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**ORDER OF THE UNITED STATES COURT
OF APPEALS FOR THE FOURTH CIRCUIT
(DECEMBER 16, 2021)**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ABETUBOKUN A. ADESIOYE,

Defendant-Appellant.

No. 20-4621

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ABETUBOKUN A. ADESIOYE,
A/K/A ADETUBOKUN A. ADESIOYE,

Defendant-Appellant.

No. 20-4622

Appeals from the United States District
Court for the District of Maryland, at Greenbelt.
Peter J. Messitte, Senior District Judge.
(8:00-cr-00373-PJM-1; 8:00-cr-00605-PJM-1)

Before: MOTZ, AGEE, and HARRIS, Circuit Judges.

PER CURIAM:

In these consolidated appeals, Abetubokun A. Adesioye pled guilty, pursuant to a written plea agreement, to bank fraud, in violation of 18 U.S.C. § 1344, and conspiracy to commit bank fraud, in violation of 18 U.S.C. § 371. The district court sentenced Adesioye to 153 months' imprisonment for bank fraud and 60 months' imprisonment for the conspiracy offense, to run concurrently. On appeal, Adesioye raises several challenges to the procedural and substantive reasonableness of his sentences. The Government has invoked the appeal waiver in Adesioye's plea agreement, asserting that the appeals should be dismissed.

We review the validity of an appeal waiver *de novo*. *United States v. Manigan*, 592 F.3d 621, 626 (4th Cir. 2010). Where the Government seeks to enforce an appeal waiver and did not breach its obligations under the plea agreement, we will enforce the waiver if the record establishes that (1) the defendant knowingly and intelligently agreed to waive his right to appeal, and (2) the issues raised on appeal fall within the scope of the waiver. *United States v. Blick*, 408 F.3d 162, 168-69 (4th Cir. 2005). "[T]he issue ultimately is evaluated by reference to the totality of the circumstances," considering "the particular facts and circumstances surrounding th[e] case, including the background, experience, and conduct of the accused."

Id. at 169 (internal quotation marks omitted). On appeal, Adesioye does not challenge the validity of the appeal waiver and the record otherwise indicates that Adesioye knowingly and intelligently agreed to waive his right to appeal. Therefore, because Adesioye's challenges to his sentences fall within the scope of the waiver, we dismiss the appeals.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

/s/ Patricia S. Connor
Clerk

**JUDGMENT OF THE UNITED STATES COURT
OF APPEALS FOR THE FOURTH CIRCUIT
(DECEMBER 16, 2021)**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ABETUBOKUN A. ADESIOYE,

Defendant-Appellant.

No. 20-4621 (L)
(8:00-cr-00373-PJM-1)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ABETUBOKUN A. ADESIOYE,
A/K/A ADETUBOKUN A. ADESIOYE,

Defendant-Appellant.

No. 20-4622
(8:00-cr-00650-PJM-1)

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In accordance with the decision of this court, these appeals are dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

DISMISSED.

/s/ Patricia S. Connor, Clerk

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**JUDGMENT IN A CRIMINAL CASE,
UNITED STATES DISTRICT COURT,
DISTRICT OF MARYLAND
(SIGNED DECEMBER 15, 2020;
FILED DECEMBER 16, 2020)**

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

ABETUBOKUN A. ADESIOYE

Case Number. PJM-8-00-CR-00373-001
(For Offenses Committed on or
After November 1, 1987)

Before: Peter J. MESSITTE,
Senior United States District Judge.

JUDGMENT IN A CRIMINAL CASE

The Defendant:

☒ pleaded guilty to count 1 of the Indictment

Title & Section

18 U.S.C. § 371

Nature of Offense

Conspiracy to Commit Bank Fraud

Date Offense Concluded

July 2000

Count Number(s)

1

The defendant is adjudged guilty of the offenses listed above and sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 as modified by *U.S. v. Booker*, 543 U.S. 220 (2005).

☒ Counts 2, 3 and 4 of the Indictment are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

December 10, 2020

Date of Imposition of Judgment

/s/ Peter J. Messitte 12/15/20

Senior U.S. District Judge

[* * *]

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 60 months as to Count 1 of the Indictment, to run concurrent to the term of imprisonment imposed in Criminal Case No. PJM-8-00-CR-00605-001, with credit for time served in detention.

- ☒ The court makes the following recommendations to the Bureau of Prisons:

That the inmate be placed in a facility consistent with his security level that is as close as possible to North Carolina.

- ☒ The defendant is remanded to the custody of the United States Marshal.

A defendant who fails to report either to the designated institution or to the United States Marshal as directed shall be subject to the penalties of Title 18 U.S.C. § 3146. If convicted of an offense while on release, the defendant shall be subject to the penalties set forth in 18 U.S.C. § 3147. For violation of a condition of release, the defendant shall be subject to the sanctions set forth in Title 18 U.S.C. § 3148. Any bond or property posted may be forfeited and judgment entered against the defendant and the surety in the full amount of the bond.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____,
with a certified copy of this judgment.

United States Marshal

By: _____
Deputy U.S. Marshal

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to Count 1 of the Indictment, to run concurrent to the Supervised Release term imposed in Criminal Case No. PJM-8-00-CR-00605-001.

The defendant shall comply with all of the following conditions:

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

A. Mandatory Conditions

1. You must not commit another federal, state or local crime.

2. You must not lawfully possess a controlled substance.

3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
- 4. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*

B. Standard Conditions of Supervision

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to

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reside without first getting permission from the court or the probation officer.

- 4) You must answer truthfully the questions asked by your probation officer.
- 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10

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days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

- 8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or lasers).
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person

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and confirm that you have notified the person about the risk.

- 13) You must follow the instructions of the probation officer related to the conditions of supervision.

C. Supervised Release Additional Conditions

Financial Disclosure

- ☒ You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.

No New Debt/Credit

- ☒ You must not incur new credit charges or open additional lines of credit without the approval of the probation officer.

Restitution-Money

- ☒ You must pay any outstanding monetary restitution ordered by the Court. Restitution payments shall be made jointly and severally with the other co-defendants in monthly installments of at least \$100.00 to begin 30 days after release from imprisonment and be paid to the Clerk, U.S. District Court, 6500 Cherrywood Lane, Suite 200, Greenbelt, MD 20770, for disbursement to the victims.

Special Assessment

- ☒ You must pay a special assessment of \$100.00.

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 5B.

	Totals
Assessment	\$ 100.00
Restitution	\$ 98,513.80
Fine	Waived
AVAA Assessment	N/A
JVTA Assessment	N/A

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee

Clerk, US District Court
6500 Cherrywood Lane
Greenbelt, MD 20770
For disbursement to victim(s)

Restitution Ordered

\$98,513.80

Totals \$98,513.80

SCHEDULE OF PAYMENTS

Payment of the total fine and other criminal monetary penalties shall be due as follows:

B. A Special Assessment in the amount of \$100.00 immediately, balance due (in accordance with C, D, or E); or

E. In equal monthly (*e.g. equal weekly, monthly, quarterly*) installments of \$100.00 over a period of 3 year(s) to commence 30 days after release from imprisonment.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Unless the court expressly orders otherwise, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Bureau of Prisons Inmate Financial Responsibility Program, are to be made to the Clerk of the Court.

Special instructions regarding the payment of criminal monetary penalties:

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☒ Joint and Several

Case Number Defendant and Co- Defendant Names (including defendant number)	Joint and Several
PJM-00-CR-00373-002, Dawn L. Hall	\$98,513.80
PJM-00-CR-00373-003, Shawn M. Raphael	\$98,513.80
PJM-00-CR-00373-004, Oluwayinka A. Taiwo	\$98,513.80
PJM-00-CR-00373-005, Yetunde F. Ogunyankin	\$98,513.80

Payments shall be applied in the following order:
(1) assessment, (2) restitution principal, (3) restitution
interest, (4) AV AA assessment, (5) fine principal, (6)
fine interest, (7) community restitution, (8) JVT
assessment, (9) penalties, and (10) costs, including cost
of prosecution and court costs.