

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUL 14 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 22-50135

Plaintiff-Appellee,

D.C. No. 8:21-cr-00033-JLS-1
Central District of California,
Santa Ana

v.

ORDER

OLAYINKA FAMOFO-IDOWU, AKA
Coker Anderson, AKA Henry Benson, AKA
Anthony Brown, AKA Brian Henry Chaffin,
AKA Gregory Allen Clatterbuck, AKA
Stephen Daniel Edward, AKA Johnson
Emmanuel, AKA Edward Francis, AKA
Thompson Fred, AKA Henry Stanford
Jayson, AKA Daniel Joel, AKA Cameron
Lawrence, AKA Isreal Pena, AKA Valerie
Ramirez, AKA Nelson Irving Stein, AKA
Gregory Paul Timothy, AKA David Walker,

Defendant-Appellant.

Before: SCHROEDER, R. NELSON, and VANDYKE, Circuit Judges.

The motion to withdraw (Docket Entry No. 3) filed by Correen Ferrentino, Esq., is granted. The district court docket reflects that counsel Ferrentino has been relieved and Patrick William McLaughlin, Esq., has been appointed.

A review of the record, including appellant's arguments in his pro se notice of appeal, demonstrates that this court lacks jurisdiction over the appeal because the district court has not entered a final judgment or order that comes within the collateral order doctrine. *See* 28 U.S.C. § 1291; *Midland Asphalt Corp. v. United*

States, 489 U.S. 794, 798 (1989) (in criminal cases, finality requirement generally “prohibits appellate review until after conviction and imposition of sentence”).

Accordingly, this appeal is dismissed for lack of jurisdiction.

Appellant’s pro se motion (Docket Entry No. 4) “to dismiss case with prejudice for fraud upon the court” is denied as moot.

DISMISSED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 05 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

OLAYINKA FAMOFO-IDOWU, AKA
Coker Anderson, AKA Henry Benson,
AKA Anthony Brown, AKA Brian
Henry Chaffin, AKA Gregory Allen
Clatterbuck, AKA Stephen Daniel
Edward, AKA Johnson Emmanuel,
AKA Edward Francis, AKA Thompson
Fred, AKA Henry Stanford Jayson,
AKA Daniel Joel, AKA Cameron
Lawrence, AKA Isreal Pena, AKA
Valerie Ramirez, AKA Nelson Irving
Stein, AKA Gregory Paul Timothy,
AKA David Walker,

Defendant - Appellant.

No. 22-50135

D.C. No. 8:21-cr-00033-JLS-1
U.S. District Court for Central
California, Santa Ana

MANDATE

The judgment of this Court, entered July 14, 2022, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

AUG 10 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

OLAYINKA FAMOFO-IDOWU, AKA
Coker Anderson, AKA Henry Benson, AKA
Anthony Brown, AKA Brian Henry Chaffin,
AKA Gregory Allen Clatterbuck, AKA
Stephen Daniel Edward, AKA Johnson
Emmanuel, AKA Edward Francis, AKA
Thompson Fred, AKA Henry Stanford
Jayson, AKA Daniel Joel, AKA Cameron
Lawrence, AKA Isreal Pena, AKA Valerie
Ramirez, AKA Nelson Irving Stein, AKA
Gregory Paul Timothy, AKA David Walker,

Defendant-Appellant.

No. 22-50169

D.C. No.

8:21-cr-00033-JLS-1

Central District of California,
Santa Ana

ORDER

This appeal arises from appellant's pro se notice of appeal from his guilty plea. Appeal No. 22-50135, which this court dismissed for lack of jurisdiction on July 14, 2022, arose from a nearly identical pro se notice of appeal from appellant's guilty plea. Accordingly, Appeal No. 22-50169 is dismissed as duplicative of Appeal No. 22-50135.

This order served on the district court acts as the mandate of this court.

FILED

SEP 26 2022

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

OLAYINKA FAMOFO-IDOWU, AKA
Coker Anderson, AKA Henry Benson, AKA
Anthony Brown, AKA Brian Henry Chaffin,
AKA Gregory Allen Clatterbuck, AKA
Stephen Daniel Edward, AKA Johnson
Emmanuel, AKA Edward Francis, AKA
Thompson Fred, AKA Henry Stanford
Jayson, AKA Daniel Joel, AKA Cameron
Lawrence, AKA Isreal Pena, AKA Valerie
Ramirez, AKA Nelson Irving Stein, AKA
Gregory Paul Timothy, AKA David Walker,

Defendant-Appellant.

No. 22-50169

D.C. No. 8:21-cr-00033-JLS-1
Central District of California,
Santa Ana

ORDER

The mandate is recalled for the limited purpose of vacating the court's August 10, 2022, order, which erroneously treated this appeal as duplicative, rather than as opened in error. The order at Docket Entry No. 2 is vacated. The Clerk will close this appeal as opened in error.

This order served on the district court acts as the mandate of this court.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. 8:21-cr-00033-JLS-1

Date August 2, 2022

Present: The Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE

Interpreter None

Dolores Ramos
Deputy Clerk

Not Reported
Court Reporter/Recorder

Not Present
Assistant U.S. Attorney

PROCEEDINGS: (IN CHAMBERS) ORDER

The Court has ordered the filing of Defendant's recent submission, which it construes a motion for self-representation. (See Doc. 36.)

The Court sets the matter for hearing on August 19, 2022 at 9:30 a.m. At that time, the Court will consider the self-representation issue only; the Court defers consideration of Defendant's arguments regarding the plea agreement until a future date.

The sentencing hearing is hereby continued to October 7, 2022 at 11:30 a.m.

The Court recently appointed new CJA counsel, Patrick McLaughlin, who is ordered to appear at the motion hearing. (See Doc. 27.)

Any response to Defendant's motion shall be filed no later than August 12, 2022.

cc: **USPO**

Initials of Deputy Clerk dr

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CRIMINAL MINUTES - GENERAL

Case No. SA CR 21-00033-JLS

Date September 9, 2022

Present: The Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE

Interpreter Not Applicable

V.R. Vallery

Deputy Clerk

Sheri Kleegeer

Court Reporter

Jennifer Waier

Assistant U.S. Attorney

| <u>U.S.A. v. Defendant(s):</u> | <u>Present</u> | <u>Cust.</u> | <u>Bond</u> | <u>Attorneys for Defendants:</u> | <u>Present</u> | <u>App.</u> | <u>Ret.</u> |
|--------------------------------|----------------|--------------|-------------|----------------------------------|----------------|-------------|-------------|
|--------------------------------|----------------|--------------|-------------|----------------------------------|----------------|-------------|-------------|

| | | | | | | | |
|-----------------------|---|---|--|--------------------|---|--|---|
| Olayinka Famofu-Idowu | √ | √ | | Patrick McLaughlin | √ | | √ |
|-----------------------|---|---|--|--------------------|---|--|---|

Proceedings: PETITION REQUESTING WAIVER OF COUNSEL [36]

Hearing is held. Court and counsel confer. Government counsel is excused from the courtroom. Court questions the defendant and defense counsel. The Court finds defense counsel has effectively represented the defendant. The Court declines to appoint new counsel.

Government counsel returns to the courtroom. The Court instructs government counsel to describe the charges and elements of the case. After further discussion with the Court, the defendant withdraws his request to represent himself. The Court orders a portion of the proceedings under seal.

MIME-Version:1.0 From:cad_email@cad.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34344299@cad.uscourts.gov>Subject:Activity in Case 8:21-cr-00033-JLS USA v.
Famof-Idowu Minutes of In Chambers Order/Directive - no proceeding held Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 8/2/2022 at 5:29 PM PDT and filed on 8/2/2022

Case Name: USA v. Famof-Idowu

Case Number: 8:21-cr-00033-JLS

Filer:

Document Number: 37

Docket Text:

MINUTES (IN CHAMBERS) ORDER by Judge Josephine L. Staton as to Defendant Olayinka Famof-Idowu: The Court has ordered the filing of Defendant's recent submission, which it construes a Motion to Self-representation (See Doc. [36].) The Court sets the matter for hearing on 8/19/2022 at 09:30 AM. The Sentencing is hereby continued to 10/7/2022 at 11:30 AM. Any response to Defendant's Motion shall be filed no later than 8/12/2022. (jp)

8:21-cr-00033-JLS-1 Notice has been electronically mailed to:

US Attorney's Office caseview.ecf@usdoj.gov, usacac.criminal@usdoj.gov

Jennifer L Waier usacac.criminal@usdoj.gov, caseview.ecf@usdoj.gov, jennifer.waier@usdoj.gov,
usacac.civil@usdoj.gov, usacac.sacriminal@usdoj.gov

Patrick William McLaughlin pwmclaughlin50@gmail.com

8:21-cr-00033-JLS-1 Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :

Olayinka Famof-Idowu
Santa Ana Jail
P.O. Box 22003
Santa Ana CA 92701
US

STEPHANIE S. CHRISTENSEN
Acting United States Attorney
BENJAMIN R. BARRON
Assistant United States Attorney
Chief, Santa Ana Branch Office
JENNIFER L. WAIER (Cal Bar No. 209813)
Assistant United States Attorneys
411 W. Fourth Street, Suite 8000
Santa Ana, California 92701
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Facsimile: (714) 338-3708
E-mail: Jennifer.Waier@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OLAYINKA FAMOFO-IDOWU,

Defendant.

Case No. SA CR 21-33-JLS

STIPULATION TO CONTINUE BRIEFING
SCHEDULE AND HEARING DATE
REGARDING DEFENDANT'S MOTION FOR
SELF-REPRESENTATION

[Proposed] New Hearing Date:
September 9, 2022 at 8:30 a.m.

Plaintiff United States of America, by and through its counsel of record, the Acting United States Attorney for the Central District of California and Assistant United States Jennifer L. Waier, and defendant OLAYINKA FAMOFO-IDOWU, by and through his counsel of record, Patrick McLaughlin, hereby stipulate as follows:

1. On August 1, 2022, defendant filed a pro se motion to represent himself because Mr. McLaughlin, defendant's current CJA attorney, refuses to file a "nunc pro tunc motion to dismiss the indictment with prejudice." (Dkt. 36.)

1 2. On August 2, 2022, this Court set the matter for hearing
2 on August 19, 2022 at 9:30 a.m. and ordered any response to
3 defendant's motion be filed no later than August 12, 2022.

4 3. On August 8, 2022, defendant, although represented by
5 Mr. McLaughlin, filed a second pro se appeal with the Ninth Circuit.

6 4. On August 10, 2022, the Ninth Circuit, just as it did with
7 defendant's first appeal, dismissed defendant's second appeal for
8 lack of jurisdiction. The mandate has not yet been issued.

9 5. Because Mr. McLaughlin is out of town on August 19, 2022,
10 the parties request that the hearing date be continued to
11 September 9, 2022. In light of the continued hearing date, the
12 parties request that any response to defendant's motion be due no
13 later than September 2, 2022.

14 IT IS SO STIPULATED.

15 Dated: August 11, 2022

STEPHANIE S. CHRISTENSEN
Acting United States Attorney

BENJAMIN R. BARRON
Assistant United States Attorney
Chief, Santa Ana Branch Office

19 /s/ JLW

JENNIFER L. WAIER
Assistant United States Attorneys

21 Attorneys for Plaintiff
22 UNITED STATES OF AMERICA

25 Dated: August 11, 2022

Patrick W. McLaughlin/JLW
PATRICK W. MCLAUGHLIN
Attorney for Defendant
OLAYINKA FAMOFO-IDOWU

MIME-Version:1.0 From:cad_email@cad.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34416933@cad.uscourts.gov>Subject:Activity in Case 8:21-cr-00033-JLS USA v.
Famof-Idowu Order on Stipulation Content-Type: text/html

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 8/16/2022 at 10:52 AM PDT and filed on 8/15/2022

Case Name: USA v. Famof-Idowu

Case Number: 8:21-cr-00033-JLS

Filer:

Document Number: 42

Docket Text:

ORDER Continuing Briefing Schedule and Hearing Date Regarding Defendant's Motion for Self-Representation [40] by Judge Josephine L. Staton that the hearing date for defendant OLAYINKA FAMOF-IDOWU's pro se motion to represent himself is continued from 8/19/2022 at 9:30 AM., to 9/9/2022 at 08:30 AM. In light of the continued hearing date, any response to defendant's motion is due no later than 9/2/2022. (jp)

8:21-cr-00033-JLS-1 Notice has been electronically mailed to:

US Attorney's Office caseview.ecf@usdoj.gov, usacac.criminal@usdoj.gov

Jennifer L Waier usacac.criminal@usdoj.gov, caseview.ecf@usdoj.gov, jennifer.waier@usdoj.gov,

usacac.civil@usdoj.gov, usacac.sacriminal@usdoj.gov

Patrick William McLaughlin pwmclaughlin50@gmail.com

8:21-cr-00033-JLS-1 Notice has been delivered by First Class U. S. Mail or by other means BY

THE FILER to :

Olayinka Famof-Idowu

Santa Ana Jail

P.O. Box 22003

Santa Ana CA 92701

US

MIME-Version:1.0 From:cacd_ecfmail@acd.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34647575@acd.uscourts.gov>Subject:Activity in Case 8:21-cr-00033-JLS USA v.
Famof-Idowu Order to Continue Trial, Change of Plea or Sentencing Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT
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electronic copy of all documents filed electronically, if receipt is required by law or directed by
the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of
each document during this first viewing. However, if the referenced document is a transcript, the
free copy and 30 page limit do not apply.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 9/27/2022 at 5:42 PM PDT and filed on 9/27/2022

Case Name: USA v. Famof-Idowu

Case Number: 8:21-cr-00033-JLS

Filer:

Document Number: 48

Docket Text:

**ORDER CONTINUING SENTENCING DATE [46] by Judge Josephine L. Staton that
Defendant Olayinka Famof-Idowu Sentencing is continued from 10/7/2022 to 1/20/2023 at 9:30
AM. (jp)**

8:21-cr-00033-JLS-1 Notice has been electronically mailed to:

US Attorney's Office caseview.ecf@usdoj.gov, usacac.criminal@usdoj.gov

Jennifer L Waier usacac.criminal@usdoj.gov, caseview.ecf@usdoj.gov, jennifer.waier@usdoj.gov,

usacac.civil@usdoj.gov, usacac.sacriminal@usdoj.gov

Patrick William McLaughlin pwmclaughlin50@gmail.com

8:21-cr-00033-JLS-1 Notice has been delivered by First Class U. S. Mail or by other means BY

THE FILER to :

Olayinka Famof-Idowu

Santa Ana Jail

P.O. Box 22003

Santa Ana CA 92701

US

NOTE: CHANGES MADE BY THE COURT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
OLAYINKA FAMOFO-IDOWU,
Defendant.

CASE NO. SA CR-21-00033-JLS

**ORDER CONTINUING DEFENDANT
OLAYINKA FAMOFO-IDOWU'S
SENTENCING DATE**


Current Date: October 7, 2022

New Date: **January 20, 2023**

Time: 9:30 a.m.

Upon consideration of the parties' stipulation and good cause having been shown, IT IS HEREBY ORDERED that Defendant Olayinka Famofu-Idowu's sentencing is continued from October 7, 2022 to **January 20, 2023 at 9:30 a.m.**

DATED: September 27, 2022


HONORABLE JOSEPHINE L. STATON
United States District Judge

PRIOR Expired PLEA Agreement
1st Plea Agreement

TRACY L. WILKISON
Acting United States Attorney
SCOTT M. GARRINGER
Assistant United States Attorney
Chief, Criminal Division
VIBHAV MITTAL (Cal. Bar No. 257874)
Assistant United States Attorney
Deputy Chief, Santa Ana Branch Office
8000 United States Courthouse
411 West Fourth Street
Santa Ana, California 92701
Telephone: (714) 338-3534
Facsimile: (714) 338-3708
E-mail: vibhav.mittal@usdoj.gov

Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

OLAYINKA FAMOFO-IDOWU,

Defendant.

No. SA CR 21-33-JLS

PLEA AGREEMENT FOR DEFENDANT
OLAYINKA FAMOFO-IDOWU

1. This constitutes the plea agreement between OLAYINKA FAMOFO-IDOWU ("defendant") and the United States Attorney's Office for the Central District of California (the "USAO") in the above-captioned case. This agreement is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authorities.

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

a. At the earliest opportunity requested by the USAO and provided by the Court, appear and plead guilty to counts one and twenty of the indictment in United States v. Famofu-Idowu, SA CR No.

1 21-33-JLS, which charges defendant with wire fraud, in violation of
2 18 U.S.C. § 1343, and marriage fraud conspiracy, in violation of 18
3 U.S.C. § 371.

4 b. Not contest facts agreed to in this agreement.

5 c. Abide by all agreements regarding sentencing contained
6 in this agreement.

7 d. Appear for all court appearances, surrender as ordered
8 for service of sentence, obey all conditions of any bond, and obey
9 any other ongoing court order in this matter.

10 e. Not commit any crime or any act constituting
11 obstruction of justice; however, offenses that would be excluded for
12 sentencing purposes under United States Sentencing Guidelines
13 ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not within the
14 scope of this agreement.

15 f. Be truthful at all times with the United States
16 Probation and Pretrial Services Office and the Court.

17 g. Pay the applicable special assessments at or before
18 the time of sentencing unless defendant has demonstrated a lack of
19 ability to pay such assessments.

20 h. Consent to extradition in the Netherlands.

21 i. Agree that all court appearances, including his
22 change of plea hearing and sentencing hearing, may proceed by video-
23 teleconference ("VTC") or telephone, if VTC is not reasonably
24 available, so long as such appearances are authorized by Order of the
25 Chief Judge No. 21-031 or another order, rule, or statute.

26 Defendant understands that, under the Constitution, the United States
27 Code, the Federal Rules of Criminal Procedure (including Rules 11,
28 32, and 43), he may have the right to be physically present at these

1st Plea Agreement

1 hearings.. Defendant understands that right and, after consulting
2 with counsel, voluntarily agrees to waive it and to proceed remotely.
3 Defense counsel also joins in this consent, agreement, and waiver.
4 Specifically, this agreement includes, but is not limited to, the
5 following:

6 i. Defendant consents under Federal Rules of
7 Criminal Procedure 5(f) and 10(c) and Section 15002(b) of the CARES
8 Act to proceed with his initial appearance and arraignment by VTC or
9 telephone, if VTC is not reasonably available.

10 ii. Defendant consents under Section 15002(b) of the
11 CARES Act to proceed with his waiver of indictment, under Federal
12 Rule of Criminal Procedure 7(b), by VTC or telephone, if VTC is not
13 reasonably available.

14 iii. Defendant consents under Section 15002(b) of the
15 CARES Act to proceed with his change of plea hearing by VTC or
16 telephone, if VTC is not reasonably available.

17 iv. Defendant consents under Section 15002(b) of the
18 CARES Act to proceed with his sentencing hearing by VTC or telephone,
19 if VTC is not reasonably available.

20 v. Defendant consents under 18 U.S.C. § 3148 and
21 Section 15002(b) of the CARES Act to proceed with any hearing
22 regarding alleged violations of the conditions of pre-trial release
23 by VTC or telephone, if VTC is not reasonably available.

24 j. Defendant further agrees:

25 i. To forfeit all right, title, and interest in and
26 to any and all property, real or personal, constituting or derived
27 from, any proceeds which the defendant obtained, directly or
28 indirectly, from any such offense, and used, or intended to be used,

1 in any manner or part to commit, or used to facilitate the commission
2 of, or involved in the illegal activity to which defendant is
3 pleading guilty, specifically including, but not limited to:

- 4 • Any bank funds seized pursuant to the investigation
5 into the Defendant's conduct;
- 6 • One 2013 Kia (vehicle), Temporary Texas Tag 81971E2,
7 VIN: 5XXGN4A79DG241286; and
- 8 • One 2017 Lexus (vehicle), Temporary Colorado Tag
9 2141621, VIN: 2T2BZMCA7HC078864; (collectively, the
10 "Forfeitable Property").

11 ii. To the Court's entry of an order of forfeiture at
12 or before sentencing with respect to the Forfeitable Property and to
13 the forfeiture of the property.

14 iii. That the Preliminary Order of Forfeiture shall
15 become final as to the defendant upon entry.

16 iv. To take whatever steps are necessary to pass to
17 the United States clear title to the Forfeitable Property, including,
18 without limitation, the execution of a consent decree of forfeiture
19 and the completing of any other legal documents required for the
20 transfer of title to the United States.

21 v. Not to contest any administrative forfeiture
22 proceedings or civil judicial proceedings commenced against the
23 Forfeitable Property. If defendant submitted a claim and/or petition
24 for remission for all or part of the Forfeitable Property on behalf
25 of himself or any other individual or entity, defendant shall and
26 hereby does withdraw any such claims or petitions, and further agrees
27 to waive any right he may have to seek remission or mitigation of the

1 forfeiture of the Forfeitable Property. Defendant further waives any
2 and all notice requirements of 18 U.S.C. § 983(a)(1)(A).

3 vi. Not to assist any other individual in any effort
4 falsely to contest the forfeiture of the Forfeitable Property.

5 vii. Not to claim that reasonable cause to seize the
6 Forfeitable Property was lacking.

7 viii. To prevent the transfer, sale, destruction,
8 or loss of any and all property described above to the extent
9 defendant has the ability to do so.

10 ix. To fill out and deliver to the USAO a completed
11 financial statement listing defendant's property on a form provided
12 by the USAO.

13 x. That forfeiture of Forfeitable Property shall not
14 be counted toward satisfaction of any special assessment, fine,
15 restitution, costs, or other penalty the Court may impose.

16 xi. With respect to any criminal forfeiture ordered
17 as a result of this plea agreement, defendant waives: (1) the
18 requirements of Federal Rules of Criminal Procedure 32.2 and 43(a)
19 regarding notice of the forfeiture in the charging instrument,
20 announcements of the forfeiture at sentencing, and incorporation of
21 the forfeiture in the judgment; (2) all constitutional and statutory
22 challenges to the forfeiture (including by direct appeal, habeas
23 corpus or any other means); and (3) all constitutional, legal, and
24 equitable defenses to the forfeiture of the Forfeitable Property in
25 any proceeding on any grounds including, without limitation, that the
26 forfeiture constitutes an excessive fine or punishment. Defendant
27 acknowledges that the forfeiture of the Forfeitable Property is part
28 of the sentence that may be imposed in this case and waives any

2nd plea agreement

1 TRACY L. WILKISON
United States Attorney
2 SCOTT M. GARRINGER
Assistant United States Attorney
3 Chief, Criminal Division
JENNIFER L. WAIER (Cal. Bar No. 209813)
4 Assistant United States Attorney
Santa Ana Branch Office
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6 Santa Ana, California 92701
Telephone: (714) 338-3550
7 Facsimile: (714) 338-3708
E-mail: Jennifer.Waier@usdoj.gov

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 SOUTHERN DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 OLAYINKA FAMOFO-IDOWU,

17 Defendant.

Case No. SA CR 21-33-JLS

PLEA AGREEMENT FOR DEFENDANT
OLAYINKA FAMOFO-IDOWU

18
19 1. This constitutes the plea agreement between OLAYINKA
20 FAMOFO-IDOWU ("defendant") and the United States Attorney's Office
21 for the Central District of California (the "USAO") in the above-
22 captioned case. This agreement is limited to the USAO and cannot
23 bind any other federal, state, local, or foreign prosecuting,
24 enforcement, administrative, or regulatory authorities.

25 DEFENDANT'S OBLIGATIONS

26 2. Defendant agrees to:

27 a. At the earliest opportunity requested by the USAO and
28 provided by the Court, appear and plead guilty to counts one and

2nd Plea Agreement

1 twenty of the indictment in United States v. Famofu-Idowu, Case No.
2 SA CR 21-33-JLS, which charges defendant with wire fraud, in
3 violation of 18 U.S.C. § 1343, and marriage fraud conspiracy, in
4 violation of 18 U.S.C. § 371.

5 b. Not contest facts agreed to in this agreement.

6 c. Abide by all agreements regarding sentencing contained
7 in this agreement.

8 d. Appear for all court appearances, surrender as ordered
9 for service of sentence, obey all conditions of any bond, and obey
10 any other ongoing court order in this matter.

11 e. Not commit any crime; however, offenses that would be
12 excluded for sentencing purposes under United States Sentencing
13 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
14 within the scope of this agreement.

15 f. Be truthful at all times with the United States
16 Probation and Pretrial Services Office and the Court.

17 g. Pay the applicable special assessments at or before
18 the time of sentencing unless defendant has demonstrated a lack of
19 ability to pay such assessments.

20 h. Defendant agrees to forfeit to the FBI the following
21 four digital devices seized from defendant at time of his arrest in
22 Amsterdam: (1) a black TCL cell phone; (2) a black Samsung cell
23 phone with IMEI 355454110076197; (3) a black Samsung cell phone with
24 IMEI 355356114740688; and (4) a black Samsung cell phone with IMEI
25 355464113295272 and a T-Mobile SIM card with the numbers
26 8901260192738409987 60.50 TM9263.