

Appendix - A

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 17-1515

United States of America

Appellee

v.

Kwame Ali Askia

Appellant

Appeal from U.S. District Court for the Western District of Arkansas - El Dorado
(1:13-cr-10004-SOH-1)

ORDER

Appellant's motion for reconsideration is denied.

May 10, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

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APPENDIX - B

United States Court of Appeals For the Eighth Circuit _____

No. 17-1515 _____

United States of America

Plaintiff - Appellee

v.

Kwame Ali Askia

Defendant - Appellant _____

Appeal from United States District Court for the Western District of Arkansas - El Dorado

Submitted: April 12, 2018 Filed: June 29, 2018 _____

Before GRUENDER, MELLOY, and GRASZ, Circuit Judges. _____

MELLOY, Circuit Judge.

Kwame Ali Askia managed an organization that received federal grant funds to subsidize an after-school program for children. After misappropriating over \$5,000 of those funds for personal expenditures, Askia was charged on March 6, 2013, with theft concerning programs receiving federal funds, in violation of 18 U.S.C. § 666(a)(1)(A). Askia moved to dismiss the indictment, arguing that it violated the applicable statute of limitations. Specifically, Askia claimed that the five-year statute

of limitations barred his indictment for offenses committed before March 6, 2008, and that his crime was committed before that date. In fact, and complicating the issue, Askia's alleged criminal conduct straddled this limitations bar; the indictment charged criminal conduct from August 23,

2007, to April 11, 2008. The district court¹ denied Askia's motion, concluding that the offense was a "continuing offense," meaning the crime was not committed until the last date charged in the indictment, and thus the indictment was timely. The district court alternatively held that, even assuming the offense was not a continuing offense and Askia had committed an offense before the limitations bar, the indictment charged a separate § 666(a)(1)(A) offense *within* the limitations period. The case proceeded to trial, and a jury returned a guilty verdict.

On appeal, Askia raises several questions, including one of first impression in this circuit: When an offense prohibits unlawfully taking at least \$5,000 from an organization receiving federal funds, is that crime “committed” once all elements are established or is the crime continually committed over time?

I.

The United States government, through a grant program known as the “21st Century Community Learning Centers,” provides grant money to subsidize community learning centers, typically for children attending high-poverty, low- performing schools. The Arkansas Department of Education received grant funds from the 21st Century program and then awarded grants to approved entities.

Askia, the owner of Askia Learning Concepts, submitted an application on behalf of Askia Learning for a 21st Century grant. The application sought a grant in order to establish a community learning center in Arkansas during the 2007–2008

¹ The Honorable Susan O. Hickey, United States District Judge for the Western District of Arkansas, adopting the report and recommendations of the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas.

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school year. The application was approved, and Askia Learning received a grant for \$149,280, the full amount requested in the application.

On November 1, 2007, Arkansas Department officials visited Askia Learning’s location and discovered several compliance issues. Based on these issues, the Department ordered Askia Learning to cease spending grant funds and to send the Department a current expenditure report with supporting documentation. Department officials then held several meetings with Askia, repeatedly requested documentation, and continually ordered Askia to stop spending grant funds. Askia neither supplied the requested documentation nor stopped spending grant funds. On March 27, 2008, the Department sent Askia Learning a letter, terminating the 21st Century grant based on Askia Learning’s failure to comply with grant requirements and demanding repayment of most of the grant. After investigating Askia Learning and Askia, the Government identified numerous expenditures where he allegedly misappropriated grant funds for personal expenditures.

On March 6, 2013, more than five years after Askia Learning received the 21st Century grant, a one-count indictment was returned, charging Askia with a violation of 18 U.S.C. § 666(a)(1)(A). The indictment specifically charged:

From on or about August 23, 2007, to on or about April 11, 2008, in the Western District of Arkansas, El Dorado Division, the defendant, **KWAME ALI ASKIA**, being an agent of, Askia Learning Concepts, a for profit organization, said organization receiving in the one year period beginning August 23, 2007, benefits in excess of \$10,000 under a 21st Century Community Learning Centers Grant, embezzled, stole, without authority knowingly converted, obtained by fraud, and intentionally misappropriated property worth at least \$5,000 and owned by and under the care, custody and control of Askia Learning Concepts, that is, grant funds provided for educational services to Strong High School, Strong, Arkansas, in violation of 18 U.S.C. § 666(a)(1)(A).

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Askia moved to dismiss the indictment, arguing that the applicable five-year statute of limitations barred his indictment for offenses committed before March 6, 2008. This date landed toward the end of the timeline charged in the indictment (i.e., August 23, 2007, to April 11, 2008). At a hearing on the motion, the Government offered proof of seventeen supposedly personal expenditures, including at least four occurring after March 6, 2008. These four expenditures totaled \$5,503.36.

The district court denied Askia's motion to dismiss, for two reasons. First, the court concluded that § 666(a)(1)(A) was a "continuing offense" and thus the statute of limitations did not begin to run until the last date charged, i.e., April 11, 2008, placing the indictment within the limitations period. Second, even assuming § 666(a)(1)(A) was a completed offense and thus the statute of limitations began to run once all elements of the offense were established, the court concluded that the four expenditures after March 6, 2008, established a separate offense within the limitations period.

The case proceeded to trial, where Askia represented himself *pro se* with standby counsel. Notwithstanding the district court's earlier alternative ruling that the indictment charged an offense committed after March 6, 2008, Askia did not challenge the Government's evidence of expenditures before March 6. Askia also did not request a jury instruction or a special verdict form as to the dates of his alleged misappropriations. A jury then returned a guilty verdict. The sentencing court sentenced Askia to twenty-four months of imprisonment, to be followed by thirty-six months of supervised release, and ordered \$148,416 in restitution. Askia timely appealed.

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II.

On appeal, Askia raises four challenges regarding: (A) the statute of limitations, (B) evidentiary issues, (C) his due-process rights, and (D) the sufficiency of the evidence.

A.

Askia first asserts that the applicable statute of limitations barred the indictment charging him with violating 18 U.S.C. § 666(a)(1)(A). "This court reviews de novo the denial of a motion to dismiss the indictment." United States v. Howell, 531 F.3d 621, 622 (8th Cir. 2008).

A statute of limitations for an offense typically begins to run once it is complete—in other words, once all elements of the offense are established. See *Toussie v. United States*, 397 U.S. 112, 115 (1970); *id.* at 124 (White, J., dissenting). Larceny is an easy example. A larceny occurs when a person wrongfully or fraudulently takes another’s property without her permission or consent, and with the intent to permanently deprive the owner of that property. The crime is committed and complete once the last of these elements has occurred. That point in time thus starts the clock for a statute of limitations. See *United States v. McGoff*, 831 F.2d 1071, 1078 (D.C. Cir. 1987).

There is an exception to this general rule, however, for a “continuing offense.” A continuing offense is, simply put, a single crime that continues over time. See *Toussie*, 397 U.S. at 119; *United States v. Yashar*, 166 F.3d 873, 875 (7th Cir. 1999); *McGoff*, 831 F.2d at 1078. “[E]ven after the elements necessary to establish the crime have occurred,” *Yashar*, 166 F.3d at 875, the same crime is continuously or continually committed over time. *Toussie*, 397 U.S. at 119–20. A statute of

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limitations for a continuing offense thus does not start until the offense “expires.” Conspiracy is a classic continuing offense. The statute of limitations for a conspiracy does not start until the conspiracy expires—for example, when either the conspiracy’s unlawful purpose is accomplished or the relevant conspirator withdraws from the conspiracy. See *Ashraf v. Lynch*, 819 F.3d 1051, 1053 (8th Cir. 2016).

The Supreme Court in *Toussie v. United States* formulated two prongs for identifying a continuing offense. 397 U.S. at 115. An offense is continuous if either “the explicit language of the substantive criminal statute compels such a conclusion, or the nature of the crime involved is such that Congress must assuredly have intended that it be treated as a continuing one.” *Id.* The Government concedes that § 666(a)(1)(A) is not a continuing offense under the first prong, but contends that the offense is a continuing offense under the second prong.²

The Supreme Court has cautioned courts to apply the continuing-offense doctrine infrequently. “The purpose of a statute of limitations is to limit exposure to criminal prosecution to a certain fixed period of time following the occurrence of those acts the legislature has decided to punish by criminal sanctions.” *Id.* at 114. This “limitation is designed to protect individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time and to minimize the danger of official punishment because of acts in the far-distant past. Such a time limit may also have the salutary effect of encouraging law enforcement officials promptly to investigate suspected criminal activity.” *Id.* at 114–15. Based on these principles, “[t]he tension between the purpose of a statute of limitations and the continuing offense doctrine is apparent; the latter, for all practical

² Yet the Government has conceded in other cases that § 666(a)(1)(A) is not a continuing offense under either prong. See, e.g., Yashar, 166 F.3d at 876 (“[T]he government agree[s] that § 666 is not a ‘continuing offense’ as that term is defined in Toussie.”).

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purposes, extends the statute beyond its stated term.” Id. at 115 (alteration in original) (citation omitted). “[T]he doctrine of continuing offenses [therefore] should be applied in only limited circumstances” Id.

To determine whether an offense is a continuing offense, a court must analyze the language and elements of the offense, rather than the facts alleged or the charge itself. See id. at 116–20 (examining the text and legislative history of the offense); Yashar, 166 F.3d at 877 (“[T]he active or passive nature of a defendant’s actions has never been the benchmark of a continuing offense under Toussie. Instead, the focus is on the statutory language.”); United States v. Jaynes, 75 F.3d 1493, 1506 (10th Cir. 1996) (“[A] continuing offense is not the same as a scheme or pattern of illegal conduct.”); United States v. Niven, 952 F.2d 289, 293 (9th Cir. 1991) (per curiam) (“As [Toussie] makes clear, the analysis turns on the nature of the substantive offense, not on the specific characteristics of the conduct in the case at issue.”), overruled in part on other grounds by United States v. Scarano, 76 F.3d 1471, 1474–77 (9th Cir. 1996); McGoff, 831 F.2d at 1077–78. We thus start with the text of the offense.

Here, Askia was charged with violating 18 U.S.C. § 666(a)(1)(A), which prohibits unlawfully taking property from an organization receiving federal funds:

(a) Whoever, if the circumstance described in subsection (b) of this section exists—(1) being an agent of an organization . . . (A) embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that—(i) is valued at \$5,000 or more, and (ii) is owned by, or is under the care, custody, or control of such organization . . . shall be fined under this title, imprisoned not more than 10 years, or both.

Subsection (b), in turn, limits the offense’s scope to an agent of an organization (or of certain governmental bodies) that “receives, in any one year period, benefits in

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excess of \$10,000 under a Federal program involving a grant.” 18 U.S.C. § 666(b).

The statute of limitations for this offense is five years. *Id.* § 3282(a) ("Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is instituted within five years next after such offense shall have been committed.").

The issue of whether § 666(a)(1)(A) is a continuing offense is an issue of first impression in this circuit. Although larceny might be an easy example and although embezzlement is similar to larceny, there is a partial circuit split on the issue of whether an embezzlement-type offense is a continuing offense.

The Seventh Circuit in *United States v. Yashar* held that § 666(a)(1)(A) is not a continuing offense and "the offense is committed and the limitations period begins to run once all elements of the offense are established, regardless of whether the defendant continues to engage in criminal conduct." 166 F.3d at 879–80. Several district courts have held similarly. See, e.g., *United States v. Sunia*, 643 F. Supp. 2d 51, 72–75 (D.D.C. 2009); *United States v. Donehue*, No. C 07-00380 SI, 2008 WL 1900992, at *2 (N.D. Cal. Apr. 28, 2008); cf. *United States v. Johnson*, 145 F. Supp. 3d 862, 871 (D.S.D. 2015) (holding that "embezzlement under 18 U.S.C. § 656 is not a continuing offense"); *United States v. Jones*, 676 F. Supp. 2d 500, 518 (W.D. Tex. 2009) (holding that bribery under 18 U.S.C. § 666(a)(1)(B) is not a continuing offense). But see *United States v. Shoemaker*, No. 2:11-CR-00038-NBB-DAS, 2012 WL 313620, at *1–2 (N.D. Miss. Feb. 1, 2012) (holding that § 666 is a continuing offense, despite the government conceding "that a Section 666 offense is not a continuing offense").

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The Fourth Circuit in *United States v. Smith* analyzed a similar embezzlement-type statute, 18 U.S.C. § 641,³ and held that it was a continuing offense. 373 F.3d 561, 567–68 (4th Cir. 2004) (per curiam). There, the defendant had arranged for his mother's Social Security benefits to be automatically deposited in his and his mother's joint account each month, and the defendant continued receiving and spending benefits after his mother died. *Id.* at 563. The Fourth Circuit held that § 641 was a continuing offense because the scheme involved a "recurring, automatic scheme of embezzlement." *Id.* at 567. In so holding, the court analyzed not only the language and elements of the offense, but also the facts and circumstances alleged, which is contrary to our conclusion above that a court must analyze the language and elements of the offense.

We agree with the Seventh Circuit and hold that 18 U.S.C. § 666(a)(1)(A) is not a continuing offense. We reach this conclusion for at least four reasons.

³ Section 641 is analogous in all relevant respects here to § 666(a)(1)(A). See Sunia, 643 F. Supp. 2d at 73. Each offense prohibits unlawfully taking property; the offenses differ merely based on the lawful owner or possessor of the property and the property's value. Section 641 specifically provides:

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—Shall be fined under this title or imprisoned not more than ten years, or both; but if the value of such property in the aggregate, combining amounts from all the counts for which the defendant is convicted in a single case, does not exceed the sum of \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

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To start, a § 666(a)(1)(A) offense is completed once each element of the offense has occurred. A defendant's "instantaneous events," Toussie, 397 U.S. at 122—embezzling or stealing property from an organization receiving federal grant funds—complete the crime. As noted above, it is well established that offenses such as stealing, theft, and larceny are completed offenses. See McGoff, 831 F.2d at 1078 ("[A] larceny is completed as soon as there has been an actual taking of the property of another without consent, with the intent permanently to deprive the owner of its use. The offense does not 'continue' over time."). Section 666(a)(1)(A) proscribes those actions, in addition to embezzlement-type actions. But embezzlement is merely a larceny from a position of trust. Even the Fourth Circuit in Smith recognized that embezzlement "differs from larceny [only] in the fact that the original taking of the property was lawful, or with the consent of the owner." 373 F.3d at 564. That distinction, however, does not transform embezzlement into an offense that continues over time. See Toussie, 397 U.S. at 136 ("[T]he unlawful course of conduct [for a continuing offense] is 'set on foot by a single impulse and operated by an unintermittent force,' until the ultimate illegal objective is finally attained." (citation omitted)); United States v. Morales, 11 F.3d 915, 921 (9th Cir. 1993) (O'Scannlain, J., concurring in part and dissenting in part). Embezzlement, like larceny, is completed with the unlawful taking.

Second, unlike well-established continuing offenses—such as conspiracy and unlawful possession—a § 666(a)(1)(A) offense "does not 'continue' over time." McGoff, 831 F.2d at 1078. Once the elements are established—i.e., an agent of an organization, which receives certain federal funds, unlawfully takes at least \$5,000 from the organization—the crime is complete. It is not then continuously or continually committed over time, as is the case with conspiracy. See Toussie, 397 U.S. at 122; Yashar, 166 F.3d at 875. Although the harm to the victim might continue, the crime does not.

Our holding is supported also by the principle that continuing “offenses are not to be implied except in limited circumstances.” *Toussie*, 397 U.S. at 121; *id.* at 115 (reaffirming “the principle that criminal limitations statutes are ‘to be liberally interpreted in favor of repose’” (quoting *United States v. Scharton*, 285 U.S. 518, 522 (1932))). The Supreme Court in *Toussie* declared that “the doctrine of continuing offenses should be applied in only limited circumstances since . . . ‘[t]he tension between the purpose of a statute of limitations and the continuing offense doctrine is apparent; the latter, for all practical purposes, extends the statute beyond its stated term.’” *Id.* at 115 (alteration in original) (citation omitted). That principle governs here where Congress neither expressly declared that § 666(a)(1)(A) is continuing offense, nor clearly implied as such when prescribing the nature of the offense. Congress’s inaction is particularly telling as larceny-type offenses long have been understood as generic, non-continuing offenses. See *id.* at 120.

Finally, the rationales undergirding the statute of limitations further support finding that § 666(a)(1)(A) is not a continuing offense. As noted above, this legislatively prescribed limitation not only encourages timely prosecutions when the facts are fresh and recollections collected, but also discourages prosecutions for “acts in the far-distant past.” *Id.* at 114–15. Those rationales militate against concluding that § 666(a)(1)(A) is a continuing offense, where the statute of limitations gave the Government five years to seek an indictment for the offense, yet the Government failed to obtain an indictment until more than five years after initially discovering Askia’s misconduct.

We therefore hold that 18 U.S.C. § 666(a)(1)(A) is not a continuing offense. As such, a defendant may not be charged for a § 666(a)(1)(A) offense committed outside the five-year statute of limitations. See 18 U.S.C. § 3282(a).

The question remains, however, whether a defendant may be charged for a § 666(a)(1)(A) violation when the charged conduct falls both outside and within the limitations period. To prove a § 666(a)(1)(A) offense, the government must show in part that the defendant stole at least \$5,000. To establish this element, the government sometimes may aggregate multiple thefts to satisfy the \$5,000 jurisdictional minimum. See *United States v. Hines*, 541 F.3d 833, 837 (8th Cir. 2008) (holding that § 666 “permits the government to aggregate multiple transactions in a single count to reach the \$5,000 minimum as long as they were part of a single plan or scheme”). An issue thus arises—as it does here—when the aggregated thefts straddle the limitations bar.

The Seventh Circuit in *Yashar* implied that a § 666(a)(1)(A) offense *outside* the limitations period absolves future § 666(a)(1)(A) offenses committed *within* the limitations period. See 166 F.3d at 879–80 (“[W]e hold that for offenses that are not continuing offenses under *Toussie*, the offense is committed and the limitations period begins to run once all elements of the offense are established, *regardless of whether the defendant continues to engage in criminal conduct.*” (emphasis added)). The *Yashar* court thus remanded to the district court to determine whether “all elements of the crime were met [outside the limitations period], such that the government could have proceeded

with criminal charges prior to that date"; if so, "then the indictment in th[e] case was not timely." Id. at 880.

We disagree with that position. If, as we have decided, each § 666(a)(1)(A) violation is a separate criminal offense, and not a continuing violation, we see no reason why those violations that occurred within the statute of limitations cannot be prosecuted. We see nothing in criminal law that would prevent the prosecution of an individual who commits a series of thefts or embezzlements (which, by their nature, are crimes of concealment) over a number of years from being prosecuted for those crimes that occurred within the limitations period, just because a few of the embezzlements or thefts occurred outside the five years. The government is precluded

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from prosecuting the violations committed more than five years prior to the date of the indictment, but, would be free to charge and prosecute any § 666(a)(1)(A) violations committed within the limitations period.

At the motion-to-dismiss hearing here, the Government introduced evidence of seventeen supposedly personal expenditures. The district court found that four of those expenditures occurred within the limitations period and equaled over \$5,000. Those four expenditures independently supported a separate § 666(a)(1)(A) offense, and nothing could bar the Government from charging those expenditures as a § 666(a)(1)(A) violation. See Smith, 373 F.3d at 570 (Michael, J., dissenting) ("The record indicates that some of [the defendant]'s conduct [allegedly in violation of § 641] occurred within the applicable limitations period The government would be able to obtain a superseding indictment charging that conduct."); Jaynes, 75 F.3d at 1507 ("[The defendant] could be convicted of the offenses charged in counts one and two if she forged or passed any Treasury checks within five years of the date of the indictment, even if some of the alleged acts of forgery and passing forged checks would be barred by the statute of limitations."); Morales, 11 F.3d at 922 (O'Scannlain, J., concurring in part and dissenting in part) ("When an official engages in an ongoing pattern of seeking and receiving bribes from a single source . . . that does not mean that he is guilty of a 'continuing' violation . . . (or, for that matter, a series of such 'continuing' violations). Instead, [the defendant] could have been charged for each discrete, individual . . . violation he committed"). The indictment did not specify the precise expenditures supporting the offense, and the four post-March 6 expenditures supported an offense committed within the limitations period. See United States v. Fleming, 8 F.3d 1264, 1265 (8th Cir. 1993) ("An indictment will ordinarily be held sufficient unless it is so defective that it cannot be said, by any reasonable construction, to charge the offense for which the defendant was convicted."). The district court therefore properly denied Askia's motion to dismiss the indictment.

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Based on the district court's erroneous ruling that § 666(a)(1)(A) was a continuing offense, the

Government at trial introduced evidence of Askia's personal expenditures outside the limitations period. The Government also introduced evidence of expenditures *within* the limitations period, totaling over \$5,000.

As noted above, at trial Askia did not challenge the evidence on the expenditures outside the limitations period through, for example, a motion *in limine*. Nor did he request a jury instruction or a special verdict form as to which expenditures (i.e., those pre- or post- March 6) supported his conviction. See Fed. R. Crim. P. 30–31. Now, however, Askia appears to contest the jury's consideration of the outside-the-limitations-period expenditures. Because Askia did not challenge this evidence at trial, we review the evidentiary challenge for plain error. See *id.* 52(b) (standard of review); *United States v. Olano*, 507 U.S. 725, 732 (1993). A court of appeals has the discretion to correct an error only if there is "an 'error' that is 'plain' and that 'affect[s] substantial rights.'" *Olano*, 507 U.S. at 732 (alteration in original). The court "should not exercise that discretion[, however,] unless the error seriously affect[s] the fairness, integrity or public reputation of judicial proceedings." *Id.* (second alteration in original) (citation omitted).

Here, even assuming the admission of the pre-March 6 evidence was plain error, Askia has not shown that the supposed error seriously affects the fairness, integrity, or public reputation of judicial proceedings. See *id.* As discussed above, the jury received evidence of numerous expenditures within the limitations period that were allegedly for personal reasons and that these expenditures totaled over \$5,000. Viewing the evidence in the light most favorable to the jury's verdict, these transactions established that Askia unlawfully took, for his own personal use, over \$5,000 from Askia Learning. Because this evidence supports a finding that Askia

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violated § 666(a)(1)(A) within the statute of limitations, the purported error did not seriously affect the judicial proceeding's fairness, integrity, or public reputation.⁴

B.

Askia next complains that the Government submitted, to the grand jury and at trial, a document falsely purporting to be Askia Learning's application for the 21st Century grant. The application admitted into evidence was marked as "Exhibit 4," and Askia contends that Exhibit 4 was not his *true* grant application.

Even assuming Askia properly objected to this evidence, he has not shown that the district court abused its discretion in admitting Exhibit 4 into evidence. See *United States v. Big Eagle*, 702 F.3d 1125, 1130 (8th Cir. 2013) (standard of review). The purported differences between Exhibit 4 and the document that Askia claimed to be his "true" application include omitted page numbers, date stamps, and an appendix, as well as different formatting. The most significant difference between the documents, it appears, is the documents' budgetary allocations (allocating the amounts that Askia Learning could spend on certain expenses). Askia has not shown, however, how those

purported differences were relevant to the question at trial, i.e., whether Askia misappropriated federal grant funds for his personal expenditures. Askia therefore has not demonstrated that the district court abused its discretion in admitting Exhibit 4 into evidence.

⁴ Askia also argues that the personal expenditures were withdrawals of personal funds he had commingled with the grant funds in Askia Learning's bank account. This circuit, however, has rejected the argument that the government must trace personal expenditures directly to federal grant funds when a defendant has commingled federal grant funds with his own personal funds. *Hines*, 541 F.3d at 836.

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Moving on, Askia appears to argue that the Government violated his Sixth Amendment rights by not introducing into evidence the document he claims to be the *true* 21st Century grant application. He also suggests that the district court violated his rights by not *sua sponte* holding a hearing to determine which document was the real application. Askia nevertheless concedes there was no violation of *Brady v. Maryland*, 373 U.S. 83, 87 (1963) (holding that "the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution"). Although his arguments are not entirely clear, we conclude they are meritless. Askia had ample opportunities at trial to introduce his version of the application into evidence and to challenge the validity of Exhibit 4. His own failures did not create Sixth Amendment violations by the Government or the district court.

Finally, Askia contends that the district court should have dismissed the indictment because the Government gave the grand jury a copy of Exhibit 4 (before being marked as such). Askia did not file a motion to dismiss the indictment based on this supposedly false application. See Fed. R. Crim. P. 12(b)(3)(A)(v). Because Askia did not file such motion before trial, he must show good cause for this failure. See *id.* 12(c)(3); *United States v. Green*, 691 F.3d 960, 963 (8th Cir. 2012). He has not done so, and therefore his argument is untimely. See Fed. R. Crim. P. 12(c)(3).

C.

Askia next claims that his due-process rights under the Fourteenth Amendment were violated at a pretrial hearing because the Government presented hearsay evidence rather than giving Askia the opportunity to confront an adverse witness who was the source of that evidence. Specifically, after Askia allegedly violated conditions of his pretrial release, the Government petitioned to detain him pending

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trial. At a hearing on that petition, the Government elicited testimony from a probation officer about the alleged pretrial violations, detailed in a "violation report." The testifying officer, however,

had not prepared the report. The Government did not call as a witness the officer who actually had prepared the report. Askia contends that the Government's reliance on the hearsay testimony of the probation officer who had not prepared the violation report was a violation of Askia's due-process rights. For this contention, Askia relies on *Morrisey v. Brewer*, 408 U.S. 471, 477 (1972).

Even assuming there was such a violation, however, this issue is moot. Federal courts may adjudicate only "actual and concrete disputes, the resolutions of which have direct consequences on the parties involved." *Genesis Healthcare Corp. v. Symczyk*, 569 U.S. 66, 71 (2013). "If an intervening circumstance deprives the plaintiff of a 'personal stake in the outcome of the lawsuit,' at any point during litigation, the action can no longer proceed and must be dismissed as moot." *Id.* at 72 (citation omitted). The resolution of the issue in this appeal—whether there was a violation of Askia's constitutional rights at the pretrial detention hearing—will have no direct consequence on Askia now. His pretrial detention has concluded (and he has already been released after serving his sentence). See *United States v. Sanchez-Gomez*, 138 S. Ct. 1532, 1540 (2018) (concluding that the defendants' challenges to their pretrial detentions were moot because they were "no longer in pretrial custody").

Relatedly, Askia argues that his pretrial detention hindered his and his stand-by counsel's abilities to obtain evidence, locate witnesses, and prepare for trial. In support of this argument, Askia relies primarily on *Barker v. Wingo*, 407 U.S. 514 (1972), which deals with the Sixth Amendment right to a speedy trial. Under *Barker*, a defendant must show "serious prejudice" resulting from a constitutional violation. *Id.* at 534. But Askia has not shown how he suffered serious prejudice here, besides his conclusory claim that his trial preparation was hindered. Askia also fails to

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explain how his stand-by counsel—who claims to have met with Askia "daily"—was unable to pursue these possible sources of evidence.

D.

Askia's last argument is that the evidence at trial was insufficient to support his conviction. "We review the sufficiency of the evidence *de novo*, viewing evidence in the light most favorable to the government, resolving conflicts in the government's favor, and accepting all reasonable inferences that support the verdict." *United States v. Washington*, 318 F.3d 845, 852 (8th Cir. 2003). The evidence showed that Askia was an agent of Askia Learning; that, in a one-year period, Askia Learning received a federal grant valued over \$10,000; that Askia deposited those grant funds into Askia Learning's account; that he withdrew funds several times for personal expenditures; and that these expenditures totaled at least \$5,000. These facts more than sufficiently support Askia's conviction. See 18 U.S.C. § 666(a)(1)(A).⁵

III.

The judgment of the district court is affirmed.⁶ _____

⁵ Askia presents several other arguments on the above issues and others. We have reviewed these arguments and conclude they are meritless. See 8th Cir. Rule 47B.

⁶ Askia's and the Government's motions to supplement the record are denied. The Government's motion to strike is dismissed as moot.

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APPENDIX - C

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kwame A. Askia

Petitioner

Date: July 4, 2023

PROOF OF SERVICE

7. I **Kwame A. Askia** do swear or declare that on this date _____, 2023, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above document in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.
8. The names and addresses of those are as follow: Solicitor General of The United States, U.S. Department of Justice – 950 Pennsylvania Ave, N.W., Washington D.C, 20530 – Room 5614.
9. I declare under penalty of perjury that the foregoing is true and correct.
10. Executed on _____, 2023
11. _____ Kwame A. Askia, Signature



U.S. Department of Justice
Kenneth Elser
Acting United States Attorney
Western District of Arkansas

414 Parker Avenue
 Fort Smith, AR 72901

(479) 783-5125
 FAX: (479) 785-2442

September 29, 2015

William A. McLean
 Attorney at Law
 100 West Grove, Suite 306
 El Dorado, AR 71730

Re: USA v. Askia
 No. 1:13-cr-10004-001

Dear Bill:

This will acknowledge receipt of your letter of September 17, 2015, regarding Mr. Askia being placed on a U. S. Department of Education (DOE) Exclusion List and possibly being involved with a terrorist organization. The U. S. Attorney's Office was not involved in the determination to exclude Mr. Askia from being awarded grants that include DOE funds. However, we have determined that once Mr. Askia was indicted, DOE made the determination that he should be excluded, and sent a letter notifying him of the determination, which was returned undeliverable. A copy of the letter, attachments and returned notice envelope are attached. The time to dispute the exclusion has long since expired, but if you or Mr. Askia desire to inquire on how to contest the exclusion, you will need to contact Philip A. Maestri, Director, Risk Management Service and Deciding Debarring and Suspending Official, Office of the Deputy Secretary, U.S. Department of Education, Room 11040, PCP Building 550 12th Street, SW, Washington, DC 20202-4300; Email address: Phil.Maestri@ed.gov.

As to the assertion that Mr. Askia is on the Terrorist Watchlist, our office is not involved with who is placed on or removed from such a list. If you or Mr. Askia believe that he is on such a list, you will need to contact the FBI Terrorist Screening Center, FBI Headquarters, 935 Pennsylvania Avenue, NW, Washington, D.C. 20535-0001, (202) 324-3000. The website is www.fbi.gov/about-us/tsc/tsc.

Sincerely,

KENNETH ELSER
 ACTING UNITED STATES ATTORNEY

MWW/ksg
 Enclosures

RECEIVED

APR 25 2023

**U.S. COURT OF APPEALS
 EIGHTH CIRCUIT**

Appellate Case: 17-1515 Page: 1

Date Filed: 04/25/2023 Entry ID: 5270707

1 The United States Court of Appeals for the Eighth Circuit

2 United States *

3 v. * Case No. 17-1515

4 Kwame Askia

5

6

7 This *emergency motion* is for reconsideration of corrections ; “Plain Error”
8 for a new hearing or corrections for wrongful oversights of U.S.A. v. Askia,
9 highlighted by SCOTUS, *United States Court Appeals for the 8th Circuit*
10 and *United States Court Appeals for the 7th Circuit*; by the conducts of
11 *Western District Arkansas* and stimulated by “Plain Error” lack of Judicial
12 System Protocol. By wrongfully submitting and accepting un-vetted false
13 claims of evidence like the fraudulent claiming the original start date as
14 August 23, 2007, and projecting false narratives with the lower court’s
15 participation and oversight of perjury by officers of “WDA” with impunity;

16

17 **“A court of appeals has the discretion power to correct an error**
18 **only if there is “an ‘error’ that is ‘plain’ and that ‘affect[s]**
19 **substantial rights. ” The United States Court Appeals for the 8th Circuit”**

20

21 *This Motion will provide the court the proper evidence for corrections of*
22 *these oversights within Case No. 17- 1515. This emergency motion is of*
23 *ripeness for the Court’s reconsideration and actions for Nullification of*
24 *U.S.A. v. Askia and related impacts. Whereas, the ripeness is based on long*
25 *established court filed evidence of suppressed illegal conduct; information*
26 *against the Federal Rules and Procedures creating known violations that*
27 *was wrongfully withheld from the defense and the Grand Jury, creating an*
28 *illegal narratives without proper protocol, wrongfully submitting and*
29 *accepting un-vetted information as evidence. Used by the Western District*
30 *of Arkansas, for wrongfully influencing the Grand Jury and others.*
31 *Claiming, fraudulent calculations; falsely claiming the start date of the*
32 *approved federal program as August 23, 2007 and not so as acknowledging*
33 *July 01, 2007 as the actual start date of the official program approval date.*

1

2 Come now, *This motion is aligned with the acknowledgement and rulings*
3 *of SCOTUS, United States Court Appeals for the 8th Circuit and United*
4 *States Court Appeals for the 7th Circuit; as the Western District of Arkansas*
5 choose to ignore Constitutional Law and Case Law for embracement of
6 many violations against the Federal Rules and Procedures. This motion
7 believes, this conduct is an offset of intellectual arrogance, by a rare few
8 court officers that was allowed to carry out a comprehensive level
9 malpractice of law, intentionally and purposefully targeting an At-Risk
10 population of American students and their communities of marginalization
11 of public funded education as act supported by localized impunity. This
12 motion's argument believes this is a constitutional unacceptable conduct
13 from officers of the court. The ruling and findings of exculpatory evidence;
14 by SCOTUS, *United States Court Appeals for the 8th Circuit and United*
15 *States Court Appeals for the 7th Circuit; allowed the conduct of oversights*
16 *by the Western District of Arkansas; knowingly embracing a malpractice of*
17 *law that would prevent millions of communities, denied access to*
18 *equal-rigor of learning; effectively creating a conditional of marginalizat*
19 *ion of education for a targeted population that will last with a negative*
20 *generational impact.*

1
2
3 This motion offers 20 pongs of researched based evidence on violations
4 against the Federal Rules and Procedures and the Judicial System Protocol
5 clearly establishes good cause and legal merit for mootness and
6 Nullification of U.S.A. v. Askia and well as all other hardships in Askia has
7 encountered, supported by a wide range of Exculpatory Evidence of
8 Innocence, The United States Court Appeals for the 8th Circuit and the
9 United States Court Appeals for the 7th Circuit. Including supportive
10 evidence of wrongful denials and oversights and suppressed access to key
11 evidence like Bill of Particulars, that would have made a major measureable
12 difference in the application of the lack of merit of the government's alleged
13 overdue claim and transgression against 14th Amendments; is now being
14 made available through the defendant's, research and the ruling of the
15 United States Court of Appeals for the 8th Circuit, Exculpatory Evidence of
16 Innocence including *Federal Case Law* of the United States Court
17 Appeals for the 7th Circuit and wittiness testimony.

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2 This motion joins Justice ***Kennedy, concurring opinion as well as***
3 ***the Court's opinion and Case Law of identifying the proper reasons calling***
4 ***for Nullification, similar to U.S.A. v. Askia arguments and finding of the***
5 ***United States Court of Appeals for the 8th Circuit and United States Court***
6 ***of Appeals for the 7th Circuit. The conduct of Perjury, Jury Tampering***
7 ***with evidence, submitting false documents to a Federal court and the Grand***
8 ***Jury starts with the government's Exhibit 4.***

9 **The Rationale Mootness;**

10 **A. The rationale for mootness; Honorable Susan O. Hickey,**
11 **United States District Judge for the Western District of**
12 **Arkansas.**

13 Wrongfully allowing false evidence to be submitted by the Government's
14 Argument (Government's Exhibit 4); which, set forth the wheels of
15 injustice moving in the wrong direction against the principles of the
16 Juridical System, Federal Rules and Procedures, and standards protocol.

17

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2 Therefore, *qualifying and* establishing good cause and legal merit for
3 mootness and Nullification of the U.S.A. v. Askia, supported by a wide
4 range of legal bodies as follows:

5 • SCOTUS

6 •The United States Court of Appeals for the 8th Circuit

7 •The United States Court of Appeals for the 7th Circuit

8

9 The Honorable Susan O. Hickey, United States District Judge for the
10 Western District of Arkansas and the Grand Jury clearly was informed that
11 Exhibit 4 was fraudulent, the document that introduced August as the
12 Approved Application start date;

13 1. **“from August 23, 2007, to April 11, 2008.”**

14 **According to the United States Court of Appeals For The 8th**
15 **Circuit; The Honorable Susan O. Hickey, United States District**
16 **Judge for the Western District of Arkansas, adopting the report**
17 **and recommendations of the Honorable Barry A. Bryant, United**
18 **States Magistrate Judge for the Western District of Arkansas.”**

19 ”*The United States Court Appeals for the 8th Circuit*”

20

21

1

2 Exculpatory Evidence of Exhibit 4 claiming “**from August 23, 2007,**
3 **to April 11, 2008**, is was the official Approved Program Application is
4 100% wrong, which is of; “*Plain Error*”.

5 The first of the government’s **plain errors** was of perjury by constructing
6 an argument against case law and an established ruling of the United States
7 Court of Appeals for the 7th Circuit; then the government **submitted**
8 **Exhibit 4**, to the Grand Jury as their basics of their argument against
9 the ruling of the Appeals Court, with an plethora of oversights, violations
10 against the Federal Rules and Procedure including perjury statements.

11 **According to the United States Court of Appeals for the 8th**
12 **Circuit**; the government’s alleges, the approved Federal Program in
13 question to started on the August 23, 2007. The Exculpatory Evidence:
14 **According to the United States Court of Appeals for the 8th**
15 **Circuit**,

16 **2. However**, the same Exculpatory evidence, confirms July 01,
17 2007 was the official approval date. As the following items of
18 evidence;

19 ”*The United States Court Appeals for the 8th Circuit*”

20

21

1
2
3. **"If an intervening circumstance deprives the plaintiff
4 of a 'personal stake in the outcome of the lawsuit,' at
5 any point during litigation, the action can no longer
6 proceed and must be dismissed as moot".**

7 " "The United States Court Appeals for the 8th Circuit"

- 8
- 9 A. The U.S. Department of Education offers proof of this motions claim.
- 10 B. The Boys and Girls Club offers proof of this motions claim.
- 11 C. The Supreme Court of the United States offers proof of this motions
12 claim.
- 13 D. The Approved Program Application from the Arkansas Department of
14 Education offers proof of this motions claim.
- 15 E. *The 21st Century Community outreach marketing support services;
16 commonly supports and confirms July 01, 2007 as the approved
17 starting date.*

20

21 The above data and evidence clearly articulates the following;
22 The impact of perjury to the Judicial System combined with the Grand
23 Jury manipulation and ignoring Federal Rules and Procedures is what can
24 be considered proof of **malpractice of Law and or 2255.**

1
2
3 **According to the United States Court of Appeals for the 8th**
4 **Circuit;** said the following;

5 4. “Based on the district court’s **erroneous** ruling that
6 § 666 (a)(1)(A) was a continuing offense,”

7 “*The United States Court Appeals for the 8th Circuit*”

8
9 5. “On March 6, 2013, **more than five years after**
10 **Askia Learning received the 21st Century grant**, a one
11 -count indictment was returned, charging Askia with a
12 violation of 18 U.S.C. § 666(a)(1) (A). “

13 “*The United States Court Appeals for the 8th Circuit*”

14
15 The above statement made by the **United States Court of Appeals**
16 **for the 8th Circuit;** the above number four from prong (5) is proof of
17 a redefining moment of the conduct by the Western District Arkansas and
18 the Government’s Argument and their collaborators that fully meets the
19 requirement for violation of the Federal Rules and Procedures that directly
20 correlates to the violation of **Title 18, Section 1001 – U.S. Code.**

21

1

2 As well as, the statute for limitation is the time limit for filing charges
3 against a defendant. Therefore the government can no longer charge nor
4 file charges. **The federal statute of limitation is 18 USC 3282.**

5 **Also, establishing its claim for mootness and Nullification,**
6 **against WDA , with good cause and proper merit to properly**
7 **claim, "Plain Error" by the United States Western District of**
8 **Arkansas; and wrongfully attempting an illegal adjudication in**
9 **a Federal Court with false evidence, U. S. A. v. Askia / Case**
10 **No. 15 -1717.**

11 **First, the court concluded that § 666(a) (1) (A) was a**
12 **"continuing offense" and thus the statute of limitations did**
13 **not begin to run until the last date charged, i. ., April 11,**
14 **2008, placing the indictment within the limitations**
15 **period. "The United States Court Appeals for the 8th Circuit"**

16

17 **Second, even assuming § 666(a)(1)(A) was a completed of**
18 **fense and thus the statute of limitations began to run once**
19 **all elements of the offense were established, the court**
20 **concluded that the; "The United States Court Appeals for the 8th Circuit"**

1
2
3 6. “The district court **1** denied Askia’s motion, concludin
4 g that the offense was a “continuing offense, the
5 district court denied Askia’s motion to dismiss, for
6 two reasons.” *“The United States Court Appeals for the 8th Circuit”*

7
8 7. “Yet the Government failed to obtain an indictment
9 until more than five years after initially discovering
10 Askia’s misconduct.” *“The United States Court Appeals for the*
11 *8th Circuit”*

12
13 8. We therefore hold that **18 U.S.C. § 666(a) (1) (A)** is not
14 a continuing offense. **As such, a defendant may**
15 **not be charged for a § 666(a)(1) (A)**
16 **offense committed outside the five-year**
17 **statute of limitations. See 18 U.S.C. § 3282**
18 **(a).”** *“The United States Court Appeals for the 8th Circuit”*

1
2 **9. “Yet the Government has conceded in other cases that**
3 **§ 666(a)(1)(A) is not a continuing offense under either**
4 **prong. See, e.g.,”** *“The United States Court Appeals for the 8th Circuit”*
5
6

7 **10. “We agree with the Seventh Circuit and hold that**
8 **18 U.S. C. § 666(a) (1)(A) is not a continuing offense.**
9 **We reach this conclusion for at least four reasons.”**
10 *“The United States Court Appeals for the 8th Circuit”*

11
12 **11. “Yashar, 166 F.3d at 876 (“[T]he government agree [s]**
13 **that § 666 is not a ‘continuing offense’ as that term is**
14 **defined in Toussie.”).**
15 *“The United States Court Appeals for the 8th Circuit”*

16
17 **12. “The Seventh Circuit in United States v. Yashar held**
18 **that § 666(a)(1)(A) is not a continuing offense”**
19 *“The United States Court Appeals for the 8th Circuit”*

1
2 13. “A court of appeals has the discretion to correct an
3 error only if there is “an ‘error’ that is ‘plain’ and that
4 ‘affect[s] substantial rights.’”

5 “*The United States Court Appeals for the 8th Circuit*”

6
7 14. “The above underlined information offers a
8 misleading statement and likely a wrongful conclusion
9 and has failed to include critical Direct Exculpatory
10 Evidence that most Likely would have influenced the
11 Grand Jury and the Trial Jury in favor of the
12 Petitioner. Therefore, creating a ripe circumstance
13 that reflect The Brady Rule as per the
14 constitutional right of the Petitioner to have access to
15 evidence of actual innocence.

16 “*The United States Court Appeals for the 8th Circuit*”

17

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15. "If an intervening circumstance deprives the plaintiff of a 'personal stake in the outcome of the lawsuit,' at any point during litigation, the action can no longer proceed and must be dismissed as moot".

“The United States Court Appeals for the 8th Circuit”

16. finally, Askia contends that the district court should have dismissed the indictment because the Government gave the grand jury a copy of Exhibit 4 (before being marked as such). Askia did not file a motion to dismiss the indictment based on this supposedly false application. See Fed. R.Crim. P. 12 (b)(3)(A)(v). *The United States Court Appeals for the 8th Circuit*

17. Because Askia did not file such motion before trial, he must show good cause for this failure. See *id.* 12(c) (3); **United States v. Green,**

“The United States Court Appeals for the 8th Circuit”

1
2
3
4 According to the United States Court of Appeals for the 8th Circuit, it has
5 been requested Askia to submit a good cause for his failure of not filing a
6 motion before trial. "There are plethora of reasons Askia hope to offer
7 the court in his response to the court; in his failure to file a motion. The
8 most concise response is 28 U.S.C §2255 and locked down for 23 hours a
9 day without the necessary resources. However, the degradation that
10 occurred under the watchful eyes of the Western District Arkansas with
11 impunity is nothing less than amazing.

12
13 Askia was simply denied the basic tools to do so, {writing pad and pen,
14 including access to a computer} was taken, with a level arrogance
15 unbecoming of our great nation; Askia was only told he had to take the role
16 of pro se, only three days before trial. Because of protocol of county Jail,
17 being locked into an environment, unfit for an animal for 15 months; all to
18 bring about an illegal act of **marginalization of education**. Askia was
19 not just denied communication tools. There other critical needs, like Bill of
20 Particulars, access to key evidence as well as Key Witnesses and Mental
21 Wellness due to intellectual violation. Askia wasn't mentally qualified to
22 act as *Pro Se* due the lack of intellectually stability, base the likelihood of
23 Posttraumatic Stress Disorder (PSD). Despite that Askia has been
24 accredited for creating an interdisciplinary thematic critical thinking
25 program that likely to improve America's student achievement for
26 generations.

27

- 1
- 2 a. Askia was completely unaware of any requirement of filing of motion,
- 3 for the following reasons.
- 4 b. The court appointed counsel informed Askia that he had he currently
- 5 had health problems and the Judge suggested he recommend that As
- 6 kia take the act as pro se. And the Judge would support the changeov
- 7 er to *Pro Se* and the Judge would approve for him, the court appointe
- 8 d counsel to act as standby counsel. to sit-in as a support role.
- 9 c. Askia was told by the all proper paperwork and motions had been
- 10 properly submitted to the court.
- 11 d. All of this occurred with three day of trial.
- 12 e. Also, Askia was place in isolation for 15 months, and wasn't allowed
- 13 any paper or pen for writing any documents to the court.

14

15 18. "If an intervening circumstance deprives **the plaintiff**

16 of a 'personal stake in **the outcome of the lawsuit**,' at

17 any point during litigation, the action can no

18 longer proceed and must be dismissed as moot"

19 "The United States Court Appeals for the 8th Circuit"

20

21 In response to the above United States Court Appeals for the 8th

22 Circuit, statement. Askia submitted a motion to the Western

23 District Arkansas pertaining to Jury Tampering during the trial

24 that he and an Officer of court witnessed Jury Tampering.

1
2 Askia requested video from the on-site cameras as evidence of the
3 violation, he was told the cameras in the Federal Court did not
4 record and Askia later found out the Officer whom also witnessed
5 was transferred out of the Western District Arkansas.

6 19. "Petitioner's papers are inexpertly drawn, but they do set forth
7 allegations that his imprisonment resulted from perjured
8 testimony, knowingly used by the State authorities to obtain his
9 conviction, and from the deliberate suppression by those same
10 authorities of evidence favorable to him. The allegations sufficie
11 ntly charge a deprivation of rights guaranteed by the Federal
12 Constitution, and, if proven, would entitle petitioner to release
13 from his present custody. *Mooney v. Holohan* , 294 U.S. 103."

14 "The United States Court Appeals for the 8th Circuit"

15
16 The government's argument of 18 U.S.C. § 666(a)(1) (A).5; has been
17 proven to be moot and an illegal act, by plethora of court's proven
18 Exculpatory Evidence of Innocence.

19
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3 **20.** “On March 6, 2013, **more than five years after Askia**
4 **Learning received the 21st Century grant**, a one-count
5 indictment was returned, charging Askia with a violation of
6 18 U.S.C. § 666(a)(1)(A). “*The United States Court Appeals for the 8th Circuit*”

7
8 Therefore, the Federal Statute of Limitations is 18 **USC 3282** and was
9 simply ignored by The United States Western District Court of Arkansas,
10 prosecutor, and The Grand Jury.

11 *This concludes the presentation of this motion with six pages of Exhibits*
12 *with first-hand evaluations of contribution of Askia to student*
13 *achievement and what Western District of Arkansas has denied millions of*
14 *developing instinctual minds in Americans as well as many countries as*
15 *40 in the world; concluding with a 23 page document/ motion.*

16 According to seasoned professional educators, Askia has created
17 *America’s Best of the Best Practices of the Pedagogy’s that has the best*
18 *probability of simulating global education / academics for teaching and*
19 *learning.*

20

1

2

3 *It also said the Askia Pedagogy method of teaching and learning is*
4 *aligned with two known historical educators John Dewy and Horace*
5 **Mann. According to the guidelines of John Dewey;** “Education is not
6 preparation for life, Education is life itself.” **According to the guidelines**
7 **of Horace Mann;** the public school is the greatest discovery made by
8 man. Education is best provided in schools embracing children of all
9 religious, social and ethnic backgrounds. Teacher who is attempting to
10 teach without inspiring the pupil with a desire to learn is hammering on
11 cold iron.”

12 **Exhibit Outline:**

13 The following Exhibits are the impact statements from across America that
14 offer a logical insight from professional front line educators and the loss of
15 opportunity for the America’s At- Risk students and their communities.

16

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2 Also highlighting the contributions by Askia's though his interdisciplinary
3 thematic critical thinking Model. Due to the wrongful oversights of
4 U.S.A. v. Askia, of WDA; and highlighted by SCOTUS, *United States Court*
5 *Appeals for the 8th Circuit and United States Court Appeals for the 7th*
6 *Circuit; by the conducts of Western District Arkansas and stimulated by*
7 *“Plain Error” lack of Judicial System Protocol.*

8 By wrongfully submitting and accepting un-vetted false claims of evidence;
9 like fraudulently claiming the original start date as August 23, 2007, and
10 projecting false narratives with the WDA's participation and oversights of
11 perjury by officers of “WDA” with false impunity;

12 This motion concludes its argument with the support of the SCOTUS,
13 *United States Court Appeals for the 8th Circuit, United States Court*
14 *Appeals for the 7th Circuit; and Exculpatory Evidence.* Also, 12 ASKIA'S
15 Educational Nationwide teaching and learning Models and 34 Affidavit
16 evaluations from more than 10 states and Bermuda; to establish Askia's
17 professional track record for decades as well as the likely damage to 1,000
18 communities and sub-communities to the By wrongfully submitting and
19 accepting un-vetted false claims of evidence;

21

1

2 like fraudulently claiming the original start date as August 23, 2007, and
3 projecting false narratives with the WDA's participation and oversights of
4 perjury by officers of "WDA" with false impunity;

5 **Exhibit: 1**

6 **The ASKIA Learning Concept – Alabama Model;**

7 Birmingham, AL. (Affidavits);

8 a. Central Park Elementary - Teacher

9 b. Birmingham City Schools - Sole Source Verification

10 c. Birmingham City Schools - Dr. Willie C. Goldsmith Jr.

11 d. Charles F. Hard Elementary - Bessemer Schools District

12 **Exhibit: 2**

13 **The ASKIA Learning Concept – Mississippi Model;**

14 e. Yazoo, Ms. (Affidavit) Teacher;

15 f. Yazoo, Ms. (Affidavit) Teacher;

16 g. Shaw School District – Superintendent

17 h. Shaw School District – Superintendent

18 i. Shaw School District – Staff / Teachers Evaluation and Comparison

19 j. Clarksdale School District – Principal Evaluation

20 k. Tunica Middle School – Tunica Mississippi

1

2 **Exhibit: 3**

3 **The ASKIA Learning Concept – Oklahoma City Schools Model;**

4 l. Hoover Middle School – Teacher –

5 **The ASKIA Learning Concept – Illinois Model;**

6 m. Cairo School District No. One - Principal

7 **The ASKIA Learning Concept – Indiana Model;**

8 n. Indiana Public Schools - Brookside Elementary – Principal

9 o. Indiana Public Schools –Lew Wallace Elementary

10 **The ASKIA Learning Concept – California Model;**

11 p. Compton Unified School District - Teacher – Robert F. Elementary

12 q. Oakland Unified School District – Principal, Lafayette Elementary

13 r. Oakland Unified School District - Reading and Math Coach

14 **The ASKIA Learning Concept – Louisiana Model;**

15 s. St. Helena School System – Curriculum Supervisor

16 t. La Salle Parish School System – Federal Programs Director

17 u. Rapides Parish School System - Assistant Principal

18 v. Caddo Parish School Board – Math Supervisor

19

20

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2 **The ASKIA Learning Concept – Texas Model;**

- 3 w. Dallas Public Schools - Area Superintendent
- 4 x. Dallas Public Schools – Principal
- 5 y. Dallas Public Schools - Math Coach

6 **The ASKIA Learning Concept – Georgia Model;**

- 7 z. Atlanta Public Schools – Instructional Specialist
- 8 aa. Jasper County Schools - Literacy Support Specialist

9 **The ASKIA Learning Concept – Arizona Model;**

- 10 bb. _Cesar E. Chavez Community School – Assistant Principal
- 11 cc. John R. Davis School - Principal
- 12 dd. Roosevelt School District - Teacher Campbell Elementary School
- 13 ee. T. G. Barr Computer Magnet School – Principal

14 **The ASKIA Learning Concept – South Carolina Model;**

- 15 ff. Richland County School District - Teacher

16 **The ASKIA Learning Concept – Bermuda Model;**

- 17 gg. Sandys Secondary Middle School - Principal
- 18 hh. Southampton Glebe Primary School - - Principal

19

20

21

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3 Submitted to:

4 Att: Cathy - Case Manager

5 United States Court of Appeals for the 8th Circuit

6 Case # 15-1717

7 111 South 10th Street St. Louis, MO.63102

8 Ph. #314 244-2400

9

10 Respectfully Submitted; Educational Yours!

11

12 Kwame Askia

13 *Pro Se*

14 *P.O. Box 81623*

15 *Conyers, Ga. 30313*

16 *askialearning@gmail.com*

17 *916-345-6344*

18 *Case No 15-1717*

19

20

21 *See 34 Exhibits below and 40 pages/ Affidavits; and another 16 pages of*

22 *Exculpatory Evidence proof of false Application and perjury.*

23 *See Below.*

24

25 *I.*

TO REUSE: Mark through all previous shipping labels and barcodes.

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KWAME ALI ASKIA
3343 PARC DR SW
ATLANTA, GA 30311
UNITED STATES US

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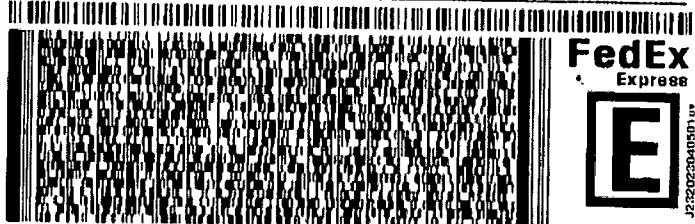
here.

TO **ATTN CASE MANAGER**
UNITED STATES COURT OF APPEALS
OF THE 8TH CIRCUIT CASE #15-1717
111 SOUTH 10TH STREET
SAINT LOUIS MO 63102

(000) 000-0000
TRK# 0201
PO:

REF:

DEPT:



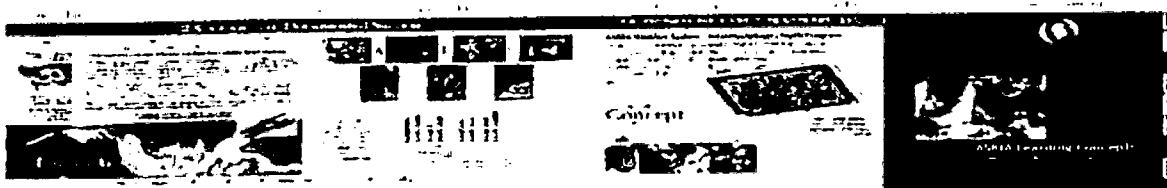
WED - 26 APR 4:30P
EXPRESS SAVER

63102
MO-US STL

sable ST CPSA



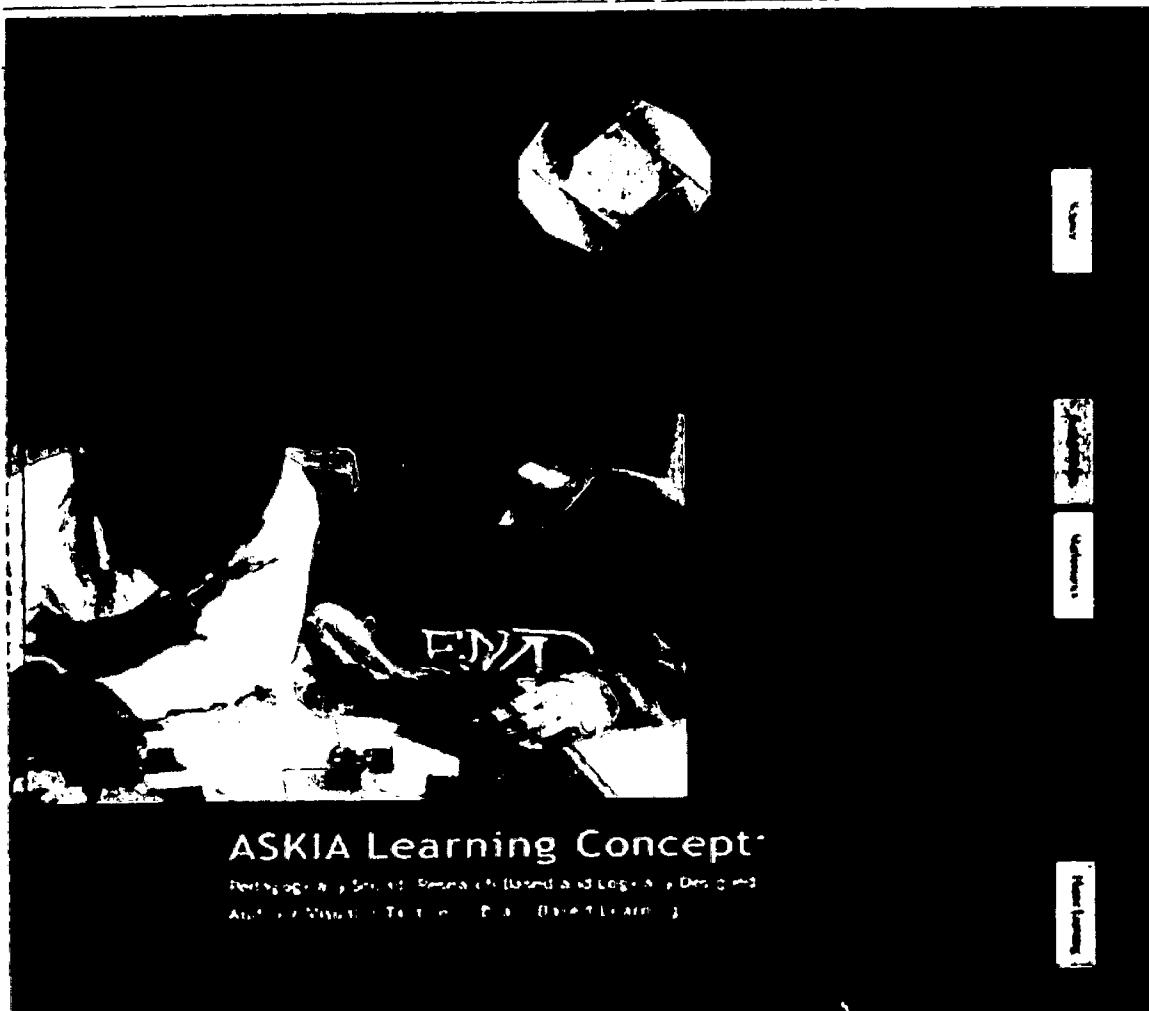
Align bottom of peel-and-stick airbill or pouch here.



25 YEARS OF DOCUMENTED SUCCESS

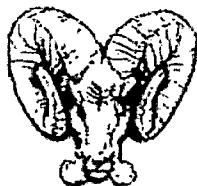
ASKIAISM is a lifelong student achievement learning process for collaborative teaching and learning. Empowered and implemented by the ASKIA Geododecahedron Interdisciplinary Thematic Critical Thinking Concept. Thinking globally and acting locally, is the fundamental reasoning and logic for global problem solving. Providing an understanding for connectivity and application, where as the tree is always committed to the seed and the branch always committed to the tree, the limb committed to the branch and the fruit to always be committed to the limb and leaf. Creating an open ended intellectual food chain, therefore empowering a developing mind to become a divergent critical thinker and problem solver.

(SINCE 1979 – COPYRIGHT 1979 Kwame Askia)



ASKIA Learning Concept

Pedagogically Sound, Research Based and Logic & Design
Authentic Visual Thinking for Student Learning



Central Park Elementary

4915 Avenue Q, Ensley

Birmingham, Alabama 35208

Telephone: (205) 231-1250 • Fax: (205) 231-1300

May 18, 2015

To whom it may concern,

I, Linda Wiest, a fifth grade teacher at Central Park Elementary School in Birmingham City Schools am writing with my opinions and experiences using the Askia Program for Math. Upon my first interactions with Mr. Askia, I was overwhelmed and thought why on Earth would someone try to change the way I am teaching. I have had success in teaching for twelve years. I thought this was just another program purchased by the board that was to be implemented for a short time and then it would fade away like many of the others that we use in our system.

Mr. Askia's program, however, after experiencing his expertise was brilliant! I sat in the class beside my students in the beginning so that I could experience what they were experiencing. I will honestly say that the first few days we all had a headache when he left, simply because it was requiring us to use areas of our brain that had not been exposed all at one time. With what I was learning while he taught my class, I began implementing his strategies into the way I taught daily. This allowed for less confusion and frustration among the students.

Through continued implementation of Mr. Askia's program, I found students who, before, had struggled with math concepts, begin to show growth. As we all know when students begin to flourish, they want to know and do more. I continued to use the program throughout his contract with our school and beyond. It has and will forever change the way I look at teaching math. He and I sat on multiple occasions and talked about how to link their learning through multidisciplinary approach. This program truly is the product to do this.

Results indicated on my end of the year Star Accelerated Math Report which is tied to CCRS, are as follows. 23% of the students grew less than 1 year (3 of which were on IEP's, and another who came to me late in the year). 27% of the students grew between 1.5-2 years. The remaining students, an amazing 50% of the class showed 2-4 years growth. I had 2 students score 4 years growth placing one on a seventh grade level, and one on an eighth grade level. I have never had 77% of my class achieve 1.5 +years growth.

In closing, this program truly works, and I will forever be using these methods to link skills in my class. I appreciate all of the time that Mr. Askia has invested in this great product and its link to everyday life. My only wish, is that I could get my hands on his Language Arts program as well.

Kind regards,

Linda J. Wiest

5th Grade Central Park Elementary School

"FOR OUR CHILDREN • FOR OUR FUTURE"

BIRMINGHAM
CITY SCHOOLS

October 19, 2000

TO: Ed McMullen
Director, Purchasing Department

FROM: Eleanor Traylor, Ed.D. *Eleanor Traylor*
Director, Federal Programs Administration

RE: Sole Source verification for Askia Learning Concepts

During the week of October 16, 2000 the following vendors were contacted in an effort to determine if there was on the market a comparable product to the software and supporting materials offered in the Askia Learning Concept Materials. None of the representatives at any of the listed vendors knew of any product which contained the packet of materials designed and grouped as offered by Askia Learning Concepts.

Vendors and representatives contacted:

<u>Vendor</u>	<u>Contact Person</u>
Pomeroy Computer Services	Robin Reeder
Perfect Solutions	Andrew Cramer
Teachers & Tools	Bill Clemons
COMP USA	Peter
Technology America	Jeff
Software Express	Josh Stoner
Alpha Smart	Melony
Comdisco	Martin Fitzpatrick

Based on the information presented by Askia and the data gathered through vendor contacts, I am satisfied that the product offered by Askia Learning Concepts is a unique product offered by no other company.

Enclosed, for record, is the vendor list used in obtaining this information. If there are further questions, please contact me at 583-4614.

Memo

To: Dr. Martha Barber Chief Academic Officer
From: Willie C. Goldsmith Jr. Principal *WCG*
Date: 8/19/2011
Re: Askia Learning

On Friday I was visited by Mr. Kwame Askia who demonstrated to me teaching techniques in one of my 8th grade classes. Upon entering the class 22 students did not understand the concept clearly of unlike denominators of fractions. After a thirty minute lesson 21 of the students to my surprise showed mastery of the skill without additional help. This was very impressive and showed 86% growth in the class. I think that this program would be very helpful in my school and others reaching our AYP goals in spring.

Charles F. Hard Elementary School
2801 Arlington Avenue
Bessemer, Alabama 35020

205 432-3300 phone

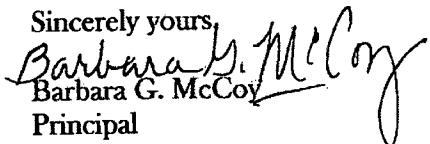
205 432-3307 fax

September 6, 2011

Mr. Askia,

It was a pleasure to speak to you about the possibility of having you come on board to assist with strategies to improve our school-wide reading and math programs. After much discussion, I observed a demonstration of your presentation with our students. To my amazement, many of our students reluctantly began to practice, using the Askia method, and within thirty minutes, they were problem-solving on their own. The excitement generated by your approach was quite impressive. I appreciate your visit and look forward to building a lasting partnership with your organization.

Sincerely yours,


Barbara G. McCoy
Principal

my test scores

1 message

Sue Dixon <sue.dixon918@yahoo.com>

Reply-To: Sue Dixon <sue.dixon918@yahoo.com>

To: "askialearning@gmail.com" <askialearning@gmail.com>

Tue, Aug 2, 2011 at 4:31 PM

HEY ASKIA---

It's me. Sue Dixon. Your favorite fourth grade teacher that left you.

I wanted to send you a note to get your address in my contact list, but I also wanted to let you know that I got to see my test scores. I went in under my old McCoy password and it was still active so I could go into ELS and look. My QDI was 98!!!!

98!!!! YES 98!!!!

I have to say that over and over. The year prior, it was 64!

Thats a 34 point jump. WAY better than I expected. AND, I beat the little know it all math teacher, street. Hers was only 80.

How bout them apples. -----

Dixon

Summary of Math that Works
By: Kwame Askia

I first met Mr. Askia on Thursday, March 31st during a math departmental meeting with the math teachers in grades 2-5. He introduced himself to the group of math teachers and told us what he's all about: **Raising students' test scores for failing schools!** He wasted no time in showing teachers math strategies that will actually work.

He first showed the teachers how to teach the students to use a number line as a teaching tool for adding and subtracting. WOW!! He had my attention immediately. Touch-Math was out of the door now. The next day, I introduced my students to Askia's Subtraction, as I labeled it. Of the 95 students I taught the next day, about 75% grasped the idea immediately. Now we use this method everyday and the students love it!

He then demonstrated how the students can construct a time table chart to use on the test and assist them with multiplication and division. Why should we make them memorize their facts and teaching tools are allowed on the test as long as they make the math tools themselves?

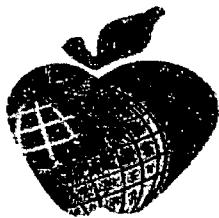
On Friday, he came in and introduced the Askia POE method to assist the students to eliminate incorrect answers when provided with answer choices. The majority of the students were attentive and ready to learn. On Monday, I introduced this method to my second period class and 50% of the students understood it after three tries.

I use the thinking strategies that he has shown me on a daily basis. I have gone out and introduced the number line to some of my friends so that they can assist their children in completing homework correctly. I am now working with my 4 year

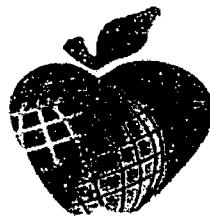
old granddaughter and teaching her how to add using the number line.

"Askia's Mathematical Ways of Thinking" is excellent!! I highly recommend him to all school districts, whether they are successful or failing. By incorporating his mathematical strategies into the classroom, test scores will most definitely go up.

Vanessa L. Crowder
McCoy Elementary School
Third Grade Mathematics



Shaw School District
P.O. Box 510 200 Jefferson Avenue
Shaw, MS 38773
Phone: (662) 754-2611
Fax: (662) 754-2612



Superintendent
Cederick L. Ellis, Sr., Ph.D.

September 1, 2009

Beth Howard
604 C. Rutledge Bldg
Columbia, SC 29201

Dear Ms. Howard:

Attached you will find an analysis to support correspondence dated August 25, 2009. As specified, Mr. Askia introduced students in grades 5-8 to Askia Learning Concepts eight weeks before the Mississippi Curriculum Test 2 (MCT2) state assessment administration. When compared to the other sixteen (16) surrounding school districts with similar student demographics and district characteristics, the following was significant for the Shaw School District in grade 5 mathematics and language arts:

- When compared to the surrounding 16 school districts, students in grade 5 mathematics had the highest percentage of students scoring proficient or above (68.1%)
- When compared to the surrounding 16 school districts, students in grade 5 language arts had the smallest percentage of students scoring minimal (13.6%)
- When compared to the surrounding 16 school districts, students in grade 5 language arts ranked third in the percentage of students scoring proficient or above (Cleveland School District 48.9%, Sunflower School District 46.3% and Shaw School 45.5%)

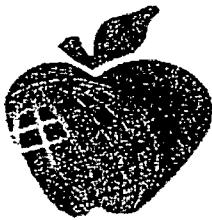
Based upon the limited time our students were exposed to Askia Learning Concepts, my educational opinion is as follows: *"If our teachers had the opportunity to implement Askia Learning Concepts with fidelity and students received earlier and longer exposure, significantly more students would have scored proficient or above."*

One of our ultimate goals is to help students reach proficiency on state assessments. The MCT2 is the major measuring stick for our district's ability to help students reach proficiency in language arts and mathematics. Additionally it's Mississippi's way of responding to the federal No Child Left Behind regulations. If the success of Askia Learning Concepts continues in other grade levels, this could very well represent a turning point for students in the Shaw School District.

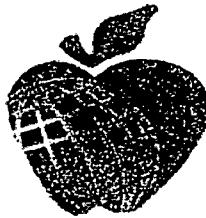
Sincerely,

Cederick L. Ellis, Sr. Ph.D.

Enclosure



Shaw School District
P.O. Box 510 200 Jefferson Avenue
Shaw, MS 38773
Phone: (662) 754-2611
Fax: (662) 754-2612



Superintendent
Cederick L. Ellis, Sr., Ph.D.

July 24, 2009

Dear Sir or Madam:

"Invite me to one of your mathematics classes and I will show you growth in 30-45 minutes."
Wow, what a powerful and profound hook. I wouldn't believe it had I not seen it with my own eyes.

Kwame Askia began introducing, students and teachers to Askia Learning Concepts eight (8) weeks before the 2009 Spring Mississippi Curriculum Test 2 State Assessment (MCT2). He quickly built rapport among students and kept them engaged the entire time. To my amazement, in a very short time students and teachers responded positively to the Askia Learning Concepts. Teachers were able to embed critical thinking concepts to effectively engage students into a new mode of learning and themselves in a new way of delivery classroom instruction.

At first glance, this new way of learning seemed too good to be true. Obtaining critical thinking as part of a component of the curriculum is one thing. However, forming a curriculum that challenges students to attain critical thinking skills by evoking all intelligences is quite different. It is my belief that Askia Learning Concepts is definitely a paradigm shift to student learning and teaching

Educationally yours,

Cederick L. Ellis, Sr., Ph.D.

October 8, 2009

The Leadership Team at McEvans Elementary chose ASKIA's Professional Development Plan to use at McEvans Elementary for the 2009-2010 school year. This plan was chosen with an unanimous decision.

We did carefully consider each bidder based on price, their ability and willingness (as stated in their plans) to be available when needed, and the benefits that our students/teachers would receive. Our goal is to get our students where they need to be in ALL subjects, but our top PRIORITIES are MATH and READING.

Below is a list of positive and negative aspects of each plan that was reviewed:

JBHM

ADVANTAGE

- Provide instructional guide and student practice notes

DISADVANTAGES

- The cheapest plan (\$100,000.00) is simply an improvement plan that McEvans and Shaw School District already have into action. We didn't feel that monitoring the administrators would contribute to our students being successful.
- Only supports 6th-8th grades in Reading with the \$150,480.00 package
- Only supports 5th-8th grades in Math with the \$150,480.00 package
- Only supports 5th-8th grades in Science with the \$150,480.00 package
- Only available for 10 days of training

BAILEY EDUCATION GROUP, LLC

DISADVANTAGES

- Did not provide enough information on how our teachers and students could benefit from them
- Didn't list any hands-on activities or instructions that would engage the students or teachers
- Main focus was DATA and how to use it (We are already familiar with and have had training on how to analyze DATA.)
- Only provides 8 days of service and 4 days of Professional Development

ASKIA PROFESSIONAL DEVELOPMENT PLAN

ADVANTAGES

- Concepts are aligned with the state benchmarks
- Requires different levels of thinking for students to arrive at the correct answer
- Classroom modeling
- Bi-Weekly Teacher Training
- Meetings with Hands-on Activities
- Considers different learning styles with lessons
- Peer Monitoring
- Services Grades 4-8 in ALL subjects
- Available 3 days/weeks
- Materials are aligned with MCT2
- Familiar with the teachers and student body
- Follow-up on meetings with teacher and activities with students

OAKHURST MIDDLE SCHOOL
Providing Opportunities for Educational Excellence

120 West Second Street
Clarksdale, MS 38614
Telephone: (662) 627.8560
Fax: (662) 627.8512



Linda Downing
Principal

Evan Caine
Assistant Principal

Loria Perkins, NBCC
Counselor

October 25, 2006

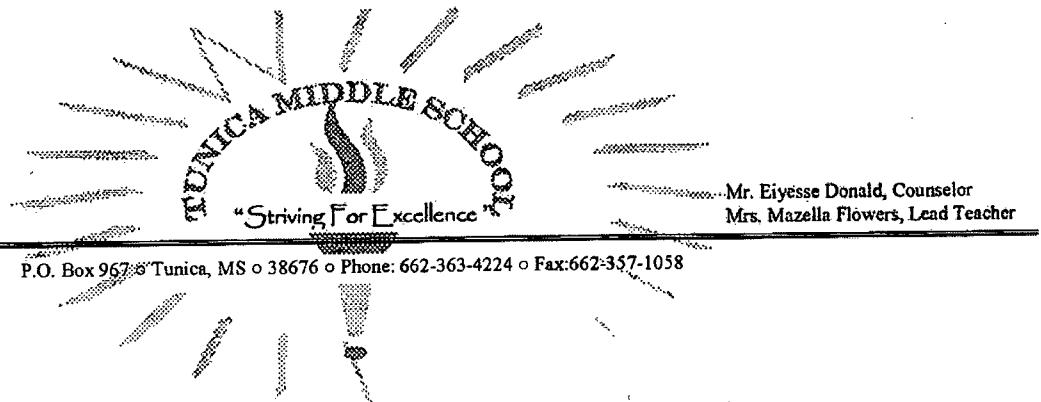
TO: Ms. Sadie Dorsey
FROM: Linda Downing *Linda Downing*
REF: ASKIA Learning Concept

Ms. Dorsey, one of the greatest experiences that I have witnessed was the demonstration of the ASKIA learning concept. Last week Mr. Askia visited our school. We scheduled this week for a return visit to demonstrate his concepts. We were already excited after his verbal interpretation on last week. After his demonstration, I am convinced, that implementation of his concepts would assure improvement in our critical thinking process.

Mr. Askia gave the students MCT formatted test questions. After completing the questions, on question number one, thirteen students out of fourteen had the answer incorrect. After his demonstration, on a similar question fourteen out of seventeen had the answer correct. The student, teacher, assistant and I, were amazed at the transformation. After only thirty minutes you could see results. It did not take one day or one week but less than an hour. Can you imagine the impact this program could have on test scores, if it were implemented? Ms. Dorsey, as principal, I would like to put my money on ASKIA critical thinking learning concepts.

Ex-D

OCT 25 2006



Mr. Glenn E. Rogers, Sr., Principal
Mr. Glen B. Newson, Asst. Principal
Mrs. Shirley Cathey, Asst. Principal

Mr. Eiyesse Donald, Counselor
Mrs. Mazella Flowers, Lead Teacher

P.O. Box 967 o Tunica, MS o 38676 o Phone: 662-363-4224 o Fax: 662-357-1058

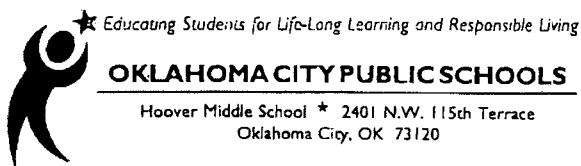
September 3, 2009

To Whomever Concerned:

The purpose of this letter is to inform you of the outstanding performance of Mr. Kwame Askia. On August 11, 2009, Mr. Askia taught Mrs. Robinson's 5th period class. He gave students a math problem in which only 4 students answered correctly. Mr. Askia proceeded to demonstrate how to solve the problem using a mathematical strategy. After teaching the strategy, students were asked to work the problem again and on this attempt, 25 out of 26 students answered correctly. After witnessing Mr. Askia's passion and love for teaching within that brief period, I realized that he would be a great asset to the students in the Tunica County School District. I would definitely recommend him as a consultant and I do believe that he would help enhance and achieve the goals of any school.

Educationally yours,

Mr. Glen B. Newson, TMS Assistant Principal



To: Carole Thompson
Principal, Hoover Middle School
Oklahoma City Public Schools

From: Mrs. Hasty, Teacher – OKCPS *TH*

Subject: ASKIA Learning Concept – Evaluation

Date: October 4, 2005

Mr. Askia from the ASKIA Learning Concept was a presenter in my Language Arts Classroom. The concept he presented were very logical and impressive and can be used for life long learning.

Mr. Askia used a sentence (Students from Hoover Middle School will become life-long learners.) First, identifying two of the eight (8) parts of speech, noun and verb, with in the sentence. He assigned a value of a fraction to each of two parts of speech and then asks the students to calculate the sum of the two fractions.

Every student in the class came up with the wrong answer to the fraction he presented. After introducing the ASKIA formula (ASKIA Magic Box) to the students 18 out of 23 (78.2%) students arrived at the correct answer. (Impressive) The students who did not arrive at the correct answer were still confused or barely trying and were not focused.

I believe Mr. Askia presented life-long values and concepts that can be used throughout the student's lives. He showed them that a used mind, pencil and paper are all you need to be successful. It was impressive to see how successful the students became. However, I do not know how much will be remembered for fractions later on the test.

One improvement could be Mr. Askia doing a better introduction of him to the students and why they are doing this?

**Cairo School District No. One
Cairo Junior/Senior High School
MEMO**

Date: 21 January 2009

To: Lynn Bjrd, Leotis Swopes,

From: M. Moore

RE: Meeting with Kwame Askia

I had the opportunity to meet with Mr. Askia this morning and discuss ASKIA Learning Concept Strategies and his company's critical thinking program. We were in agreement that students who are able to think critically tend to achieve at a higher level and score better on standardized tests.

While in my classroom, he gave a short demonstration by taking a 15-word sentence out of our 7th grade health book and scrambling it, then asking the students to figure out what the original sentence said.

Students concentrated on the task and with a few clues, developed strategies to solve the problem. When they finished that task they were required to write a supporting statement and conclusion, thereby constructing a paragraph. Mr. Askia then showed them what they had done.

Building on that, he moved into a lesson on addition of fractions with unlike denominators with practice using a problem-solving technique, then had the students write a summarizing statement about the original exercise and the fraction exercise. The students were totally engaged the whole time.

As I mentioned to Mr. Askia, faculty and administration are in agreement as to the importance of critical thinking. Speaking for myself, I would welcome a district wide approach that challenged our students at increasing levels of difficulty to apply thinking skills in their learning.

Following is a list of benchmark skills taken from his website
<http://askialearningconcept.com/Home.html>



Indianapolis Public Schools

**Lew Wallace #107
Elementary School**

3307 Ashway Drive, Indianapolis, IN 46224

<http://www.ips.k12.in.us>

- TEL 317-226-4107
- FAX 317-226-3733

Jennifer Botts-Brown
Principal

February 15, 2008

To Whom It May Concern:

I observed CEO Kwame Askia, teaching our STEP program students. The STEP program is for over-aged sixth grade students. There are a total of 22 students in the class. The initial mathematical question asked by Mr. Askia only 6 students got the right answer. After teaching the students' the Askia concept, there were 19 students that understood the mathematical concepts that he was teaching. Virtually all students were engaged in the learning process as well! My personal evaluation of this program appears to be sustainable and transferable to our students. Along with his concept of community, professional development would be an integral part of the success of this Divergent Interdisciplinary/Thematic program.

Sincerely,


Ms. Botts, Principal

Excellence. Scholarship. Respect. Courage.



January 25, 2008

Dr. Johnson,

It was amazing watching Mr. Asakia and his associate demonstrating a lesson this morning. He was in a 6th grade inclusionary classroom that has some behavioral issues.

He began with adding unlike fractions. He began with this lesson because you have to know how to do that function to move on to more difficult problems. His method and delivery was very engaging for the students. They were all on task and focused on the lesson.

His methodology captured their interest from the beginning. With the first problem he presented only 5 students got the correct answer. By the end of the lesson (after only three more problems) the entire class got the correct answer. The lesson only took about 40 minutes.

Mr. Asakia created an environment for critical thinking. The students were surprised at themselves for being able to solve the problems. After succeeding they wanted more. It was great seeing a class that usually struggles to be so interested in the process. They were indeed using critical thinking skills.

One of the major keys in this approach is that students after being exposed to this type of thinking can go to other classes, model and teach students in using thinking skills to solve problems.

I also was impressed with the process because some students knew the answer but they didn't show their work. This process would increase test scores because they always request you to show your work and not just arrive at an answer.

I think it is a program we need to look at for our students. It is not overly complicated, but well organized. It is based on solid concepts that will increase our students' critical thinking skills, motivate our students and enable them to score higher on benchmarks and ISTEP.

Emilee Matthews
Principal, Brookside Elementary School #54

Excellence. Scholarship. Respect. Courage.



Oakland Unified School District

LAFAYETTE ELEMENTARY
1700 Market Street
Oakland, CA 94607
(510) 879-1290
Fax: (510) 879-1299

October 6, 2006

From: B. Stephen Redmond *DR*

To whom it may Concern,

We worked with the Askia Learning Concept with an emphasis on teacher training with hands on in classroom modeling, interdisciplinary, thematic and critical thinking skills. We were able to show growth in student achievement.

This past year we have shown an improvement of 8 points on our API to get to 614. Although our goal was 616 we feel that we have set up programs that will help us reach our goal of making our API growth. Currently at Lafayette Elementary we are entering year 3 of Program Improvement. Our main goal for the 2006-2007 school year is getting out of Program Improvement. Our AYP is within range:

	<u>2004</u>	<u>2005</u>	<u>2006</u>
Lang Arts	15.2	17.4	24.4
Math	21.7	25.3	26.5
AfrAm LA	12.3	14.7	24.4
AfrAm Math	16.6	21.7	26.5
Hispan LA	18.8	22.9	24.4
Hispan Math	31.3	34.3	26.5
SE LA	14.6	18.3	24.4
SE Math	21.9	25.4	26.5

The total population and all subgroups made gains in our AYP. This shows that we are moving in the right direction and will make our mark with the right support. Our teachers, students, and parents have bought into the new environment that is being created at Lafayette and we are definitely on the right track.

Benjamin Redmond

From: Martha Soliday
Sent: Tuesday, October 17, 2006 9:01 AM
To: Benjamin Redmond
Subject: Math Coaching-Mr. Askia

Mr. Redmond,

I just wanted to let you know how impressed I was with Mr. Askia's presentation on Wednesday, October 11. While I listened to his math presentation I found myself nodding in agreement on many occasions. I truly felt that his model for teaching math was aligned with Open Court teaching. He emphasized the direct instruction model and focused on not moving to independent practice until the students can engage in guided practice with 85-90% accuracy. This is exactly how direct instruction is used while teaching Open Court. Mr. Askia also emphasized that some students need more exposures to the material before they are able to grasp it. This is exactly what Reading First coaches hear during our training. Our lowest achievers need 20+ exposures to new material. Mr. Askia also mentioned that we need to work as a team in order to improve achievement and that the focus of his support is on student achievement.

I believe that the combination of Mr. Askia's support and my support as a Reading First coach will help increase student achievement at Lafayette. We made substantial gains last year and need to continue our focus in order to meet our school-wide goals this year.



Robert F. Kennedy Elementary School

Good, better, best. Never let it rest, until the good is better and the better is best!
Sydney Ritchey-Burnett, Principal

To: Mrs. Burnett

By my observation of Mr. Askia's math lesson, the students were engaged and excited about learning the concepts and strategies of fractions. Personally, I have never seen a fraction lesson taught in this manner (or style) in my sixteen years of teaching. The R.S.P math students impressed me with this lesson, their energy and participation was excellent. Presently, my 4th grade class is starting Unit 5 which is fractions and mixed numbers. His lesson today has provided these students with an understanding of fractions, which I was unaware of. With Mr. Askia's methods, I believe the student's growth has improved by 70% - 80% with the information which was provided today. I appreciate Mrs. Burnett for selecting my class and Mr. Askia's time.

Again, thank you!

Mrs. Woods

A handwritten signature in cursive script that appears to read "Mrs. Woods".

cc: Ann Cooper, Director of Special Projects



St. Helena Parish School System
354 Sitman Street
Greensburg, Louisiana 70441
225-222-4349

Creating opportunities today for tomorrow...

To: Dr. Earline Simms, Professional Educational Consultant
From: Nedra Payne, Curriculum Supervisor (Grades 9-12)
Re: Askia at a Glance Professional Development In-Service
Date: October 2, 2008

Thank you for creating the opportunity for teachers at St. Helena Central Middle School to engage in job-embedded professional development. The topic presented on October, 2, 2008, "How to Raise Test Scores" will be beneficial for the school and district. The school is seeking ways to improve overall school performance scores as priority. Concepts taught by educational consultants, Mr. Kwame Askia and Mr. Troy Wilson, will help the school work toward meeting and exceeding benchmarks and objectives.

The benefits of the exposure to "Askia Learning" can help to impact student achievement through interactive math and reading. The program helps teachers place emphasis on divergent critical thinking skills and the process for learning. Most importantly, applying the strategies taught during the in-service will allow teachers to incorporate strategies for struggling students and for those at risk.

Information shared will be utilized by all participants attending the training. Again, thank you for arranging the visit to St. Helena Parish School District.

C/C Mr. Byron Hurst, Interim principal of St. Helena Middle School
Ms. Pat Morgan, Curriculum Supervisor (Grades 5-8)
Ms. Gloristine Tanner, Interim Superintendent of Schools



LaSalle Parish School System

P. O. Box 90

Jena, Louisiana 71342

Telephone: (318) 992-2161

Fax: (318) 992-8457

DOLAN PENDARVIS
President

ROY D. BREITHAUPT
Superintendent

Dolan Pendarvis - President
115 Neko Cutoff
Jena, LA 71342
Home 992-2340
Ward VIII

Buddy Borthard - Vice-President
P.O. Box 2711
Jena, LA 71342
Home 416-8828
Work 495-5162
Ward VI

Dawn Stoll
P.O. Box 1022
Otis, LA 71465
Home 495-5923
Work 495-5162
Ward I

Howard McCarty
P.O. Box 626
Otis, LA 71465
Home 495-5997
Work 495-5162
Ward II

Maple Book
P.O. Box 706
Tullos, LA 71479
Home 594-6249
Ward III

Virgie Wilson
461 Zeigler Cutoff
Otis, LA 71465
Home 992-2931
Ward IV

D'Juana McCartney
1670 Dogwood Drive
Jena, LA 71342
Home 992-6810
Work 992-4191
Ward V

Walter Creed
P.O. Box 1333
Jena, LA 71342
Home 753-3739
Work 992-2022
Ward VI

Charlie Anderson
125 Anderson Road
Jena, LA 71342
Home 992-6345
Work 495-3904
Ward IX

Malvin Worthington
655 Yearby Hill Loop
Jena, LA 71342
Home 992-2455
Work 992-2131
Ward X

To Whom It May Concern:

Mr. Askia of Askia Learning Concept presented his company Math and ELA techniques to the 3rd, 4th, and 5th grade teachers at Goodpine Middle School in LaSalle parish on Monday March 4, 2013. As we watched the presentation, he introduced himself, complimented all of the students on their high intellectual abilities as we noticed heads lift, posture improve, etc. Next, fraction problems were written on the board, students were asked to take out a sheet of paper and work the problems. Mr. Askia randomly brought papers to the cluster of teachers as the students finished. Their answers were incorrect. When all had finished, he began to deliver his presentation. I noticed that he did not use any of the terminology that we commonly associate with adding and subtracting fractions. However, approximately 80% of the class arrived at the correct answers after he modeled and monitored their work. These papers he shared the teachers who were amazed at the students' performances. I was aesthetic as the children continued to repeat with different problems and arrive at the correct answers. I also noted that this was not a lesson being taught in isolation, but that it became a repetition of the other math processes were incorporated each time. To me this is a method of involving life-long learning for our children daily.

The principal and affected Math and ELA teachers were amazed at how quickly their students embedded these practices into their problem solving arsenal. This principal and I plan to find the means to provide this fantastic learning opportunity for her teachers and students now. In writing this letter I hope to encourage you to arrange a meeting for Mr. Askia to demonstrate his abilities to some of your Math and ELA teachers. This is a forty-five minute demo, which promises to raise your test scores immediately. There is no doubt in my mind that once you watch one presentation, you will be interested in securing Mr. Askia assistance within your school district.

After watching the demonstration, it is indeed my pleasure to recommend Mr. Askia to you as an exceptionally fine Professional Development Trainer.

Sincerely,

Barbarean Elmore

Federal Programs Director
LaSalle Parish Schools

IMPACT

"Individualizing, Motivating, and Preparing All Children Together."

- An Equal Opportunity Employer -

Subject: Critical Thinking by ASKIA Learning Concept

Date: February 20, 2013 2:41:38 PM CST

To: William Higgins <bill.higgins@rpsb.us>

1 Attachment, 2.6 KB

Mr. Higgins,

Ms. Messer's father was admitted to the hospital this afternoon, so she requested that I send this email to you concerning the ASKIA Learning Concept. Mr. Askia also asked that we provide you with feedback about his program.

Mr. Askia visited our school yesterday afternoon and worked with a mixed group of 3rd and 4th graders in math. In a matter of minutes, Mr. Askia had these (medium-low) students beginning to apply a strategy to add fractions with unlike denominators (a 5th grade skill). They were excited and easily picked up on the strategy. By the end of the lesson, the majority of mixed-ability, and mixed-grade level students were successfully solving the problems.

In a discussion with Mr. Askia, he related another strategy to use for subtracting with regrouping (a challenging skill for OUR students). I could quickly see how effective this strategy would be. It incorporates various learning styles and gives the students a sense of accomplishment.

Mr. Askia said that he would show us how to get the end results first (the correct answers on the test) by applying his 22 strategies for math. After the students apply the strategy and arrive at the correct answer, the teachers would then work on concept development. His concept seems to be a very practical approach that would help us close the achievement gap.

Many Moore

Assistant Principal

Julius Patrick Elementary

1402 Reed Ave.

Alexandria, Louisiana 71301

(318) 443-5443

Fax (318) 561-2008

Rapides Parish

Caddo Parish School Board
1961 Midway Street
Shreveport, Louisiana 71108



MEMORANDUM

TO: Perry Daniel, Bethune Principal
Leisa Edwards, Director of Middle Schools
Mary Kay Singleton

FROM: Mary Kay Singleton, Supervisor of Middle School Math

DATE: October 18, 2006

RE: Mr. Askia's Demonstration Teaching

CC: Janis Parker, Director Title 1 Programs

Thank you for inviting me to meet Mr. Askia and observe demonstration lessons presented in two eighth grade math classes. He shared several effective problem-solving techniques with students including:

- Ordering sets of fractions with unlike denominators
- Adding and subtracting fractions with unlike denominators
- Adding and subtracting mixed numbers

During a forty minute presentation correct student responses increased from three to nineteen. Armed with these problem solving tools students should become more confident in their ability to correctly solve these types of problems.



Dallas Public Schools

July 19, 2001

**Mr. Paul Cobbs
Oakland Unified School District
Oakland, California 94607**

Dear Mr. Cobbs:

The Askia Learning Concept was used in two of Area 5 Schools during the 2000-2001 school term. Student performance on the 2001 administration of the Texas mandated TAAS has indicated that student performance improved in the pilot grades.

	Reading			Mathematics		
	2000	2001	Improvement	2000	2001	Improvement
School A 4-5 Grade	75	83	+8 (10.6%)	53	76	+22 (41.5%)
School B 5 Grade	69	74	+5 (7.2 %)	72	90	+18 (25%)

Percent Master Levels

The results of the pilot program was very significant in the area of mathematics. Several schools in Area 5 will use the program during the 2001-2002 school term. We feel that the results indicate that the program, when properly initiated, will improve student performance.

If additional information is needed, feel free to request or contact me by phone at (214) 932-5062.

Very truly yours,


Frederick D. Todd
Area 5 Superintendent

C: Harold Pendergrass
Gregg Hodges
Jason Hodges
Kathy Nell
Kwame Askia

Mike Moses, Ed.D. General Superintendent

3700 Ross Avenue • Dallas, Texas 75204-5491 • Telephone (972) 925-3700



Dallas Independent School District

Larry Groppel
Interim General Superintendent

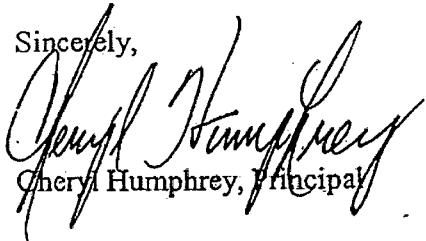
January 27, 2005

Dr. Jim Scales:

During the fall semester of the 2004 – 2005 school year, Ms. Anna Mackey, an employee of Askia Learning Concepts, Inc., worked collaboratively with the substitute in my vacant science position. Their ultimate goal was to ensure student achievement. Utilizing the Askia instructional strategies, they generated and facilitated engaging, “lesson alive” vocabulary and comprehension TEKS – aligned lessons.

A comparison of the fall semester 2004 ACP percent passing (75%) and the fall semester 2003 ACP percent passing (56%) for this position supports the success of the instructional strategies utilized. Ms. Anna Mackey has truly been an asset at Maya Angelou High School. The faculty, staff and students deeply appreciate Ms. Mackey, her instructional expertise, and her commendable professional demeanor.

Sincerely,



Cheryl Humphrey

CC: Dr. H. B. Bell
Mr. Askia

Maya Angelou High School

912 South Ervay Street ♦ Dallas, Texas 75201 ♦ Tel. (972) 749-2263 ♦ Fax (972) 749-2264

Appellate Case: 17-1515 Page: 2 Date Filed: 04/25/2023 Entry ID: 5270707

9339 South Polk Street
Dallas, Texas 75232
February 2, 2005

Dr. James Scales
Dallas Independent School District
Dallas, Texas

Dear Dr. Scales:

As you are aware Mr. Askia of Askia Learning Concepts and I have been conferencing to determine what recourse is needed to increase student achievement on the Math TAKS Test. After much consideration we have determined that the students' number of correct answers must increase by 25 correct answers or more.

In my classroom, Mr. Askia has focused his style of instruction to target the audio-visual tactile learning style of show and tell.

During our first meeting we addressed the following needs for the students:

- *Purpose, Passion and Hope
- *Use of the Magic Box for solving fractions without seeking the least common Denominator
- *Fraction= Decimal to a percent
- *Sequencing of numbers from the least to the greatest
- *The Askia Tree

These are the techniques that are being employed during classroom instructions. So far, the students have been very receptive to Mr. Askia and his teaching style, and because of the students' eagerness to learn, I do believe our math scores will be impacted by these strategies.

As always, it is my goal to do whatever I can to ensure our students' success.

Sincerely,
Margaret Curlin
Margaret Curlin
D. A. Hulcy Middle School
Math Department

Cc: Mr. Brew, Area 4 Superintendent
Mr. Tribble, D.A. Hulcy Principal
Mr. Askia, CEO Askia Learning Concepts



ATLANTA PUBLIC SCHOOLS

EAST LAKE
ELEMENTARY SCHOOL
145 FOURTH AVENUE, S.E.
ATLANTA, GEORGIA 30317
(404) 371-7145

*If it's good for the children,
then make it so.*

Multi-media Evaluation Askia Learning Concept

To: Kwame Askia
From: Jeffrey D. Meyers *Jdm*
Instructional Specialist
Theresa S. Bowen *JBS*
Re: Presentation Evaluation
Date: October 30, 1997

The presentation delivered by Mr. Askia was both professional and comprehensive. We enjoyed the presentation of the materials and am quite interested in them for our school. The only factor that needs to be explored further are purchasing possibilities and financing. In addition, the administrator of East Lake would need to be presented with the various options.

As for the material itself, we found the entire domain of cognition included within the components. The various components of the system, such as the table top boards and the computer software provide a well balanced integrated learning system.

The computer component is interactive and creative to capture the minds of both children and adults. Also, the map and math activities are well presented. It is important for the children to visualize, and the unique coloration of the maps will encourage participation in activities, including the locations of the changing countries and/or states.

If we could be of further assistance with the evaluation of the materials, please don't hesitate to contact me.

The Atlanta Public School System does not discriminate on the basis of race, color, religion, sex, national origin, age, disability, marital status or sexual orientation in any of its employment practices, educational programs, services or activities. For additional information about nondiscrimination provisions, contact the Equal Educational Opportunities Coordinator, 2930 Forrest Hill Drive, S.W., Atlanta, Georgia 30315, (404) 827-8741 (V/TT).

I observed two 30 minute sessions during which Kwame Askia demonstrated methods used in his Teaching and Learning Method. The first session was with a group of approximately 20 fourth graders, and the second was with a group of fourteen EIP fifth graders.

The first group worked on fractions through a process called the Askia Magic Box. Students remained focused on the explanation of the process and appeared extremely engaged in the lesson. After the initial lesson introduction, students were able to solve their own fraction addition problems, and did so with little assistance.

The second group worked on all math computation operations. After Mr. Askia's demonstration, students constructed their own equations to arrive at an assigned number. After successfully completing that part of the assignment, they wrote an explanation of how they arrived at their particular answer. Students remained highly focused and extremely engaged in the activity. (I particularly observed two boys who are frequently seen in the office for behavior problems. The teacher reports that they seldom focus on their lessons and rarely complete assigned work. These two boys remained focused on the assignment for the 15-20 minutes allowed for this lesson.)

After completing the math lesson, Mr. Askia worked on map skills with the group. Again, the students appeared to be completely focused and engaged in the lesson. Much interaction between individual students and Mr. Askia occurred, and much interaction among all students continued throughout this lesson. (The two boys mentioned earlier were completely focused on this activity. Mr. Askia used maps of Europe and of Africa in his lesson. As children were writing sentences, one of these boys pointed to a map of the United States and said, "Look, we could do the same thing with this map." I have never observed these boys as involved in a lesson to this degree.)

I was very impressed with Mr. Askia's presentation; I feel that his methods will help children not learn what to think, but how to think. This is what our children need.

Linda Judkins
Literacy Support Specialist
Jasper Elementary School
Jasper, GA

Cesar E. Chavez Community School

4001 S. 3rd Street
Phoenix, AZ 85040
Office: 602-232-4940
Fax: 602-243-2106



David J. Provost
Principal

Paul Mendoza
Assistant Principal

Askia Learning Concept Evaluation

Mr. Askia initiated his demonstration with writing three mathematic problems on the board in addition to a simple sentence. He then proceeded to ask the students to solve each of the math problems in sequential order and to correct any error if any that could be found in the simple sentence also written on the board. He then proceeded to walk around the classroom as the student proceeded to solve the problems. As he walked around he repeated the instructions he initially stated several times over a 15 minute period.

He then stopped the students and asked for the answers. Of the 23 students in the classroom, none were able to solve the math or the reading exercises. He then proceeded to assess students performance levels through whole class discussion. Once he was able to determine the students level of performance, he began to use the ASKIA method of instruction to teach students fraction to percentage conversion. After 30 minutes, he provided students another opportunity to solve the first math problem using the ASKIA method. More than 50% of the students were able to successfully solve various fraction to percentage problems. The ASKIA Learning Concept is a powerful tool and can easily be incorporated and utilized simultaneously with any District Curriculum adoptions.

Sincerely,
Mr. Mendoza
Assistant Principal

Cesar E. Chavez Community School

4001 S. 3rd Street
Phoenix, AZ 85040
Office: 602-232-4940
Fax: 602-243-2106



David J. Provost
Principal

Paul Mendoza
Assistant Principal

Askia Learning Concept Evaluation

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Sincerely,
Mr. Mendoza
Assistant Principal

John R. Davis School
6209 South 15th Avenue
Phoenix, Arizona 85041
Telephone: 602/232-4930
Fax: 602/232-4280



James Kelson
Principal

Eve Scott
Assistant Principal

To: Mr. Kelson, Principal
From: Ms. Paula Cooke *JKC*
Re: Askia Learning Concept, Interdisciplinary, Critical Thinking
Date: August 16, 2005

First Askia Lesson Exposure

Mr. Askia was very strong and positive in his approach to introducing a new learning concept to my classroom.

His intro activity was to use numbers in various ways. It appeared that he was searching for critical thinking skills and prior knowledge.

Then he introduced an innovated way to add unlike common denominator. It was called *Askia's Magic Box*. Using this method he was able to reach a larger majority of my class. He also used peer teaching methods with my students that displayed active learning. I was amazed at the cooperative learning that took place at the chalkboard and throughout the classroom. He took his lesson across the curriculum.

My students have shown great interest in Mr. Askia's methods and a desire to learn more from him. The lesson that he taught according to our Curriculum Handbook we introduce one quarter and assessed the second quarter giving approximately eighteen weeks for mastery. Mr. Askia achieved similar or greater success in 45 minutes; I would rank his program a "10."

I am looking forward to exposing my students to more of his learning strategies. The five strategies that we covered were *Askia's Magic Box*, *Askia's Open Box*-featuring fractions, *Askia's Lotto*-featuring place value, expanded notation, exponents, two digit, three digit, four digit division into a seven digit number and fractions, *Askia's Tree*-featuring sequencing fractions, syllabication and *Askia's House*-featuring cross content and also interdisciplinary math problem solving. All of the Askia's strategies featured the following audio, visual, textile, cooperative



ROOSEVELT SCHOOL DISTRICT NO. 66
6000 South 7th Street
Phoenix, AZ 85042

9/15/05

Campbell Elementary School

Mathematics L. Rhymes-Henry

Askia:Learning Concepts

“ Ways to make Students think”!

Using mathematics concepts- the process of exploring concepts- without telling students the rules or the properties- that which applies to the given concept.

Which is truly the process of developing higher order thinking (HOT) concepts in Mathematics: showing students how to use connecting properties and concept to solve the given math application computation problem. Concepts: finding percent by connection with fraction and finding fraction concepts over addition by connecting with percent concepts. Subject concepts using cross curriculum concept skills.

- Science → to Math concepts
- Social Studies → to Math concepts
- Language → to Math concepts
- Vocabulary → to Math concepts

Real Life Application toward the concept. The relating the problem to real life situations: the students begin to think = Reasoning Skills in developing the process of answering all of the problems stated. The making of problems personal gives the students the feeling of ownership to that problem.

Thank you

A handwritten signature in black ink, appearing to read "Ms. L. Rhymes-Henry".

learning, whole group, small group, and one on one teaching and learning styles.

The strategies listed above will be featured primarily into an Askia Daily Pacing Chart. Askia's lesson plan will be implemented in 22.5 minutes and or 45 minutes lesson plan blocks.

cc: Mr. Askia
cc: Dr. Ashegbeyeri

T. G. Barr Computer Magnet School

2041 E. Vineyard Road
Phoenix, Arizona 85042
Phone: (602) 232-4900
Fax: (602) 243-2116



Mr. Jenneford, Principal
Mr. Caballero, Asst Principal
Ms. King, School Secretary
Mrs. Avila, Attendance Clerk
Ms. Hammitt, R.N.
Mr. Gammage, U.O.M.

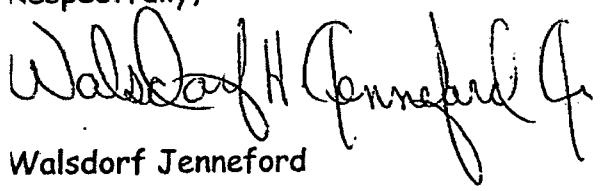
September 19, 2005

To Whom It May Concern:

I had the opportunity to observe and speak with Mr. Kwame Askia regarding the ASKIA Learning Program for 4th through 8th grade students. I must say I was most impressed with the learning and interaction that was taking place. The program is a definite for NCLB (No Child Left Behind). The content included fine tuning, children helping children and within fifteen minutes, all students were engaged in meaningful activities and participatory interaction which will brings students to the end results - students helping students achieve. Areas of discipline does not matter. The techniques will certainly work in any kind of classroom setting with successful outcome.

I am certainly a supporter of this program and I believe that the implementation of said program would move T.G. Barr students to a higher level of education, communication and participation. I would love to have and encourage the opportunity to implement this program at T.G. Barr School.

Respectfully,


Walsdorf Jenneford Jr.

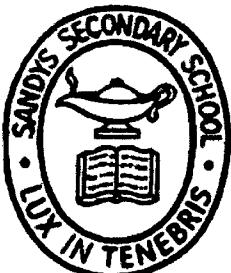
Walsdorf Jenneford

June 14, 2012

To Whom It May Concern:

Mr. Akia presented a "model lesson" in Ms. Taylor EOC Algebra class on basic algebraic concepts. Mr. Akia asked the students to provide computations without the use of calculators to six algebraic concepts ranging in various degrees of complexity. Initially, while completing the first problem, only one out of twelve students answered the question correctly. As the presentation continued, the students became more comfortable with solving the aforementioned problems. In conclusion, Mr. Akia was very energetic and passionate about students learning and providing teachers a new concept to assist with teaching basic arithmetic.

A handwritten signature in black ink, appearing to read "Akia".



Sandys Secondary Middle School

42 Scott's Hill Road
Somerset MA 03, Bermuda
Telephone: (441) 234-1346 • Fax: (441) 234-3331

Est. 1927

March 16, 2001

The presentation by Mr. Askia was excellent. The teachers were excited and totally involved in the presentation. Mr. Askia provided the opportunity for teachers to think and produce, using an interdisciplinary approach. The M1 team could not get enough and would appreciate further training in this concept.

Dena Lister

Dena Lister	10	Not enough time
Karen Raynor	10	Come back. Need more
Stanley Roberts	10	
Tammisha Francis	10	More Please!
Erlor Dean	10	
Angelique Burgess	10	More Please
Gloria M. Pearman	10	Great! More please

Copy
Mr. Melvyn Bassett

SOUTHAMPTON GLEBE PRIMARY SCHOOL
7 Middle Southampton - SB 02

Principal: Mr. Gladstone Thompson, B.A., B.Ed., M.Ed. Tel: 234-0713 Fax: 234-1889

March 16, 2001

Mrs. Maxine Esdaille
Senior Education Officer
Department of Education
P. O. Box HM 1185
Hamilton HM EX

Dear Mrs. Esdaille,

I had a very pleasant conversation with Mr. Kwame Askia yesterday. He explained that he was encouraged to visit me to present KA2 products.

Mr. Askia's presentation was very impressive. He is concerned that students are not 'thinking outside the box'. During the presentation I recognized that KA2 products encourage the development of critical thinking skills, globalism, interdisciplinary and cooperative learning. KA2 products are diversified which include software, worksheets and map skills which encourage interdisciplinary teaching.

After the presentation Mr. Askia was invited to meet our P6 teacher and class. He was granted permission to demonstrate the Askia Box. This is an activity that assists teachers to instruct students to add fractions with unlike denominators and to order fractions. Within twenty minutes over seventy percent of the students demonstrated success in this objective. I was amazed and satisfied to see the students turned on to fractions.

Mr. Askia noted that the Terra Nova is not assessing the identification of skills, but rather the application of skills.

This involves critical thinking and I believe Mr. Askia may play a vital role in assisting our educators to develop students to think more critically, which may cause our students to become more successful when they are assessed.

Thank you Mrs. Esdaille for directing Mr. Askia to Southampton Glebe, I look forward to Mr. Askia's return. I believe the staff at Southampton Glebe Primary School will benefit from KA2 products.

Yours truly,



Mr. Gladstone Thompson
Principal

GT:ho

Cc: Mr. Kwame A. Askia, II

Arkansas Department of Education
21st Century Community Learning Centers
2007-2008 Grant Application Information

received

Initial Amount of Request: \$149,280.00 Cost per student \$995.20

CBO/FBO Applicant (Not an LEA)

Applicant Name: ASKIA Learning Concepts

Fiscal Agency: ASKIA Learning Concepts

Tax Identification # 16-176 9660

Mailing Address: 5430 Chapel Hill Road
City/State/Zip: Douglasville /Georgia/ 30135

Telephone: (770) 577 - 1130 404-444-0395 Fax: 770 577 1151

E-Mail: Kaskia alc@bellsouth.net

Signature of Applicant: _____ Date _____

Targeted Public School: Strong High School LEA: Strong Hutting School District

Mailing Address P.O. Box 735 on 635 S. Concord

City/State/Zip: Strong, AR 71765 Phone: 870-797-2312

Signature of Superintendent: Sam Lusk

lusk@strong.sces.k12.ar.us

Application Request: (Check requested program)

Out of School: X Summer X PK Class _____

The undersigned certify that the information in this application is correct and will comply with current Federal laws and regulations and the provisions of this application

Signature of Collaborative Partner/Agency Name

Date

4/27/07

Arkansas Department of Education
21st Century Community Learning Centers
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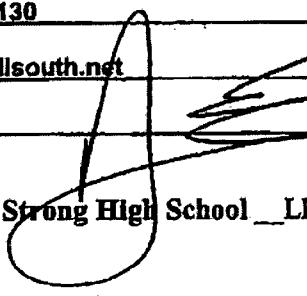
Mailing Address: 5430 Chaple Hill Road

City/State/Zip: Douglasville /Georgia/ 30135

Telephone: (770) 577 - 1130

Fax: 770 577 1151

E-Mail: Kaskia alc@bellsouth.net

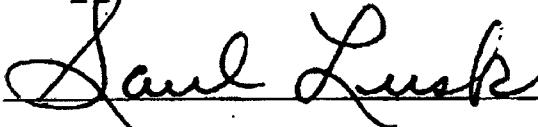
Signature of Applicant: 

Date 4-27-07

Targeted Public School: Strong High School LEA: Strong Hutting School District

Mailing Address P.O. Box 735

City/State/Zip: Strong, AR 71765 Phone: 870-797-2312

Signature of Superintendent: 

Application Request: (Check requested program)

Out of School: X Summer X PK Class

The undersigned certify that the information in this application is correct and will comply with current Federal laws and regulations and the provisions of this application

Signature of Collaborative Partner/Agency Name



Date

4/27/07

Program Summary & Abstract			
<p style="text-align: center;">✓ Check only those that apply*</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Academic Support <input checked="" type="checkbox"/> Mathematics Activities <input type="checkbox"/> Music, Arts and Drama <input type="checkbox"/> Entrepreneurial Programs <input type="checkbox"/> Drug/Violence Prevention, Counseling, Character Education <input checked="" type="checkbox"/> Tutoring/Mentoring </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Science Activities <input checked="" type="checkbox"/> Parent Involvement <input type="checkbox"/> Technology and Communication <input checked="" type="checkbox"/> Family Literacy/Education <input type="checkbox"/> Recreational Programs <input type="checkbox"/> Extended Library <input type="checkbox"/> Academic services for truant, suspended, or expelled </td> </tr> </table>		<input checked="" type="checkbox"/> Academic Support <input checked="" type="checkbox"/> Mathematics Activities <input type="checkbox"/> Music, Arts and Drama <input type="checkbox"/> Entrepreneurial Programs <input type="checkbox"/> Drug/Violence Prevention, Counseling, Character Education <input checked="" type="checkbox"/> Tutoring/Mentoring	<input type="checkbox"/> Science Activities <input checked="" type="checkbox"/> Parent Involvement <input type="checkbox"/> Technology and Communication <input checked="" type="checkbox"/> Family Literacy/Education <input type="checkbox"/> Recreational Programs <input type="checkbox"/> Extended Library <input type="checkbox"/> Academic services for truant, suspended, or expelled
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*Centers do not have to provide all services.			

***Centers do not have to provide all services.**

<i>Program Type</i>	<i>Collaborative Partner/Agency Name</i>
<input checked="" type="checkbox"/> Targeted Public School/LEA	Strong High School
CBO:	
<input type="checkbox"/> FBO:	
<input type="checkbox"/> Non-Profit:	
<input checked="" type="checkbox"/> Private Agency/Organization:	Boys and Girls Club
LEA - Local Education Agency	
CBO - Community Based Org.	
FBO - Faith Based Org.	

Are funds currently available for proposal program? NO

<i>Source of Grant</i>	<i>Amount of Grant</i>	<i>Amount Remaining</i>	<i>Purpose of Grant</i>
Grade Levels Targeted Circle Grade Levels	# of students eligible to be served by 21st CCLC	Projected # of students to be served by 21st CCLC	
PK K 1 2 3 4 5 6 7 8 9 XXX (9 - 12)	227		150

Hours of Operation: Out of School (After School)
Monday: Tuesday: 3:00 - 5:30 2.5

Wednesday: 3:00 - 5:30 Thursday: 3:00 - 5:30 2.5
Friday: _____ 7.5

90 Minutes / 4.5 hours per week/ one Saturday

Hours of Operation: Out of School (Before School)

Monday: *Tuesday:*

Wednesday: *Thursday:*

814-1

1. *What is the relationship between the two main characters?*

Wednesday: *Thursday:*

Friday

33

21st Century Community Learning Centers Targeted LEA/Site

Name of Targeted LEA	% Free or Reduced Lunch	% Limited English Proficient	ADE School Improvement (Y) Yes (N) NO
Strong Hutting School District	95%	N/a	Yes

Program Summary & Abstract

<input checked="" type="checkbox"/> Check only those that apply*	
<input checked="" type="checkbox"/> Academic Support <input checked="" type="checkbox"/> Mathematics Activities <input type="checkbox"/> Music, Arts and Drama <input type="checkbox"/> Entrepreneurial Programs <input type="checkbox"/> Drug/Violence Prevention, Counseling, Character Education <input checked="" type="checkbox"/> Tutoring/Mentoring	<input type="checkbox"/> Science Activities <input checked="" type="checkbox"/> Parent Involvement <input type="checkbox"/> Technology and Communication <input checked="" type="checkbox"/> Family Literacy/Education <input type="checkbox"/> Recreational Programs <input type="checkbox"/> Extended Library <input type="checkbox"/> Academic services for truant, suspended, or expelled
<small>*Centers do not have to provide all services.</small>	

Program Type	Collaborative Partner/Agency Name
<input checked="" type="checkbox"/> Targeted Public School/LEA <input type="checkbox"/> CBO: <input type="checkbox"/> FBO: <input type="checkbox"/> Non-Profit:	Strong High School
<input checked="" type="checkbox"/> Private Agency/Organization:	ASKIA Learning Concepts
LEA - Local Education Agency CBO - Community Based Org. FBO - Faith Based Org.	

Are funds currently available for proposal program? NO

Source of Grant	Amount of Grant	Amount Remaining	Purpose of Grant
Grade Levels Targeted Circle Grade Levels	# of students eligible to be served by 21 st CCLC	Projected # of students to be served by 21 st CCLC	
PK K 1 2 3 4 5 6 XXX 10 11 12 (9-12)	369	150	

Hours of Operation: Out of School (After School)
 Monday: _____ Tuesday: 3:00 - 5:30

Wednesday: 3:00 - 5:30 Thursday: 3:00 - 5:30

Friday: _____

90 Minutes / 4.5 hours per week/ one Saturday

Hours of Operation: Out of School (Before School)

Monday: _____ Tuesday: _____

Wednesday: _____ Thursday: _____

Friday: _____

Hours of Operation: (Pre Kindergarten)
 Monday: _____ Tuesday: _____

Wednesday: _____ Thursday: _____

Friday: _____

Weekend:

Saturday: 9:00 -12:30 Sunday: _____

Wednesday: _____ Thursday: _____

21st Century Community Learning Centers Targeted LEA/Site

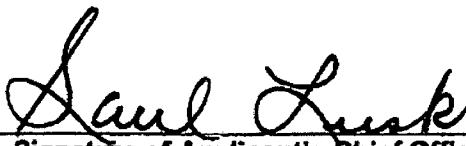
Name of Targeted LEA	% Free or Reduced Lunch	% Limited English Proficient	ADE School Improvement (Y) Yes (N) NO
Strong-Hutting School District	100%	N/a	Yes/Corrective Action

Facility, Health and Safety Assurances

- ✓ Check the appropriate requirement.

The applicant agrees or meets the following requirements:

- Yes The applicant will make application for an Arkansas Department of Human Service License by the first day of operation
- Yes The applicant will complete the School Age Classroom Environment Rates Scale (SACERS)/or within the first year of operation
- Yes The Pre-kindergarten applicant will complete and score 4.5 on the Early Childhood Environment Rating Scale (ECERS-R) within the first year of operation
- Yes The facility meets the square footage ADE/and or DHS regulations
- Yes The facility and restrooms are handicapped accessible
- Yes The Pre-kindergarten applicant will obtain Quality Approval by the second year of operation
- Yes The facility has been inspected and meets fire code regulations
 - Attach Certificate of Inspection
- Yes The facility has been inspected by the Arkansas Health Department
 - Attach Certificate of Inspection
- Yes The applicant will agree to maintain current 21st CCLC data in the Arkansas 21st CCLC Collection system
- Yes A nurse will be accessible to the facility
- Yes Participants will meet current immunization guidelines set by the Arkansas Department of Education. Individual immunization records will be on file and easily accessible
- Yes All transportation personnel will hold a CDL (Commercial Drivers License)



Saul Lusk

Signature of Applicant's Chief Officer

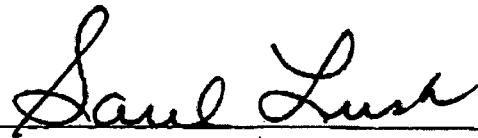
Date

Facility, Health and Safety Assurances

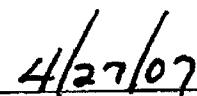
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Signature of Applicant's Chief Officer



Date

**21st Century Community Learning Centers
(21st CCLC)**

APPENDIX

Exhibit 3

**21st Century Community Learning Centers
(21st CCLC)**

APPENDIX

- 1. Continuation of Funding**
- 2. Proposed Goals, Performance Indicators, Objectives and Activities Form**
- 3. Facility, Health and Safety Assurance Form**
- 4. Needs Assessment Documentation Form**
- 5. Budget Form**
- 6. Budget Justification Form**
- 7. 21st Century Community Learning Centers Collaborative Awareness**
- 8. Other**
- 9. Collaborative Partners Letters of Agreement**

Continuation of Funding

I agree and understand the Arkansas 21st Century Community Learning Centers grant funding will be continued based on:

- Program Progress
 - MGT data Completion
 - Continuation of funding from United States Department of Education
 - Abiding by all 21st CCLC Guidelines

Applicant Signature: _____

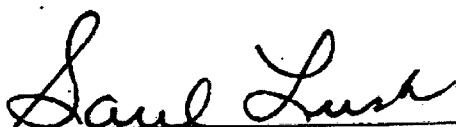
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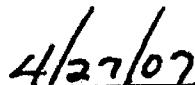
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- Continuation of funding from United States Department of Education
- Abiding by all 21st CCLC Guidelines

Applicant Signature:



Date:



9822

The Arkansas Department of

Education

**Arkansas Department of Education
21st Century Learning Centers**

Name of Site Strong High School

INITIAL FUNDING YEAR July 1, 2007 – June 30, 2008

Budget Categories	Project Year 1	Project Year 2		Project Year 3	
		80% CCLC	20% Other \$	70% CCLC	30% Other \$
1. Personnel					
Adm. Costs	\$9,999.00	\$7,999.20	\$1998.80	\$6,999.30	\$2,999.70
Benefits	\$2,000.00	\$1,600.00	\$400.00	\$1,400.00	\$600.00
Site Coor.	\$10,464.00	\$8,371.20	\$2,092.80	\$7,324.80	\$3,139.20
Benefits	\$2,000.00	\$1,600.00	\$400.00	\$1,400.00	\$600.00
Staff	\$49,368.00	\$39,494.40	\$9,873.60	\$34,557.60	\$14,810.40
Benefits	\$2,000.00	\$1,600.00	\$400.00	\$1,400.00	\$600.00
2. Equipment (item over \$1000)	\$6,700.00	\$5,360.00	\$1,340.00	\$4,690.00	\$2,010.00
3. Supplies/Materials	\$35,352.00	\$28,281.60	\$7,070.40	\$24,746.40	\$10,605.60
4. Professional Dev./Travel	\$11,250.00	\$9,000.00	\$2,250.00	\$7,875.00	\$3,375.00
5. Transportation (Student)	\$8,930.00	\$5,544.00	\$1,386.00	\$4,851.00	\$2,079.00
6. Other	\$12,207.00	\$9,765.60	\$2,441.40	\$8,544.90	\$3,662.10
7. Assessment (\$70 per student)	\$1,005.00	\$804.00	\$201.00	\$703.50	\$301.50
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Education 21st C
**Arkansas Department of Education
21st Century Learning Centers**

Name of Site Strong High School

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6. Other Enrichment / Staff	\$12,207.00 - After School Snacks Subtotal Other - \$12,207.00	\$12,207.00
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	SUBTOTAL THIS PAGE	\$13,212.00
8.	TOTAL DIRECT COST (1-7)	\$149,280.00
9.		
10.	TOTAL DIRECT COST	\$149,280.00

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	SUBTOTAL THIS PAGE	\$ 1005.00
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9.		
10.		

Mr. Askia spoke with the director of the Boys and Girls Club in Eldorado about a possible arrangement for transportation from Strong to the Boys and Girls Club during the summer of 2007-2008. No funds were provided to the Boys and Girls Club for the 2006-2007 summer program.

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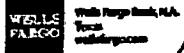
Rashida E Askia
Sha Askia Learning Concepts
P.O. Box 115358
Atlanta, GA 30310-0358

1235

87-65/11192294
2601020122

Date 11-0-1-07

P Boys & Girls Club \$ 1,437.50
One Thousand Four Hundred Thirty Seven Dollars



For

Program Support
Transportation

#00000001235P 1119006590 2601020122

for deposit

REQUEST 00004863131000000 1437.00
ROLL ECIA 20071116 000008864240389
JOB ECIA P ACCT 8080002601020122
REQUESTOR A346781
2932054 08/09/2011

Subpoena Processing East
Y1372-110
Philadelphia PA 19101

Askia_Discovery_Inv. 3_Wells Fargo Bank Records000078

19-A

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

NO. 1:13-CR-10004

KWAME ALI ASKIA

DEFENDANT

MOTION TO RECONSIDER REVOCATION
OF RELEASE ON CONDITIONS

Comes now Defendant, Kwame Ali Askia, and for his Motion states and alleges as follows:

1. A hearing was scheduled before Magistrate Barry Bryant on October 26, 2015 in El Dorado, Arkansas at which hearing the Court was scheduled to take testimony relative to a Motion to Dismiss which had been previously filed by Defendant alleging that the statute of limitations had run and therefore the indictment pending against him should be dismissed. The hearing was scheduled for 10:00 a.m. on that date. Defendant appeared with his counsel and prior to the commencement of the hearing Defendant was presented with a warrant for his arrest and a violation report alleging various violations of the conditions of his supervised release. Counsel for Defendant, at Defendant's request, asked the Court to conduct an immediate detention hearing and to continue the hearing on the Motion to Dismiss. This request was granted.

2. Mr. David Baker testified relative to the violation report which had been prepared by Defendant's release supervisor in the State of Georgia, the state of Defendant's residence. It was alleged that Defendant had, *inter alia*, failed to report by phone on Monday's as required, failed to meet with the probation officer when scheduled, failed to report his location in El Dorado, Arkansas where he had traveled in order to prepare with counsel for the October 26, 2015 hearing. Defendant testified that he rarely got the probation officer on the phone on Mondays and would leave a voice mail or send an email to her, in spite of an instruction given by Judge Bryant in a July hearing in Texarkana, Arkansas.

Coming from B.O.P. before
given an actual Trial Date.

11.

19-B

that contact by voice mail or email was insufficient. Defendant was released following the July hearing but ordered detained following the October 26, 2015 hearing.

* 3. There was no evidence that Defendant was a risk of flight, nor any evidence that Defendant had committed any crime while on release. Defendant contends that there are lesser restrictions than detention which will assure that Defendant is not a flight risk or a danger to the community. An example would be a requirement that Defendant physically report to his probation officer multiple times per week. Detention in this matter has and will create an extreme hardship regarding trial preparation. Defendant has informed counsel that there are documents located in the State of Georgia which are relevant to his defense.

4. Defendant requests that the District Court review a transcript of the recent detention hearing and modify the findings of the magistrate judge as it relates to detention pursuant to 18 U.S.C.A. Sect. 3145 (b). It should also be noted that a Motion to Dismiss is still pending which counsel believes to be with merit and not frivolously pursued.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Court review the transcript of the detention hearing held on October 26, 2015 and enter an order modifying the findings of the magistrate judge and enter an order which releases Defendant under new more restrictive conditions of release.

Respectfully Submitted,

/s/ William A. McLean ABN 74-106
100 West Grove, Suite 306
El Dorado, Arkansas 71730
Ph: 870-864-9909; Fax: 870-862-4071
Attorney for Defendant

CERTIFICATE OF SERVICE

I, William A. McLean, do hereby certify that a copy of the foregoing Motion has been filed with the Clerk of this Court using the CM/ECF System which will cause notification of such filing to Mr. Mark Webb, Assistant U.S. Attorney, at his office in Fort Smith, Arkansas.

/s/ William A. McLean

12.

WILLIAM A. MCLEAN

ATTORNEY AT LAW
100 WEST GROVE, SUITE 306
EL DORADO, ARKANSAS 71730
PHONE 870-864-9909
FAX 870-862-4071
Date Sept. 17, 2015

RECEIVED

2015 SEP 21 AM 11 29
U S ATTORNEY'S OFFICE
FORT SMITH, AR

Mr. Kenny Elser
Acting U.S. Attorney
Western District of Arkansas
414 Parker Ave.
Fort Smith, Arkansas 72901

Re: U.S. vs. Askia
No. 1:13CR-10004-001

Dear Kenny:

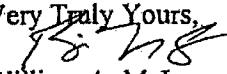
As you may be aware I have been appointed to represent Mr. Askia in connection with an indictment charging him with a violation of 18 U.S.C.A. Sect. 666.

It has been brought to my attention that there exists on the internet a number of documents that I think were published by the Department of Education and perhaps other agencies of the federal government advising that no agency should do any business with Mr. Askia. Of greater concern there are statements indicating that he may be involved with terrorist organizations which he flatly denies. I am enclosing these documents which Mr. Askia has provided to me.

I am requesting that you use whatever power you may have as acting U.S. Attorney to cause these publications to be removed from the internet at least until the criminal matter is concluded. As you may know if a potential juror or jurors were to see these allegations it would be extremely prejudicial and perhaps irreparable as far as selecting a fair and impartial juror. All potential jurors I assume could have access to these postings.

Please let me know as soon as possible if this is something you can do. The trial is presently scheduled for February 8, 2016 and Mark Webb is representing the government.

If you feel that you are unable to cause these materials to be removed Mr. Askia has asked that I file a Motion with the Court respecting this issue.

Very Truly Yours,

William A. McLean

WAMC:wamc

cc: Mark Webb

encl.



U.S. Department of Justice
Kenneth Elser
Acting United States Attorney
Western District of Arkansas

414 Parker Avenue
Fort Smith, AR 72901

(479) 783-5125
FAX: (479) 785-2442

September 29, 2015

William A. McLean
Attorney at Law
100 West Grove, Suite 306
El Dorado, AR 71730

Re: USA v. Askia
No. 1:13-cr-10004-001

Dear Bill:

This will acknowledge receipt of your letter of September 17, 2015, regarding Mr. Askia being placed on a U. S. Department of Education (DOE) Exclusion List and possibly being involved with a terrorist organization. The U. S. Attorney's Office was not involved in the determination to exclude Mr. Askia from being awarded grants that include DOE funds. However, we have determined that once Mr. Askia was indicted, DOE made the determination that he should be excluded, and sent a letter notifying him of the determination, which was returned undeliverable. A copy of the letter, attachments and returned notice envelope are attached. The time to dispute the exclusion has long since expired, but if you or Mr. Askia desire to inquire on how to contest the exclusion, you will need to contact Philip A. Maestri, Director, Risk Management Service and Deciding Debarring and Suspending Official, Office of the Deputy Secretary, U.S. Department of Education, Room 11040, PCP Building 550 12th Street, SW, Washington, DC 20202-4300; Email address: Phil.Maestri@ed.gov.

As to the assertion that Mr. Askia is on the Terrorist Watchlist, our office is not involved with who is placed on or removed from such a list. If you or Mr. Askia believe that he is on such a list, you will need to contact the FBI Terrorist Screening Center, FBI Headquarters, 935 Pennsylvania Avenue, NW, Washington, D.C. 20535-0001, (202) 324-3000. The website is www.fbi.gov/about-us/tsc/tsc.

Sincerely,

KENNETH ELSEY
ACTING UNITED STATES ATTORNEY

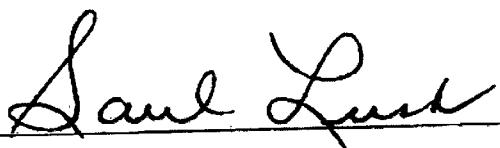
MWW/ksg
Enclosures

Continuation of Funding

I agree and understand the Arkansas 21st Century Community Learning Centers grant funding will be continued based on:

- Program Progress
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- Abiding by all 21st CCLC Guidelines

Applicant Signature:



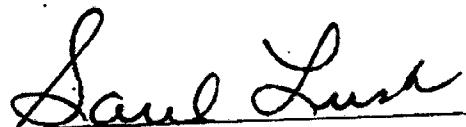
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Continuation of Funding

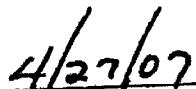
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Date:



The Arkansas Department of
EducationArkansas Department of Education
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Education 21st
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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

NO. 1:13-CR-10004

KWAME ALI ASKIA

DEFENDANT

MOTION TO RECONSIDER REVOCATION
OF RELEASE ON CONDITIONS

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*Coming from B.O.P. before
given an actual TRIAL DATE.*

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19-B

that contact by voice mail or email was insufficient. Defendant was released following the July hearing but ordered detained following the October 26, 2015 hearing.

* 3. There was no evidence that Defendant was a risk of flight, nor any evidence that Defendant had committed any crime while on release. Defendant contends that there are lesser restrictions than detention which will assure that Defendant is not a flight risk or a danger to the community. An example would be a requirement that Defendant physically report to his probation officer multiple times per week. Detention in this matter has and will create an extreme hardship regarding trial preparation. Defendant has informed counsel that there are documents located in the State of Georgia which are relevant to his defense.

4. Defendant requests that the District Court review a transcript of the recent detention hearing and modify the findings of the magistrate judge as it relates to detention pursuant to 18 U.S.C.A. Sect. 3145 (b). It should also be noted that a Motion to Dismiss is still pending which counsel believes to be with merit and not frivolously pursued.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Court review the transcript of the detention hearing held on October 26, 2015 and enter an order modifying the findings of the magistrate judge and enter an order which releases Defendant under new more restrictive conditions of release.

Respectfully Submitted,

/s/ William A. McLean ABN 74-106
100 West Grove, Suite 306
El Dorado, Arkansas 71730
Ph: 870-864-9909; Fax: 870-862-4071
Attorney for Defendant

CERTIFICATE OF SERVICE

I, William A. McLean, do hereby certify that a copy of the foregoing Motion has been filed with the Clerk of this Court using the CM/ECF System which will cause notification of such filing to Mr. Mark Webb, Assistant U.S. Attorney, at his office in Fort Smith, Arkansas.

/s/ William A. McLean

12.

WILLIAM A. MCLEAN

ATTORNEY AT LAW

100 WEST GROVE, SUITE 306
EL DORADO, ARKANSAS 71730
PHONE 870-864-9909
FAX 870-862-4071
Date Sept. 17, 2015

RECEIVED

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U S ATTORNEY'S OFFICE
FORT SMITH, AR

Mr. Kenny Elser
Acting U.S. Attorney
Western District of Arkansas
414 Parker Ave.
Fort Smith, Arkansas 72901

Re: U.S. vs. Askia
No. 1:13CR-10004-001

Dear Kenny:

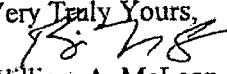
As you may be aware I have been appointed to represent Mr. Askia in connection with an indictment charging him with a violation of 18 U.S.C.A. Sect. 666.

It has been brought to my attention that there exists on the internet a number of documents that I think were published by the Department of Education and perhaps other agencies of the federal government advising that no agency should do any business with Mr. Askia. Of greater concern there are statements indicating that he may be involved with terrorist organizations which he flatly denies. I am enclosing these documents which Mr. Askia has provided to me.

I am requesting that you use whatever power you may have as acting U.S. Attorney to cause these publications to be removed from the internet at least until the criminal matter is concluded. As you may know if a potential juror or jurors were to see these allegations it would be extremely prejudicial and perhaps irreparable as far as selecting a fair and impartial juror. All potential jurors I assume could have access to these postings.

Please let me know as soon as possible if this is something you can do. The trial is presently scheduled for February 8, 2016 and Mark Webb is representing the government.

If you feel that you are unable to cause these materials to be removed Mr. Askia has asked that I file a Motion with the Court respecting this issue.

Very Truly Yours,

William A. McLean

WAMC:wamc

cc: Mark Webb

encl.

Eighth Circuit Court of Appeals

PRO SE Notice of Docket Activity

The following was filed on 04/25/2023

Case Name: United States v. Kwame Askia
Case Number: 17-1515

Docket Text:

MOTION for reconsideration of judge order denying motion to reopen the case, [5073375-2], filed by Appellant Mr. Kwame Ali Askia w/service by USCA8 on 04/28/2023. [5270707] [17-1515]

The following document(s) are associated with this transaction:

Document Description: Motion for Reconsideration

Document Description: Ex.1

Document Description: Ex.2

Document Description: Ex.3

Document Description: Ex.4

Document Description: Ex.5

Document Description: Ex.6

Document Description: Ex.7

Document Description: Ex.8

Document Description: Ex.9

Document Description: Ex.10

Document Description: Ex.11

Document Description: Ex.12

Document Description: Other Evidence

Notice will be mailed to:

Mr. Kwame Ali Askia

P.O. Box 81623

Conyers, GA 30313

Notice will be electronically mailed to: