No. 26-163

In the Supreme Court of the United States

PIERRE YVELT ALMONOR, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTIONS PRESENTED

1. Whether the constitutional "venue rule used in conspiracy cases, which allows trial wherever an overt act furthering the conspiracy has taken place," *Abouammo* v. *United States*, 608 U.S. 597, 606 (2026), was subject to a further reasonable-foreseeability limitation in order for petitioner to be tried in a venue where an overt act furthering his money-laundering conspiracy took place.

2. Whether sufficient evidence supported petitioner's conviction for money-laundering conspiracy.

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OPINION BELOW

The opinion of the court of appeals (Pet. App. 1a-15a) is available at 2025 WL 3642268.

JURISDICTION

The judgment of the court of appeals was entered on December 16, 2025. A petition for rehearing was denied on March 3, 2026 (Pet. App. 24a). On June 1, 2026, the Chief Justice extended the time within which to file a petition for a writ of certiorari until July 31, 2026, and the petition was filed on that date. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a jury trial in the United States District Court for the Western District of North Carolina, petitioner was convicted of conspiring to commit money laundering, in violation of 18 U.S.C. 1956(h). Judgment

1. He was sentenced to 51 months of imprisonment, to be followed by two years of supervised release. Judgment 2-3. The court of appeals affirmed. Pet. App. 1a-15a.

1. From 2014 to 2017, petitioner conspired with others to defraud victims of more than three million dollars. Pet. App. 3a; see Presentence Investigation Report (PSR) ¶¶ 7-20, 25. The conspiracy involved a sophisticated "business email scheme." Pet. App. 3a. Members of the conspiracy gained access to e-mail accounts belonging to businesses in the United States and monitored the compromised accounts for messages with payment requests. PSR ¶¶ 11-13, 25. When they observed an e-mail containing a legitimate payment request, the members used "lookalike" accounts to impersonate the intended recipients and trick the victims into wiring the money to bank accounts controlled by other members of the conspiracy, including petitioner. *Ibid.* Petitioner and the other "money mules" who operated those accounts then wired the money to various domestic and offshore accounts while keeping a percentage for themselves. *Ibid.*

In April 2015, for example, petitioner's coconspirator tricked a company into wiring nearly $400,000 to petitioner's account. PSR ¶ 15. When he received those funds, petitioner e-mailed a coconspirator who went by the name Scott Johnson that he would face "15 to 20 years in prison" if anything went "wrong," and then wired the funds through a series of money-laundering transactions to offshore accounts while keeping roughly 20 percent for himself. PSR ¶¶ 15-17; see C.A. App. 456-458. Petitioner's bank froze his account and reversed some transactions before he could finish. PSR ¶ 16. Petitioner alerted Johnson to the bank freeze, and he sub-

sequently recruited several "money mules" to join the conspiracy. PSR ¶¶ 16, 19; Pet. App. 11a.

Another victim of the conspiracy was an attorney in Charlotte, North Carolina. PSR ¶ 20. In July 2015, the attorney was tricked into wiring approximately $272,000 to a bank account operated by another coconspirator referred to as "M.R.," who then transferred the money at Johnson's direction to several offshore bank accounts, including one belonging to a coconspirator named Ugo Uzomba. *Ibid.*; C.A. App. 39-40.

2. In June 2018, a federal grand jury in the Western District of North Carolina returned an indictment charging petitioner, Johnson, and Uzomba with one count of conspiring to commit wire fraud, in violation of 18 U.S.C. 1349; one count of conspiring to commit computer fraud, in violation of 18 U.S.C. 371; and one count of conspiring to commit money laundering, in violation of 18 U.S.C. 1956(h). Indictment 7-10. The indictment alleged that petitioner participated in the scheme while residing in Florida, and then described several fraudulent transactions executed in furtherance of the scheme, including the transactions involving the attorney in Charlotte. Indictment 2-5.

Johnson evaded arrest while Uzomba pleaded guilty to money-laundering conspiracy. PSR at 3; see C.A. App. 39-40. The government then moved to dismiss the wire-fraud-conspiracy and computer-fraud-conspiracy counts against petitioner to "streamline the trial." D. Ct. Doc. 70, at 1 (Apr. 28, 2022). The district court granted that motion. C.A. App. 63. Petitioner subsequently moved to dismiss the money-laundering-conspiracy count, asserting that he did not participate in the transactions involving the attorney in Charlotte

and that venue was therefore improper. *Id.* at 79-86. The court denied the motion. Pet. App. 19a.

After the close of evidence at trial, petitioner renewed his venue-based motion. Pet. App. 22a. Based on the evidence presented, the district court determined that "the Western District of North Carolina [wa]s one of a number of venues where this case could have been brought" and again denied the motion. *Id.* at 23a.

The jury found petitioner guilty of participating in a money-laundering conspiracy. Judgment 1; see C.A. App. 861. Petitioner was sentenced to 51 months of imprisonment, to be followed by two years of supervised release. Judgment 2-3. He also was ordered to pay approximately $272,000 in restitution to the attorney in Charlotte. Judgment 5. In calculating that figure, the district court agreed with the government that the transactions that resulted in the attorney's losses were both part of petitioner's conspiracy and reasonably foreseeable to him. C.A. App. 903-908.

3. On appeal, petitioner renewed his contention that the government failed to prove that he participated in a single conspiracy with venue in North Carolina. Pet. C.A. Br. 15-27. Petitioner asserted that the evidence established a "rimless wheel" conspiracy, in which he, Uzomba, and other money mules joined separate conspiracies with Johnson and another coconspirator serving as the "hub." *Id.* at 12, 21-22. And on the theory that his conspiracy was not "interdependent" with the conspiracy that targeted the attorney in North Carolina, petitioner claimed that venue in that district was improper. *Id.* at 21-27. Alternatively, petitioner argued that even if there was a single conspiracy, venue was improper because he could not have reasonably fore-

seen the transactions involving the Charlotte attorney. *Id.* at 28-30. Petitioner also appealed the district court's loss calculation, arguing (as he had in the district court) that he could not have reasonably foreseen the attorney's losses. *Id.* at 57-61.

The court of appeals affirmed in an unpublished, per curiam opinion. Pet. App. 1a-15a. The court rejected petitioner's contention that the evidence established a "rimless wheel" conspiracy with "nothing linking" petitioner to the transactions involving the attorney in North Carolina. *Id.* at 4a-6a (citing *Kotteakos* v. *United States*, 328 U.S. 750 (1946)). The court explained that the evidence instead established that petitioner participated in "one large money laundering conspiracy" that "involved the overlap of the key actors and the same methods, goals, nature, and results in each of the business email schemes." *Id.* at 6a. And the court found that because "the Government demonstrated a conspiracy in which a conspirator took an act in North Carolina, the district court properly determined that venue was appropriate in the district." *Ibid.*

The court of appeals additionally rejected petitioner's request to "add a requirement for venue in a money laundering conspiracy that the actions of a co-conspirator in the venue must be reasonably foreseeable by the defendant." Pet. App. 6a. While the court accepted that one circuit (the Second Circuit) had imposed such a requirement, the court explained that it had previously "declined to impose a reasonable foreseeability requirement to venue provisions that do not include such a requirement in their plain text" and "decline[d] * * * to add a requirement to the money laundering conspiracy venue provision that does not appear

in the plain text of that provision." *Ibid.* (citing 18 U.S.C. 1956(i)(1) and (2)).

The court of appeals also rejected petitioner's challenge to the loss calculation. Pet. App. 10a-11a. The court explained that the government had established that the North Carolina attorney's losses were "reasonably foreseeable" to petitioner. *Ibid.*

ARGUMENT

Petitioner renews his contention (Pet. 12-26) that the Constitution's venue provisions impose a "reasonable foreseeability" limitation on the permissibility of a conspiracy prosecution in a district where an overt act in furtherance of the conspiracy occurred. The court of appeals correctly rejected that contention, and its decision does not conflict with any decision of this Court or implicate any circuit disagreement that warrants this Court's review. This Court has denied review in prior cases involving similar contentions, and should follow the same course here. And petitioner's separate—and wholly factbound—contention (Pet. 27-31) that the evidence failed to establish that he participated in a single money-laundering conspiracy with venue in the Western District of North Carolina likewise does not warrant further review.

1. The court of appeals correctly rejected petitioner's request to engraft a reasonable-foreseeability requirement onto the Venue and Vicinage Clauses. No further review is warranted on that issue.

a. Article III's Venue Clause states that the "Trial of all Crimes * * * shall be held in the State where the said Crimes shall have been committed." U.S. Const. Art. III, § 2, Cl. 3. The Sixth Amendment's Vicinage Clause similarly requires a criminal trial to be "by an impartial jury of the State and district wherein the

crime shall have been committed." U.S. Const. Amend. VI. And Federal Rule of Criminal Procedure 18 provides that "the government must prosecute an offense in a district where the offense was committed." Fed. R. Crim. P. 18.

All three provisions thus specify that venue for a criminal trial is appropriate in any district where the crime was "committed." To determine where a crime has been "committed," courts evaluate "the nature of the crime alleged and the location of the act or acts constituting it." *United States* v. *Cabrales*, 524 U.S. 1, 7 (1998) (quoting *United States* v. *Anderson*, 328 U.S. 699, 703 (1946)). As this Court recognized in *Hyde* v. *United States*, 225 U.S. 347, 359-367 (1912), for conspiracy —a continuing offense committed by multiple offenders —the crime may extend beyond a single district. See *id.* at 359-367; see also Pet. App. 4a.

As the Court has observed, "[a]t common law the venue in conspiracy could be laid in any county in which it could be proven that an overt act was done by any one of the conspirators in furtherance of their common design." *Hyde*, 225 U.S. at 365 (citation omitted); see, *e.g.*, *State* v. *McElroy*, 46 A.2d 397, 399-400 (R.I. 1946) (citing founding-era English decisions and early State decisions; concluding that "for well over one hundred years it has been held by ample and practically uniform authority that at common law a conspiracy indictment * * * could properly be brought in any county where an overt act was committed in furtherance of the conspiracy").

This Court has accordingly "long held that venue [in a conspiracy prosecution] is proper in any district in which an overt act in furtherance of the conspiracy was committed." *Whitfield* v. *United States*, 543 U.S. 209,

218 (2005); see *Hyde*, 225 U.S. at 367 (holding that "the overt acts [themselves] give jurisdiction for trial," regardless "where the conspiracy is formed"). The Court has recognized that rule through the present day. As the Court reiterated just last Term in *Abouammo* v. *United States*, 608 U.S. 597 (2026), "the venue rule used in conspiracy cases * * * allows trial wherever an overt act furthering the conspiracy has taken place." *Id.* at 606 (citing *Whitfield*, 543 U.S. at 218).

b. Here, it is undisputed that M.R. and Uzomba took overt acts in furtherance of the conspiracy in the Western District of North Carolina. And although petitioner questions the sufficiency of the evidence that he was part of that conspiracy, see pp. 13-15, *infra*, the jury found to the contrary beyond a reasonable doubt, see Judgment 1; C.A. App. 861 (verdict form). It follows that under this Court's longstanding precedent, venue for petitioner's conspiracy prosecution was appropriate in the Western District of North Carolina.

Petitioner does not dispute *Hyde*'s longstanding rule that venue for a conspiracy prosecution is appropriate in any district in which a coconspirator's overt act in furtherance of the conspiracy was committed. See Pet. 24 (asserting that "the Court need not overrule *Hyde*"). Instead, he asks this Court to overlay an additional requirement that any given defendant must also have reasonably foreseen that the overt act would be committed in that district. And he further asks that the Court impose that requirement as a *constitutional* matter, given that he does not challenge the court of appeals' observation that the money-laundering conspiracy statute imposes no such requirement. That request is unsound.

Petitioner does not identify anything in the Constitution or in this Court's case law interpreting the Venue

and Vicinage Clauses that makes any reference to what a defendant anticipates or foresees with respect to venue. The constitutional text focuses solely on the location or locations where the offense in question was committed, which in turn depends on where the acts in furtherance of the crime occurred. That focus reflects that "[t]he constitutional requirement is as to the locality of the offense" and not other factors, such as "the personal presence of the offender." *Travis* v. *United States*, 364 U.S. 631, 634 (1961) (quoting *Armour Packing Co.* v. *United States*, 209 U.S. 56, 76 (1908)).

Petitioner effectively acknowledges that this Court has never imposed a reasonable-foreseeability requirement for venue for conspiracy cases. Rather than identify any instance in which the Court has done so, he attempts to recast *Hyde* and other conspiracy-venue decisions of this Court as presuming an unstated background requirement of reasonable foreseeability that they never mentioned, because (according to petitioner) that requirement would have been satisfied on the facts of each case. See Pet. 25 & n.3. But contrary to petitioner's effort, the uniform silence of both the constitutional text and this Court's decisions cuts decisively against announcing a new venue requirement, heretofore unstated by any Justice, that lacks any textual mooring in the Venue and Vicinage Clauses.

Petitioner notes (Pet. 26) that under *Pinkerton* v. *United States*, 328 U.S. 640 (1946), "substantive liability is limited by the reasonable foreseeability of a co-conspirator's actions." But that common-law principle of conspiracy liability is inapposite to whether the constitutional text imposes a similar requirement for venue. Petitioner's reliance (Pet. 20-23) on the trial of Aaron Burr is likewise misplaced. Chief Justice Marshall, pre-

siding over the trial as circuit justice, granted Burr's midtrial motion to suppress further testimony and evidence about Burr's actions outside of and subsequent to an alleged gathering on Blennerhassett's Island in Virginia, absent "proof of the overt act [of treason in Virginia] by two witnesses." *United States* v. *Burr*, 25 F. Cas. 55, 180 (C.C.D. Va. 1807) (No. 14,693). Chief Justice Marshall reasoned that the particular allegations in the indictment, as written, allowed for a treason conviction only upon proof that Burr was "present at the [gathering]" or was at least "near enough to cooperate" and "assist" his confederates. *Id.* at 172; see *id.* at 172-173, 177. That treason-specific ruling did not constitutionalize a general venue rule for all conspiracy cases that went unstated in *Hyde* and subsequent cases, and it has no bearing on the appropriate venue for petitioner's prosecution.

c. Contrary to petitioner's contention (Pet. 13-15), the decision below does not implicate a division of authority warranting this Court's review. The Third, Sixth, and Ninth Circuits have similarly recognized that the Constitution does not contain an implicit foreseeability requirement and that a coconspirator's overt act in furtherance of a conspiracy is sufficient to establish venue. See *United States* v. *Renteria*, 903 F.3d 326, 330 (3d Cir. 2018), cert. denied, 587 U.S. 1063 (2019); *United States* v. *Iossifov*, 45 F.4th 899, 911 (6th Cir. 2022), cert. denied, 143 S. Ct. 812 (2023); *United States* v. *Gonzalez*, 683 F.3d 1221, 1226 (9th Cir. 2012), cert. denied, 568 U.S. 1214 (2013). And although the Second Circuit has indicated that it views foreseeability as a component of venue in certain cases, any disagreement does not provide a basis for further review in this case.

In *United States* v. *Svoboda*, 347 F.3d 471 (2003), cert. denied, 541 U.S. 1044 (2004), the Second Circuit stated that "venue is proper in a district where (1) the defendant intentionally or knowingly causes an act in furtherance of the charged offense to occur in the district of venue or (2) it is foreseeable that such an act would occur in the district of venue." *Id.* at 483. But *Svoboda* upheld the venue in that case as proper. See *id.* at 484. And though the Second Circuit has repeated *Svoboda's* formulation in subsequent decisions, those decisions, like *Svoboda*, have never actually held that venue was improper on reasonable-foreseeability grounds. See, *e.g.*, *United States* v. *Kirk Tang Yuk*, 885 F.3d 57, 69, 71-76, cert. denied, 139 S. Ct. 342 (2018); *United States* v. *Lange*, 834 F.3d 58, 69, 71 (2016), cert. denied, 580 U.S. 1073 (2017); *United States* v. *Davis*, 689 F.3d 179, 186-190 (2012), cert. denied, 568 U.S. 1183 (2013); *United States* v. *Royer*, 549 F.3d 886, 894-895 (2008), cert. denied, 558 U.S. 934, and 558 U.S. 935 (2009); *United States* v. *Rommy*, 506 F.3d 108, 123-125 (2007), cert. denied, 552 U.S. 1260 (2008); *United States* v. *Geibel*, 369 F.3d 682, 695-698 (vacating certain counts of conviction on different venue grounds), cert. denied, 543 U.S. 999 (2004), and 544 U.S. 979 (2005).

Petitioner likewise has been unable to identify any decision in which the Second Circuit has actually found venue improper based on a lack of foreseeability. See Pet. 13-15. And as the Second Circuit itself has observed, *Svoboda* articulated its test for venue (including the foreseeability inquiry) "without extensive analysis." *Kirk Tang Yuk*, 885 F.3d at 69 n.2. It is therefore unclear whether or when foreseeability might be outcome-determinative in the Second Circuit. And if a case were to arise in which it were, the Second Circuit could po-

tentially consider en banc whether *Svoboda*'s statement was consistent with the constitutional text and this Court's precedents—consideration that has thus far been unnecessary, given its repeated affirmances of venue in conspiracy cases. And notwithstanding that *Svoboda* was decided more than two decades ago, this Court has denied review in prior cases presenting the same question. See *Renteria* v. *United States*, 587 U.S. 1063 (2019) (No. 18-1052); *Gonzalez* v. *United States*, 568 U.S. 1214 (2013) (No. 12-6578); *Ebersole* v. *United States*, 546 U.S. 1139 (2006) (No. 05-6945). The same result is warranted here.

d. At all events, this case would be an inappropriate vehicle in which to resolve the question presented because petitioner would not be entitled to relief even if that question were resolved in his favor. See *Supervisors* v. *Stanley*, 105 U.S. 305, 311 (1882) (explaining that this Court does not grant a writ of certiorari to "decide abstract questions of law * * * which, if decided either way, affect no right" of the parties). When rejecting petitioner's challenge to the loss calculation, the court of appeals determined that the transactions involving the Charlotte attorney were reasonably foreseeable to petitioner. See Pet. App. 10a-11a. There is no reason to conclude that the jury would have found otherwise, and venue in the Western District of North Carolina was thus appropriate even under petitioner's rule.

e. Petitioner's alternative request (Pet. 31-32) that this Court grant the petition for a writ of certiorari, vacate the judgment below, and remand for further consideration in light of this Court's decision in *Abouammo* is unsound. Contrary to petitioner's contention (Pet. 31-32), nothing in *Abouammo* is "in substantial tension" with the Court's longstanding approach to venue in con-

spiracy cases. *Abouammo* held that venue for an offense under 18 U.S.C. 1519, which prohibits the falsification of any document with the intent to obstruct a federal investigation, is proper only "where the defendant falsified a document, because that is the only conduct proscribed by the statute." 608 U.S. at 602. The Court emphasized that its decision was "'discrete,'" "narrow," and "based on 'the nature of the specific crime charged.'" *Id.* at 607 (quoting *Travis*, 364 U.S. at 635) (brackets omitted). And in distinguishing the "standalone" offense under Section 1519 from an inchoate offense like conspiracy, *Abouammo* specifically recognized that a conspiracy trial can occur "wherever an overt act furthering the conspiracy has taken place" with no mention of a reasonable-foreseeability requirement. *Id.* at 606-607.

2. Petitioner separately contends (Pet. 27-31) that this Court should summarily reverse the decision below on the theory that under *Kotteakos* v. *United States*, 328 U.S. 750 (1946), the evidence was insufficient to establish that he participated in the charged conspiracy with M.R. and Uzomba. No such course is warranted.

In *Kotteakos*, the court of appeals had determined, and the government did not dispute, that despite charging 32 defendants in a single conspiracy, the evidence was sufficient to prove only that eight distinct and unconnected groups of coconspirators performed separate transactions with a common defendant. 328 U.S. at 753-756. Here, in contrast, both the district court and the court of appeals found that petitioner participated in a single money-laundering conspiracy, which also included M.R. and Uzomba. Pet. App. 5a-6a, 10a-11a, 23a.

Petitioner's challenge (Pet. 27-31) thus boils down to a disagreement with the lower courts' determinations

that the government proved the existence of that conspiracy to the jury beyond a reasonable doubt. Cf. *Jackson* v. *Virginia*, 443 U.S. 307 (1979). Such a fact-bound contention does not warrant this Court's review, much less summary reversal. That is especially true given that the district court instructed the jury on multiple conspiracies using the instruction that petitioner himself requested. Pet. App. 8a.

In any event, petitioner's claim lacks merit. As noted, in *Kotteakos*, the government did not dispute that it failed to prove a single conspiracy, and this Court addressed whether the prejudice caused by the variance between the indictment and the proof at trial warranted relief. 328 U.S. at 756, 772. Here, the court of appeals cited *Kotteakos* for the proposition that where a "conspiracy consists of a central hub—the common defendant, who deals with other defendants—and the spokes—the other conspirators—[with] nothing linking the other conspirators to one another," that is a "'case, not of a single conspiracy but of several.'" Pet. App. 5a (quoting *Kotteakos*, 328 U.S. at 755). But the court found that this case did not involve such a "rimless wheel" conspiracy but instead a single conspiracy in which there was substantial "overlap" among the "key actors" who were working towards the same goals. Pet. App. 6a.

Contrary to petitioner's suggestion (Pet. 30), that "overlap" was not limited to "a common hub." The court of appeals noted that different parties can join and leave a single conspiracy at different times such that one conspirator may not know all the conspiracy's members, Pet. App. 6a, and observed (in upholding the loss calculation) that petitioner was a fully integrated member of the conspiracy who personally "recruited other mem-

bers" to serve as money mules in the business email scheme, *id.* at 11a. "A petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law." Sup. Ct. R. 10. At a minimum, the court's application of *Kotteakos* to the facts here is not so egregiously wrong as to warrant summary reversal. Petitioner identifies no case in which this Court has reversed a criminal judgment on sufficiency grounds under *Kotteakos*, and this case should not be the first.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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