appeal rights given Gun Offender Registry Order Issued
 Advised of right to file a Motion to Suspend Child Support Order Sex Offender Registration Notice Given
 Domestic violence notice given prohibiting possession/purchase of firearm or ammunition
 Restitution is part of the sentence and judgment pursuant to D.C. Code § 16-711. Voluntary Surrender

11/14/2014

Date


WILLIAM M JACKSON
Judge/Magistrate Judge

Certification by Clerk pursuant to Criminal Rule 32(d)

11/14/2014

Date


Jewel Myers
Deputy Clerk

Received by DUSM: S. Reyes Badge#: _____ Signature: _____ Date: 11/14/14 Time: 1:30 pm
Printed Name



Appendix B

FOR THE
SUPERIOR COURT

OF THE
DISTRICT OF COLUMBIA

OF THE 2011 JUL 8 PM 4 03

DISTRICT OF COLUMBIA

FILED

Holding a Criminal Term

Grand Jury Sworn in on May 27, 2014

THE UNITED STATES OF AMERICA

Criminal No: 2014 CF3 008040

v.

SALEEM ELAMIN

Also Known As Tariq Abdul-Rauf El-Amin

PDID: 632-082

Violations:

22 D.C. Code, Sections 2801, 4502;

22 D.C. Code, Section 402 (2001 ed.)

(Robbery While Armed; Assault with a Dangerous Weapon)

The Grand Jury charges:

FIRST COUNT:

On or about May 6, 2014, within the District of Columbia, Saleem Elamin, also known as Tariq Abdul-Rauf El-Amin, while armed with and having readily available a dangerous and deadly weapon that is a knife by force and violence, by means of sudden and stealthy seizure and snatching, stole and took from the person and from the immediate actual possession of Bessy Merino, property of value belonging to Bessy Merino consisting of a purse, camera and U.S. Currency. (Robbery While Armed, in violation of 22 D.C. Code, Section 2801, 4502 (2001 ed.))

Appendix C

SECOND COUNT:

On or about May 6, 2014, within the District of Columbia, Saleem Elamin, also known as Tariq Abdul-Rauf El-Amin, assaulted Bessy Merino with a dangerous weapon, that is, knife. (Assault with a Dangerous Weapon, in violation of 22 D.C. Code, Section 402 (2001 ed.))

Ronald C. Machen Jr. /866
RONALD C. MACHEN JR.
United States Attorney
in and for the District of Columbia

A TRUE BILL:

Chonieck
Foreperson

§ 22-4502. Additional penalty for committing crime when armed.

(a) Any person who commits a crime of violence, or a dangerous crime in the District of Columbia when armed with or having readily available any pistol or other firearm (or imitation thereof) or other dangerous or deadly weapon (including a sawed-off shotgun, shotgun, machine gun, rifle, stun gun, dirk, bowie knife, butcher knife, switchblade knife, razor, blackjack, billy, or metallic or other false knuckles):

(1) May, if such person is convicted for the first time of having so committed a crime of violence, or a dangerous crime in the District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment which may be up to, and including, 30 years for all offenses except first degree murder while armed, second degree murder while armed, first degree sexual abuse while armed, and first degree child sexual abuse while armed, and shall, if convicted of such offenses while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less than 5 years; and

(2) Shall, if such person is convicted more than once of having so committed a crime of violence, or a dangerous crime in the District of Columbia, or an offense in any other jurisdiction that would constitute a crime of violence or dangerous crime if committed in the District of Columbia, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment of not less than 5 years and, except for first degree murder while armed, second degree murder while armed, first degree sexual abuse while armed and first degree child sexual abuse while armed, not more than 30 years, and shall, if convicted of such second offense while armed with any pistol or firearm, be imprisoned for a mandatory-minimum term of not less than 10 years.

(3) Shall, if such person is convicted of first degree murder while armed, second degree murder while armed, first degree sexual abuse while armed, or first degree child sexual abuse while armed, be sentenced, in addition to the penalty provided for such crime, to a period of imprisonment of not less than the minimum and mandatory minimum sentences required by subsections (a)(1), (a)(2), (c) and (e) of this section and § 22-2104, and not more than life imprisonment or life imprisonment without possibility of release as authorized by § 24-403.01(b-2); § 22-2104; § 22-2104.01; and §§ 22-3002, 22-3008, and 22-3020.

(4) For purposes of imprisonment following revocation of release authorized by § 24-403.01(b)(7), the offenses defined by this section are Class A felonies.

(b) Repealed.

(c) Any person sentenced pursuant to paragraph (1), (2), or (3) of subsection (a) above for a conviction of a crime of violence or a dangerous crime while armed with any pistol or firearm,

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Appendix D

7/20/2023

shall serve a mandatory-minimum term of 5 years, if sentenced pursuant to paragraph (1) of subsection (a) of this section, or 10 years, if sentenced pursuant to paragraph (2) of subsection (a) of this section, and such person shall not be released, granted probation, or granted suspension of sentence, prior to serving such mandatory-minimum sentence.

(d) Repealed.

(e) (1) Subchapter I of Chapter 9 of Title 24 shall not apply with respect to any person sentenced under paragraph (2) of subsection (a) of this section or to any person convicted more than once of having committed a crime of violence or a dangerous crime in the District of Columbia sentenced under subsection (a)(3) of this section.

(2) The execution or imposition of any term of imprisonment imposed under paragraph (2) or (3) of subsection (a) of this section may not be suspended and probation may not be granted.

(e-1) In addition to any other penalty provided under this section, a person may be fined an amount not more than the amount set forth in § 22-3571.01.

(f) Nothing contained in this section shall be construed as reducing any sentence otherwise imposed or authorized to be imposed.

(g) No conviction with respect to which a person has been pardoned on the ground of innocence shall be taken into account in applying this section.