

APPENDIX

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United States Court of Appeals
For the Eighth Circuit

No. 23-3449

United States of America

Plaintiff - Appellee

v.

Arjune Ahmed

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Western

Submitted: September 26, 2024
Filed: October 21, 2024

Before BENTON, ARNOLD, and KOBES, Circuit Judges.

ARNOLD, Circuit Judge.

After a jury found Arjune Ahmed guilty of two counts of kidnapping, *see* 18 U.S.C. § 1201(a)(1), the district court¹ sentenced him to 480 months' imprisonment.

¹The Honorable Leonard T. Strand, then Chief Judge, now United States District Judge for the Northern District of Iowa.

Ahmed maintains that the court should have held separate trials for the two offenses. He also contends that the court should not have permitted the government to introduce evidence that he committed a similar offense in the past, that the evidence was insufficient to support his convictions, and that the court erred in fixing his sentence. We affirm.

A criminal complaint against Ahmed alleged that a woman, O.B., reported that she had been held against her will and sexually assaulted. According to the complaint, O.B. was leaving a casino in Sioux City, Iowa, one night when she walked close to a car. A man inside the car told her to "come here," and so she walked to him and got into the car. (She testified at trial that he pulled her into the car.) He told her that she was not going home and sped away to South Sioux City, Nebraska. Along the way the man made sexual remarks and exposed his penis. O.B. told him to let her out, and when he refused, she demanded that he take her home. He instead drove down a dirt road, struggled with her, and sexually assaulted her vaginally. He then ordered her out of the car and left. O.B. made her way to a fast-food restaurant and reported that she had been raped.

The complaint went on to say that O.B.'s description of the car led police to Ahmed. He denied attacking O.B. and told them that he did not leave his house on the night in question; however, laboratory testing later revealed that O.B.'s DNA was on Ahmed's penis, and Ahmed's DNA was found in O.B.'s vagina. Surveillance video from outside the casino on the night in question showed a car matching the description O.B. provided.

According to the complaint, Ahmed was involved in another incident about a year later involving a different woman, A.J. She reported that she had been conversing with a man on a dating website when the two agreed to meet for breakfast. The man picked her up and drove her around Sioux City. After A.J. learned how old the man was, she asked him to take her home because she had a daughter his age. He

refused and said "no we are gonna have some fun." He then drove to a park, forced A.J. down a path, and struggled with her. He told her that she was "going to do what I want, we are gonna have some fun or I'm going to kill you." He assaulted her anally and then left the scene. A.J. found a woman in the park and told her that she had been raped. A.J. gave the police information that led them to Ahmed, but he denied meeting up with anyone from the dating website and denied knowing anything about the incident. Ahmed's DNA was found on a condom collected at the scene.

A grand jury indicted Ahmed on two counts of kidnapping, alleging that he "did unlawfully seize, confine, inveigle, decoy, kidnap, abduct, and carry away, and hold for ransom, reward, and otherwise (*i.e.*, sexual gratification)" the two women. Ahmed moved to sever the counts into separate trials. He acknowledged that the charged offenses were "of the same or similar character" and so were properly joined in a single indictment. *See* Fed. R. Crim. P. 8(a). But he argued that a single trial for both offenses would prejudice him, *see* Fed. R. Crim. P. 14(a), because of "the risk of a jury unfairly cumulating evidence on multiple counts to arrive at a guilty verdict." He contended that the jury "might infer guilt simply because there are multiple allegations involving multiple alleged victims," especially since the charged offenses were "likely to evoke emotion and arouse anger." The district court disagreed and denied his motion—a decision he now appeals.

We've recognized that defendants facing multiple charges might suffer prejudice warranting separate trials when there's "a possibility that the jury might use evidence of one crime to infer guilt on the other or that the jury might cumulate the evidence to find guilt on all crimes when it would not have found guilt if the crimes were considered separately." *See United States v. Midkiff*, 614 F.3d 431, 440 (8th Cir. 2010). Severance is not warranted, though, when "the evidence is such that one crime would be probative and admissible at the defendant's separate trial of the other crime." *See id.* Our cases admonish that "there is a strong presumption against

severing properly joined counts." *See United States v. McCarther*, 596 F.3d 438, 442 (8th Cir. 2010).

We believe severance was not required here because, for reasons we elaborate in what follows, evidence of each kidnapping would have been admissible in a separate trial of the other kidnapping under Federal Rule of Evidence 413. That rule permits the jury to consider evidence showing that the defendant has a propensity to commit sexual assaults. *See United States v. Weber*, 987 F.3d 789, 793 (8th Cir. 2021). We've recognized "a strong legislative judgment that evidence of prior sexual offenses should ordinarily be admissible." *See id.*

Rule 413(a) provides that "[i]n a criminal case in which a defendant is accused of a sexual assault, the court may admit evidence that the defendant committed any other sexual assault." Rule 413(d)(1) explains that a "sexual assault" is a crime involving "any conduct prohibited by 18 U.S.C. chapter 109A." (Chapter 109A, in turn, criminalizes aggravated sexual abuse, sexual abuse, and abusive sexual contact. *See* 18 U.S.C. §§ 2241–2248.) In addition, the term "sexual assault" in Rule 413(d) includes crimes involving "contact, without consent, between any part of the defendant's body—or an object—and another person's genitals or anus" and "contact, without consent, between the defendant's genitals or anus and any part of another person's body." *See* Fed. R. Evid. 413(d)(2)–(3).

Ahmed insists that because he was "accused of" kidnapping and not "sexual assault," Rule 413 doesn't apply. But we've already rejected the argument that the formal charges in a case govern whether the rule applies to it. *See United States v. Blazek*, 431 F.3d 1104, 1108–09 (8th Cir. 2005). In that case, the defendant was charged with traveling in interstate commerce for the purpose of knowingly engaging in a sexual act with someone at least twelve but younger than sixteen years old. *See* 18 U.S.C. § 2423(b). We held that the district court properly received evidence under Rule 413 about a prior sexual assault the defendant committed because the allegations

surrounding the charged offense involved conduct proscribed by Chapter 109A, even though the defendant wasn't "accused of" a Chapter 109A offense. *See Blazek*, 431 F.3d at 1108–09. We explained that "Rule 413 does not require that the defendant be charged with a chapter 109A offense, only that the instant offense involve conduct proscribed by chapter 109A." *See id.* at 1109. Likewise here, for the rule to apply, Ahmed need not have been charged with any particular offense. What matters is whether the offense he was charged with involved conduct that Rule 413(d) deems to be sexual assault. Ahmed's kidnapping offenses did involve that kind of conduct.

Ahmed maintains that *Blazek* is inapposite because, unlike the § 2423(b) offense that the defendant was charged with there, the kidnapping offenses that Ahmed was charged with do "not include elements matching any of the alternatives listed in Rule 413(d)." For one thing, we aren't sure the charge in *Blazek* includes an element matching a Rule 413(d) alternative either: The § 2423(b) charge there did not say that an actual or even an attempted sexual assault occurred, only that the defendant traveled in interstate commerce for the purpose of knowingly engaging in a sexual act. *See United States v. Vafeades*, 2015 WL 9273936, at *9–10 (D. Utah Dec. 18, 2015). But even if an element of the offense in *Blazek* did match a Rule 413(d) alternative, the case isn't as limited as Ahmed suggests. At no point did *Blazek* rely on the elements of the charged § 2423(b) offense to support its conclusion; instead, the court focused on whether "the instant offense involve[d] conduct" that Rule 413(d) deems to be sexual assault. *See Blazek*, 431 F.3d at 1109. As one of our sister circuits has observed, "[t]he focus of the Federal Rules of Evidence is on facts, and the policy rationale for Rule 413 is that a person who has engaged in the covered conduct is likely to engage in it again. Rule 413 uses statutory definitions to designate the covered conduct, but the focus is on the conduct itself rather than how the charges have been drafted." *See United States v. Foley*, 740 F.3d 1079, 1087 (7th Cir. 2014). *Blazek* rules this case, and so the district court did not err in denying Ahmed's request for separate trials.

Ahmed raises a related matter regarding the admission of evidence at trial that Ahmed broke into the home of another woman, C.S., and raped her. He asserts that the district court erred in permitting the government to introduce that evidence because Rule 413 does not apply. But for the reasons we've just explained, Rule 413 does apply, and so the evidence that Ahmed committed other sexual assaults, including the one against C.S., was admissible.

According to Ahmed, though, the court should have excluded the evidence about C.S. under Federal Rule of Evidence 403 even if it was admissible under Rule 413. Rule 403 permits the court to exclude relevant evidence when its probative value is substantially outweighed by a danger of unfair prejudice. Ahmed says that the evidence of his sexual assault of C.S. "was not particularly probative" because it occurred four years before the incident with O.B. (and five years before the incident with A.J.) and because it was dissimilar from the charged offenses since it involved a home invasion rather than a kidnapping. We simply disagree with Ahmed that a sexual assault from four or five years earlier carries little to no probative value, and we've permitted evidence of much older offenses to be admitted under Rules 413 and 403. *See, e.g., United States v. Brandon*, 64 F.4th 1009, 1022–23 (8th Cir. 2023). And though Ahmed assaulted C.S. during a home invasion, there are still similarities between that assault and the charged ones that make it probative, including that Ahmed sexually assaulted women older than he was whom he didn't know. *Cf. United States v. Tyndall*, 263 F.3d 848, 849–50 (8th Cir. 2001). Finally, we discern no unfair prejudice here given that Ahmed's propensity to commit sexual assaults is not an improper matter for the jury to consider. *See Brandon*, 64 F.4th at 1023. That's the whole point of Rule 413. There's no error here.

For his next challenge, Ahmed contends that the district court erred in denying his motion for judgment of acquittal on both charges because the evidence was insufficient to support them. We review the denial of a motion for judgment of acquittal de novo, viewing the facts in the light most favorable to the verdict. *See*

United States v. Blake, 66 F.4th 1165, 1172 (8th Cir. 2023) (per curiam). We have cautioned that a jury's verdict should not be overturned lightly, and in considering a motion for judgment of acquittal, a court cannot reweigh the evidence or ordinarily assess the credibility of witnesses. *See United States v. Lemoine*, 104 F.4th 679, 684 (8th Cir. 2024).

The government called about forty witnesses to testify in the case, including both O.B. and A.J. They recounted their respective incidents essentially as they appeared in the criminal complaint. For each incident, officers testified that the victims' descriptions of the cars involved led them to Ahmed. In addition, the people whom the victims encountered immediately after the assaults testified that the victims reported being raped and were either crying and upset (O.B.) or disheveled and distressed (A.J.). Witnesses also connected Ahmed's DNA to the incidents, and officers testified that Ahmed lied about meeting the women and having a sexual interaction with them.

As for the kidnapping of O.B., Ahmed says the evidence is insufficient because O.B.'s account that Ahmed forced her into his vehicle is unsupported given that police didn't obtain security footage showing the struggle or interview witnesses who may have seen it. Though video evidence or witnesses might have made the government's case stronger, the evidence the government submitted was more than sufficient to support the conviction. To the extent that Ahmed challenges O.B.'s credibility, courts cannot ordinarily reweigh witness credibility when ruling on a motion for judgment of acquittal, *see Lemoine*, 104 F.4th at 684, and we see nothing about this case that would take it out of the usual rule. Ahmed also emphasizes the testimony of a police officer who spoke to O.B. at the hospital after the incident and was skeptical of her account. But that's merely the view of one witness. The jury was not obliged to share the officer's skepticism.

As for the kidnapping of A.J., Ahmed faults the government for not introducing the messages between Ahmed and A.J on the dating website. He says that those messages might show that they had a consensual sexual encounter. But this is total speculation on Ahmed's part. The evidence already adverted to is sufficient for the jury to find Ahmed guilty beyond a reasonable doubt. The court did not err in denying Ahmed's motion for a judgment of acquittal.

At Ahmed's sentencing hearing, the government introduced evidence that he sexually assaulted four women other than O.B., A.J., and C.S. The court found by a preponderance of the evidence that Ahmed had sexually assaulted two of those women, S.H. and N.G., near the time he assaulted O.B. and A.J. Ahmed contends that the court's consideration of uncharged conduct at sentencing violated his right to a jury trial. But he concedes that the law currently permits courts to consider such conduct, *see United States v. Shield*, 831 F.3d 1079, 1083 (8th Cir. 2016), and that he's merely preserving the error in case the law changes. So there's no merit to this contention.

Finally, Ahmed maintains that the court committed clear error when it found that Ahmed sexually assaulted S.H. and N.G. "A finding is clearly erroneous when it leaves us with a definite and firm conviction that the finding is a mistake." *United States v. Morrow*, 50 F.4th 701, 704 (8th Cir. 2022). With respect to S.H., a 911 operator testified that when he received a call from Ahmed, he heard a woman in the background say he had tried to rape her. A police officer testified that he arrived at the park where the incident occurred, and a woman reported that Ahmed had driven her to the park instead of her home, and she had to break out a car window to get away from him because he was trying to rape her. Ahmed was still at the scene in pain because S.H. had pepper sprayed him. Another officer testified that S.H. told him that Ahmed had shoved her head in his lap and demanded oral sex. Ahmed told police that S.H. had tried to rob him, and he denied trying to rape her.

Ahmed points out that these same officers had previously concluded that the interaction was related to prostitution and did not involve a kidnapping and attempted sexual assault. He notes, too, that a condom at the scene matched ones found in S.H.'s purse (suggesting the encounter was consensual) and that S.H. had no wounds despite reporting that Ahmed struck her with an umbrella.

With respect to N.G., a police officer testified that a distraught woman had called to report being raped after walking home near the same casino where O.B. had encountered Ahmed. She told the officer that she had accepted an offer from Ahmed to drive her home, but he instead drove elsewhere and insisted that they were going to have sex. When she refused, Ahmed pulled her shirt down and put his mouth on her breast. N.G. was able to get out of the car and run away. She gave the officer the license plate number of the car in question, and when officers connected it to Ahmed and showed N.G. a picture of him, she identified him as the culprit. Ahmed contends that the incident with N.G. was merely an encounter with a prostitute, as she later reported to police that she engaged in prostitution to support a drug habit. He also notes that police never arrested him for the incident.

The district court expressly found that Ahmed assaulted or attempted to assault both S.H. and N.G. It bolstered its determination by noting that Ahmed "has a pattern" and that though "there might be some hint of prostitution activity by those victims," that doesn't "prevent them from being victims." As with O.B. and A.J., S.H. and N.G. reported that Ahmed had sexually assaulted them (or attempted to do so). They too were isolated in a car that Ahmed drove and were either taken from the same casino as O.B. or driven to a park as A.J. was. We agree that these episodes fit Ahmed's pattern, and the evidence on this record is manifestly sufficient to support the court's finding. Because we are not left with a definite and firm conviction that the court's findings were a mistake, we reject Ahmed's challenge.

Affirmed.

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-3449

United States of America

Plaintiff - Appellee

v.

Arjune Ahmed

Defendant - Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Western
(5:21-cr-04087-LTS-1)

JUDGMENT

Before BENTON, ARNOLD, and KOBES, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court, briefs of the parties and was argued by counsel.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

October 21, 2024

Order Entered in Accordance with Opinion:
Acting Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Maureen W. Gornik

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**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-3449

United States of America

Appellee

v.

Arjune Ahmed

Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Western
(5:21-cr-04087-LTS-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

December 05, 2024

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

/s/ Maureen W. Gornik

UNITED STATES DISTRICT COURT

Northern District of Iowa

UNITED STATES OF AMERICA

v.

ARJUNE AHMED

) JUDGMENT IN A CRIMINAL CASE

)

) Case Number: 0862 5:21CR04087-001

)

) USM Number: 71267-509

)

☒ ORIGINAL JUDGMENT☐ AMENDED JUDGMENT

Date of Most Recent Judgment:

Bradley Ryan Hansen & Brittany Hedstrom

Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☒ was found guilty on count(s) 1 and 2 of the Indictment filed on November 4, 2021
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 1201(a)(1)	Kidnapping	08/21/2019	1
18 U.S.C. § 1201(a)(1)	Kidnapping	09/16/2020	2

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

Leonard T. Strand
Chief United States District Court Judge

Name and Title of Judge

October 24, 2023

Date of Imposition of Judgment

Signature of Judge

Date

Ahmed Appendix, Page 12

DEFENDANT: **ARJUNE AHMED**
CASE NUMBER: **0862 5:21CR04087-001**

PROBATION

- ☐ The defendant is hereby sentenced to probation for a term of:

IMPRISONMENT

- ☒ The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **480 months. This term of imprisonment consists of a 480-month term imposed on Count 1 and a 480-month term imposed on Count 2 of the Indictment, to be served concurrently.**

- ☒ The court makes the following recommendations to the Federal Bureau of Prisons:
It is recommended that the defendant be designated to the Federal Correctional Institution (FCI) in Oxford, Wisconsin, commensurate with the defendant's security and custody classification needs.

- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant must surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ The defendant must surrender for service of sentence at the institution designated by the Federal Bureau of Prisons:
- ☐ before 2 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the United States Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

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

UNITED STATES MARSHAL

By _____
Ahmed Appendix, Page 13 DEPUTY UNITED STATES MARSHAL
Case 5:21-cr-04087-LTS-KEM Document 210 Filed 10/25/23 Page 2 of 7

DEFENDANT: **ARJUNE AHMED**
CASE NUMBER: **0862 5:21CR04087-001**

SUPERVISED RELEASE

- ☒ Upon release from imprisonment, the defendant will be on supervised release for a term of:
5 years. This term of supervised release consists of a 5-year term imposed on Count 1 and a 5-year term imposed on Count 2 of the Indictment, to be served concurrently.

MANDATORY CONDITIONS OF SUPERVISION

- 1) The defendant must not commit another federal, state, or local crime.
- 2) The defendant must not unlawfully possess a controlled substance.
- 3) The defendant must refrain from any unlawful use of a controlled substance.
The defendant must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future controlled substance abuse. *(Check, if applicable.)*
- 4) ☒ The defendant must cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- 5) ☐ The defendant must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where the defendant resides, works, and/or is a student, and/or was convicted of a qualifying offense. *(Check, if applicable.)*
- 6) ☐ The defendant must participate in an approved program for domestic violence. *(Check, if applicable.)*

The defendant must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: **ARJUNE AHMED**
CASE NUMBER: **0862 5:21CR04087-001**

STANDARD CONDITIONS OF SUPERVISION

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

- 1) The defendant must report to the probation office in the federal judicial district where the defendant is authorized to reside within 72 hours of the time the defendant was sentenced and/or released from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when the defendant must report to the probation officer, and the defendant must report to the probation officer as instructed. The defendant must also appear in court as required.
- 3) The defendant must not knowingly leave the federal judicial district where the defendant is authorized to reside without first getting permission from the court or the probation officer.
- 4) The defendant must answer truthfully the questions asked by the defendant's probation officer.
- 5) The defendant must live at a place approved by the probation officer. If the defendant plans to change where the defendant lives or anything about the defendant's living arrangements (such as the people the defendant lives with), the defendant must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) The defendant must allow the probation officer to visit the defendant at any time at the defendant's home or elsewhere, and the defendant must permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.
- 7) The defendant must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, the defendant must try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about the defendant's work (such as the defendant's position or the defendant's job responsibilities), the defendant must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) The defendant must not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If the defendant is arrested or questioned by a law enforcement officer, the defendant must notify the probation officer within 72 hours.
- 10) The defendant must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) The defendant must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) As directed by the probation officer, the defendant must notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and must permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 13) The defendant must follow the instructions of the probation officer related to the conditions of supervision.

DEFENDANT: **ARJUNE AHMED**
CASE NUMBER: **0862 5:21CR04087-001**

SPECIAL CONDITIONS OF SUPERVISION

The defendant must comply with the following special conditions as ordered by the Court and implemented by the United States Probation Office:

1. The defendant must not have contact during the defendant's term of supervision with the individuals set forth in paragraphs 4, 8, 36, and 39 of the presentence report, in person or by a third party. This includes no direct or indirect contact by telephone, mail, email, or by any other means. The United States Probation Office may contact the aforementioned individuals to ensure the defendant's compliance with this condition.
2. The defendant must submit the defendant's person, property, house, residence, vehicle, papers, computers [as defined in 18 U.S.C. § 1030(e)(1)], other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The defendant must warn any other occupants that the premises may be subject to searches pursuant to this condition. The United States Probation Office may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.
3. The defendant must participate in a mental health evaluation, which may include an evaluation for sex offender treatment. The defendant must complete any recommended treatment program, and follow the rules and regulations of the treatment program. The defendant will be required to submit to periodic polygraph testing at the discretion of the United States Probation Office as a means to ensure that the defendant is in compliance with the requirements of the defendant's supervision or treatment program. The defendant must take all medications prescribed to the defendant by a licensed medical provider.
4. The defendant must participate in an evaluation for anger management and/or domestic violence. The defendant must complete any recommended treatment program, and follow the rules and regulations of the treatment program.
5. If not employed at a lawful type of employment as deemed appropriate by the United States Probation Office, the defendant must participate in employment workshops and report, as directed, to the United States Probation Office to provide verification of daily job search results or other employment related activities. In the event the defendant fails to secure employment, participate in the employment workshops, or provide verification of daily job search results, the defendant may be required to perform up to 20 hours of community service per week until employed.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them. Upon a finding of a violation of supervision, I understand the Court may: (1) revoke supervision; (2) extend the term of supervision; and/or (3) modify the condition of supervision.

Defendant

Date

United States Probation Officer/Designated Witness

Date

Judgment 6 of 7

DEFENDANT: **ARJUNE AHMED**
CASE NUMBER: **0862 5:21CR04087-001**

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>AVAA Assessment¹</u>	<u>JVTA Assessment²</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 200	\$ 0	\$ 0	\$ 0	\$ 0

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

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

<u>Name of Payee</u>	<u>Total Loss³</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	-------------------------------	----------------------------	-------------------------------

TOTALS \$ _____ \$ _____

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

¹Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

²Justice for Victims of Trafficking Act of 2015, 18 U.S.C. § 3014.

³Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **ARJUNE AHMED**
CASE NUMBER: **0862 5:21CR04087-001**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ \$ 200 due immediately;
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

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

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant must pay the cost of prosecution.
- ☐ The defendant must pay the following court cost(s):
- ☐ The defendant must forfeit the defendant's interest in the following property to the United States:

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