No. _______

IN THE
SUPREME COURT OF THE UNITED STATES

MICHAEL GOKLU,
formerly docketed as MUSTAFA GOKLU, a/k/a Mustangy,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

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24-767
United States v. Goklu

United States Court of Appeals for the Second Circuit

August Term 2025
Argued: February 9, 2026
Decided: April 7, 2026

No. 24-767

UNITED STATES OF AMERICA,

Appellee,

v.

MUSTAFA GOKLU, AKA MUSTANGY,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of New York
No. 19-cr-00386
Pamela K. Chen, *Judge.*

Before: PARK and MERRIAM, *Circuit Judges*, and
MATSUMOTO, *District Judge.*[*]

[*] Judge Kiyo A. Matsumoto, of the United States District Court for the Eastern District of New York, sitting by designation.

A jury convicted Mustafa Goklu of money laundering and operating an unlicensed money transmitting business based on a series of bitcoin-for-cash exchanges with an undercover officer. Goklu raises three challenges to his conviction: (1) The district court violated his right to an impartial jury by empaneling a juror who expressed a positive view toward law enforcement and a negative view toward financial crimes; (2) The evidence was insufficient to convict him of operating an unlicensed money transmitting business because a payment of cash for bitcoin is not "money transmitting"; and (3) The district court violated Rule 30 of the Federal Rules of Criminal Procedure by instructing the jury after Goklu's closing argument that exchanging bitcoin for cash can constitute "transferring funds." We reject all three challenges. The district court acted within its broad discretion to empanel a juror who said he would try his best to consider the evidence impartially. Moreover, Goklu's exchanges of bitcoin for cash constituted "money transmitting," so the district court did not abuse its discretion in giving this legally correct jury instruction.

Goklu also challenges his sentence. But he has finished serving his term of imprisonment, and he raises no challenge to his term or conditions of supervised release, so his sentencing challenges are moot. Accordingly, we **DISMISS** Goklu's appeal as moot in part and otherwise **AFFIRM** the judgment of the district court.

MATTHEW BRISSENDEN, Matthew W. Brissenden, P.C., Garden City, NY, *for Defendant-Appellant.*

FRANCISCO J. NAVARRO, Assistant United States Attorney (Dylan A. Stern, Assistant United States Attorney, *on the brief*), *for*

Joseph Nocella, Jr., United States Attorney for the Eastern District of New York, Brooklyn, NY, *for Appellee*.

PARK, *Circuit Judge*:

A jury convicted Mustafa Goklu of money laundering and operating an unlicensed money transmitting business based on a series of bitcoin-for-cash exchanges with an undercover officer. Goklu raises three challenges to his conviction: (1) The district court violated his right to an impartial jury by empaneling a juror who expressed a positive view toward law enforcement and a negative view toward financial crimes; (2) The evidence was insufficient to convict him of operating an unlicensed money transmitting business because a payment of cash for bitcoin is not "money transmitting"; and (3) The district court violated Rule 30 of the Federal Rules of Criminal Procedure by instructing the jury after Goklu's closing argument that exchanging bitcoin for cash can constitute "transferring funds." We reject all three challenges. The district court acted within its broad discretion to empanel a juror who said he would try his best to consider the evidence impartially. Moreover, Goklu's exchanges of bitcoin for cash constituted "money transmitting," so the district court did not abuse its discretion in giving this legally correct jury instruction.

Goklu also challenges his sentence. But he has finished serving his term of imprisonment, and he raises no challenge to his term or conditions of supervised release, so his sentencing challenges are moot. Accordingly, we dismiss Goklu's appeal as moot in part and otherwise affirm the judgment of the district court.

I. BACKGROUND

A. Factual Background

In 2018 and 2019, Goklu ran a business charging commission fees to exchange bitcoin for cash. He advertised his business on localbitcoins.com, a website connecting bitcoin buyers and sellers. In July 2018, the DEA began investigating Goklu after seeing his ads, which offered to exchange significantly larger amounts of bitcoin than others in the same area.

Over the next eight months, undercover DEA agents arranged several exchanges with Goklu. Special Agent Patrick O'Kain messaged Goklu on Signal—an encrypted chat application for smartphones—to set up a meeting to exchange O'Kain's bitcoin for cash. They met in Manhattan and got into Goklu's car, where Goklu told the agent to "close the door, man, the cops, we're not drug dealers. We're buying Bitcoin." App'x at 354. O'Kain understood that to mean that Goklu "was concerned about being identified by the cops." *Id.* O'Kain transferred about $5,000 worth of bitcoin from his cryptocurrency wallet to Goklu's, and Goklu then handed $4,620 in cash over to O'Kain, reflecting an 8% commission.

Agent O'Kain met Goklu repeatedly in the following months. Each time, O'Kain transferred bitcoin to Goklu, who exchanged the value of the bitcoin in cash, minus his commission. O'Kain initially told Goklu that the bitcoin came from an online business, but during their fourth meeting, O'Kain told him that it was from selling drugs. Goklu continued meeting with O'Kain to exchange bitcoin for cash.

Although Goklu's transactions with O'Kain involved the agent transferring his bitcoin for cash, Goklu also conducted some transactions in which he sold his bitcoin to customers instead. Goklu obtained some of the cash that he exchanged with O'Kain from selling bitcoin to another customer.

Between August 2018 and January 2019, Goklu and O'Kain met six times, exchanging roughly $130,000 worth of bitcoin for cash. In April 2019, Goklu agreed to meet with O'Kain for a seventh time to exchange about $50,000 worth of bitcoin. But before they made the exchange, the monitoring DEA team arrested Goklu.

B. Procedural History

In October 2020, the government filed a two-count superseding indictment against Goklu. Count One charged him with money laundering, in violation of 18 U.S.C. § 1956, and Count Two charged him with operating an unlicensed money transmitting business, in violation of 18 U.S.C. § 1960. Goklu entered pleas of not guilty and proceeded to trial.

1. *Voir Dire*

During voir dire, the district court asked prospective jurors if they had any positive or negative feelings toward law enforcement. After excusing multiple jurors for cause, the court held a sidebar with a prospective juror ("Juror 30").

Juror 30 explained that he works for New York City Parks, so he interacts with the Parks Police on a daily basis and has a "positive outlook towards police." App'x at 120. The court asked if he could be fair and objective despite his positive feelings about law enforcement. After saying he was not sure, Juror 30 agreed to "try [his] best." *Id.* at 121. When asked again whether he could evaluate law enforcement officer testimony impartially, he said that he could "[i]f it's presented in a neutral manner." *Id.* at 122.

Juror 30 also expressed some reluctance to serve on a jury in a case involving financial crimes because he has a friend who had been affected by Bernie Madoff's Ponzi scheme. The court said that "[t]his is obviously not a Madoff scheme" and asked if he could put that out of his mind, to which Juror 30 said, "I believe so," and again said that he would "try [his] best." *Id.* at 122-23.

Goklu moved to dismiss Juror 30 for cause. But the district court denied the motion because the juror "said he would try his best and seems sincere about that." *Id.* at 123. So it concluded that "he can be objective at the end of the day." *Id.* Juror 30 was subsequently empaneled and served on the jury.

2. *Jury Instructions*

At the charge conference, the district court adopted the government's instruction defining a "money transmitting business":

> A "money transmitting business" is a business which, for a fee, accepts currency, funds, or value that substitutes for currency for transfer within or outside the United States. I instruct you that Bitcoin qualifies as "funds" under the statute. The term "money transmitting" includes transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier.

App'x at 707; *see id.* at 570-75.

In his closing argument, defense counsel emphasized that "[a] money transmitting business is a business which for a fee accepts currency for transfer," and asked the jury to conclude "that the evidence does not prove beyond a reasonable doubt that [Goklu accepted] currency for transfer." *Id.* at 646. After this argument, the district court called for a sidebar before the government's rebuttal.

The court understood Goklu to be arguing, for the first time, that a defendant does not run a "money transmitting business" unless he accepts money for transfer *to a third party*. Over Goklu's objection, the district court added an additional instruction that "exchanging Bitcoin for U.S. currency can qualify as a transfer within the meaning of the statute." *Id.* at 655.

The jury found Goklu guilty on both counts.

3. *Sentencing*

At sentencing, the parties disputed which transactions the district court should use for purposes of determining the base offense level under the U.S. Sentencing Guidelines. Goklu argued that only the transactions that took place after O'Kain told Goklu he got bitcoin from selling drugs involved "laundered funds" for purposes of U.S.S.C. § 2S1.1(a)(2). But the district court accepted the government's argument that the value of the laundered funds included all transactions between Goklu and O'Kain, including the transactions before this disclosure. After calculating the Guidelines range to be 41 to 51 months, the district court varied downward and sentenced Goklu principally to 16 months of imprisonment, to be followed by two years of supervised release.

This appeal followed.

II. DISCUSSION

A. Impartial Jury

The Sixth Amendment guarantees the right to trial "by an impartial jury." U.S. Const. amend. VI. "An impartial jury is one capable and willing to decide the case solely on the evidence before it, or one comprising people who will conscientiously apply the law and find the facts." *United States v. Perez*, 387 F.3d 201, 204 (2d Cir.

2004) (cleaned up). When conducting voir dire, the district court must, "at a minimum, 'remove prospective jurors who will not be able impartially to follow the court's instructions and evaluate the evidence.'" *United States v. Kelly*, 128 F.4th 387, 421 (2d Cir. 2025) (quoting *Rosales-Lopez v. United States*, 451 U.S. 182, 188 (1981)). A juror should be removed if the district court concludes that he has "actual bias," that is, "the existence of a state of mind that leads to an inference that the person will not act with entire impartiality." *United States v. Torres*, 128 F.3d 38, 43 (2d Cir. 1997). A district court can find actual bias if "the juror admits partiality" or if "the judge finds actual partiality based upon the juror's voir dire answers." *Id.*

In assessing impartiality, the trial court makes "determinations of demeanor and credibility that are peculiarly within a trial judge's province." *Id.* at 44. An "appellate court cannot easily second-guess the conclusions of the decisionmaker who heard and observed the [juror]." *Id.* (cleaned up). So we reverse a decision to empanel a juror "only if there is clear abuse of the district court's discretion." *United States v. Mensah*, 110 F.4th 510, 524 (2d Cir. 2024) (quotation marks omitted). "There are few aspects of a jury trial where we would be less inclined to disturb a trial judge's exercise of discretion, absent clear abuse, than in ruling on challenges for cause in the empanel[]ing of a jury." *United States v. Ploof*, 464 F.2d 116, 118 n.4 (2d Cir. 1972).

Goklu argues that we should vacate his conviction because Juror 30 expressed doubts about his ability to be impartial and failed to state unequivocally that he could put aside those doubts. To be sure, Juror 30 initially said that he "honestly" did not know if he could be impartial because of his positive feelings about the Park Police and his negative feelings about financial crimes. App'x at 121. But after the district court reminded him of his oath, Juror 30 twice said that he would try his best. After their colloquy, the district court concluded that Juror 30 could be impartial because "he said he would try his best and seems sincere about that." *Id.* at 123. The district court's assessment of the juror's sincerity is precisely the type of credibility determination to which we must defer absent a clear abuse of discretion. *See Torres*, 128 F.3d at 44.

Goklu points to our decision in *United States v. Nelson*, 277 F.3d 164 (2d Cir. 2002), which he claims supports his argument that probable impartiality "is not good enough." Appellant's Br. at 26 (quoting *Nelson*, 277 F.3d at 202). But the facts of *Nelson* are very different. In *Nelson*, the district court empaneled a juror who knew that defendant Nelson had been prosecuted and acquitted in state court for the same alleged conduct underlying the federal charges and explicitly "voiced his dissatisfaction with the State proceedings that resulted in defendant Nelson's acquittal." *Nelson*, 277 F.3d at 201. The juror in *Nelson* "never even asserted that he could *probably* be impartial." *Id.* at 203. And there, "the potential bias [did] not represent only a general state of mind but also a predisposition to believe in the guilt of one of the very defendants who [was] being tried." *Id.* at 202. We thus concluded that the juror should have been excused. By contrast, we have found no abuse of discretion when a district court empanels a juror who promises to do his best, as Juror 30 did here. *Ploof*, 464 F.2d at 118.

We thus conclude that the district court did not abuse its discretion in determining that Juror 30 "can be objective at the end of the day" and in declining to strike him for cause. App'x at 123.

B. Unlicensed Money Transmitting Business

1. *Legal Standards*

Goklu argues that the evidence was insufficient to convict him of operating an unlicensed money transmitting business because his conduct—paying cash for bitcoin in a face-to-face transaction—did not involve transmitting funds to another person or location. He frames this as a challenge to the sufficiency of the evidence, but the thrust of his argument is that his conduct was not "money transmitting" under 18 U.S.C. § 1960. "Whether [Goklu's] challenge is construed as a question of statutory interpretation or an attack on the sufficiency of the evidence, we review *de novo*." *United States v. Ho*, 984 F.3d 191, 204 (2d Cir. 2020).

2. *Statutory Framework*

18 U.S.C. § 1960(a) provides that "[w]hoever knowingly conducts, controls, manages, supervises, directs, or owns all or part of an unlicensed money transmitting business, shall be fined in accordance with this title or imprisoned not more than 5 years, or both." The statute defines "money transmitting" to include "transferring funds on behalf of the public by any and all means." *Id.* § 1960(b)(2). As relevant here, an "unlicensed money transmitting business" includes a money transmitting business that "fails to comply with the money transmitting business registration requirements" under 31 U.S.C. § 5330 or its implementing regulations. *Id.* § 1960(b)(1)(B). Goklu was not federally registered to operate a money transmitting business. He argues, however, that his conduct was not "transferring funds" and did not trigger the federal licensing requirements.[1] We thus turn to § 5330 and its implementing regulations for the relevant registration requirements.

Section 5330 requires any person who owns or controls a "money transmitting business" to register that business with the Secretary of the Treasury. 31 U.S.C. § 5330(a)(1-2). This statute

[1] Goklu was also charged with operating a money transmitting business that failed to comply with state licensing requirements, but he addresses only the federal licensing prong on appeal.

defines "money transmitting business" to include a business that provides "check cashing, currency exchange, or money transmitting or remittance services." *Id.* § 5330(d)(1)(A).[2] At the time of Goklu's conduct, "money transmitting services" included "accepting currency or funds denominated in the currency of any country and transmitting the currency or funds, or the value of the currency or funds, by any means." *Id.* § 5330(d)(2).

The government may establish a violation of § 1960 by proving that a defendant failed to comply with the registration requirement under § 5330 itself, or by proving that a defendant failed to comply with the registration requirement in the regulations implementing § 5330. *See* 18 U.S.C. § 1960(b)(1)(B). The Financial Crimes Enforcement Network ("FinCEN") of the U.S. Treasury Department has promulgated regulations requiring a "money services business" to register with it. 31 C.F.R. § 1022.380. This registration requirement applies to a "money transmitter"—*i.e.*, a "person that provides money transmission services"—which include the "acceptance of currency, funds, or other value that substitutes for currency from one person and the transmission of currency, funds, or other value that substitutes for currency to another location or person by any means." *Id.* § 1010.100(ff)(5)(i)(A). Although we do not simply import this definition into § 1960's definition of "money transmitting," *see United States v. Mazza-Alaluf*, 621 F.3d 205, 210 (2d Cir. 2010), we conclude that a business providing "money transmission services" as defined

[2] Under this statute, a business is a money transmitting business only if it provides the services described above and is required to file reports under 31 U.S.C. § 5313. *Id.* § 5330(d)(1)(A-B). The parties do not raise § 5313's reporting requirements in this appeal, and Goklu's lawyer said it was "fine" for the district court to define "money transmitting business" without reference to § 5313. App'x at 574.

by the regulations is "transferring funds" and is thus engaged in "money transmitting" within the meaning of § 1960.

In light of the foregoing, if the evidence was sufficient to show that Goklu was a money transmitter within the meaning of § 5330's implementing regulations, then it was sufficient to satisfy § 1960. Our inquiry thus turns on whether the evidence showed that Goklu's business involved the acceptance of currency, funds, or value from one person and the transmission of currency, funds, or other value to another location or person by any means. 31 C.F.R. § 1010.100(ff)(5)(i)(A).

3. *Application*

Under this statutory scheme, a business exchanging virtual currency for real currency through the purchase or sale of bitcoin provides money transmission services and is thus a money transmitting business subject to FinCEN's registration requirements.[3] We base this conclusion on the ordinary meaning of the statutory and regulatory text, which accords with FinCEN's interpretive guidance.

To start, bitcoin qualifies as "funds." Bitcoin is a decentralized digital currency that can be used for peer-to-peer transactions. It is stored in a digital wallet and can be transferred to another wallet without any bank intermediaries. "[B]itcoin can be and is used as a currency to make sales and purchases and, therefore, nicely fits the definition of 'funds.'" *United States v. Freeman*, 147 F.4th 1, 13 (1st Cir. 2025) (collecting cases). Goklu does not contend otherwise.

Goklu argues that he did not provide money transmission services because his transactions with Agent O'Kain involved no transfer or transmittal "to another location or person by any means." 31 C.F.R. § 1010.100(ff)(5)(i)(A). We disagree.

[3] Goklu does not claim to fall under any of the six exemptions from "money transmitter" in 31 C.F.R. § 1010.100(ff)(5)(ii).

In each transaction, Agent O'Kain transferred bitcoin to Goklu, who handed O'Kain cash representing the value of that bitcoin minus a commission. *See supra* at 4-5. Goklu accepted funds (bitcoin) from O'Kain and transmitted currency to him representing the value of the funds. And both ends of the transaction involved the movement of funds to another location. When O'Kain transferred bitcoin to Goklu, he electronically moved funds from his bitcoin wallet to Goklu's. *See United States v. Gilboe*, 684 F.2d 235, 238 (2d Cir. 1982) (recognizing that often, "[e]lectronic signals . . . are the means by which funds are transported" (interpreting 18 U.S.C. § 2314)). Goklu then transmitted the remaining value of O'Kain's funds back through a physical transfer of cash. Even though this was not transmission to "another person," it was transmission to "another location": at the start of the transaction, O'Kain's funds were in his cryptocurrency wallet, and afterwards, he held cash. Goklu's business thus transferred funds, and satisfies the regulatory definition of a money transmitter. *See* 31 C.F.R. § 1010.100(ff)(5)(i)(A).

Goklu's argument that an in-person transfer of cash is not a transfer or transmission of funds is inconsistent with the statutory and regulatory text, and in any event misreads the record.

First, physically moving cash is a "means" of transferring or transmitting funds to another location. Nothing in the statutes or regulations exempts the physical transfer of cash from the definition of money transmission. On the contrary, each authority expressly includes transfers or transmissions of funds by "any means." 31 U.S.C § 5330(d)(2); 31 C.F.R. § 1010.100(ff)(5); *see also* 18 U.S.C. § 1960(b)(2) (defining money transmitting to include transferring funds "by any and all means"). And the statutes confirm that a physical transfer of cash is a "means" by which funds may be transmitted; for example, § 1960 lists "courier" as one way a business can engage in money transmitting and § 5330 describes a business that provides "currency exchange" services as a money transmitting business. Couriers and many currency exchanges physically hand currency to a customer or recipient.

Second, in any event, the jury also heard evidence that Goklu conducted trades in which he accepted cash and electronically transmitted bitcoin. In particular, Goklu obtained the cash he transferred to O'Kain from different customers who bought bitcoin. Goklu's profile on localbitcoins.com also shows that he sold bitcoin for cash. The government argued in closing that "at least some of the defendant's customers crossed state lines to meet the defendant to exchange that Bitcoin for cash or cash for Bitcoin." App'x at 628. And Goklu never argued otherwise. Instead, he admitted that he had customers who "want[ed] to exchange cash and Bitcoin one way or the other." *Id.* at 648. So even if only the outgoing transmission of bitcoin constitutes transmission to another location, the jury heard evidence that Goklu's business involved both incoming and outgoing transmissions of bitcoin.

Finally, our conclusion that Goklu operated a "money transmitting business" is consistent with FinCEN's guidance. FinCEN treats "a person engaged as a business in the exchange of virtual currency for real currency, funds, or other virtual currency" as an "*exchanger*." U.S. Dep't of Treasury, FinCEN, FIN–2013–G001, Guidance: Application of FinCEN's Regulations to Persons Administering, Exchanging, or Using Virtual Currencies 2 (Mar. 18, 2013) [https://perma.cc/4YSK-JJ37]. Goklu, whose business was exchanging bitcoin and cash, was thus an exchanger. And an exchanger like Goklu "that buys or sells convertible virtual currency for any reason *is* a money transmitter under FinCEN's regulations, unless a limitation to or exemption from the definition applies to the person." *Id.* at 3. FinCEN's guidance thus aligns with the natural reading of the statutory and regulatory text, and confirms that Goklu's conduct constituted money transmission.

Goklu's business of exchanging bitcoin and cash falls squarely within the statutory and regulatory definitions of a money transmitting business.[4] By accepting bitcoin and transmitting cash, he engaged in the transfer of funds "by any . . . means," as contemplated by 18 U.S.C. § 1960. And his conduct was "money transmission," which subjected him to FinCEN's registration requirements. *See* 31 C.F.R. § 1010.100(ff)(5). Accordingly, the evidence was sufficient to sustain his conviction under § 1960.

C. Federal Rule of Criminal Procedure 30

Goklu next argues that the district court violated Federal Rule of Criminal Procedure 30 by instructing the jury, after his closing argument, that "[e]xchanging Bitcoin for U.S. currency can qualify as a transfer." App'x at 707. Rule 30 requires that the court inform the parties of its ruling on their proposed jury instructions before closing argument. Fed. R. Crim. P. 30(b). But "[i]f a supplemental charge is legally correct, the district court enjoys broad discretion in determining how, and under what circumstances, that charge will be given." *United States v. Civelli*, 883 F.2d 191, 195 (2d Cir. 1989).

In light of our conclusion above that exchanging bitcoin for U.S. currency can qualify as transferring funds, the district court did not abuse its "broad discretion" in changing the jury instruction after

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[4] Our conclusion does not mean, as Goklu suggests, that § 1960 applies "to a person in the business of buying bitcoin *to hold in their own account*." Appellant's Br. at 31 (emphasis added). Goklu never argued that he carried out these transactions to obtain bitcoin for his own account. He made money by providing exchange services to customers in return for a commission. That Goklu also exchanged his own bitcoin for cash with other customers underscores the fact that the object of his business was charging customers for exchanges, not obtaining bitcoin. As applied to him, Goklu thus cannot show that the statute "fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement." *United States v. Concepcion*, 139 F.4th 242, 248 (2d Cir. 2025) (quotation omitted).

Goklu's closing argument. Goklu suggested for the first time in his closing remarks that the jury must find a transfer to a third party to convict him under § 1960. In response, the district court gave the legally correct curative instruction that "[e]xchanging Bitcoin for U.S. currency can qualify as a transfer within the meaning of the statute." App'x at 707. This was not an abuse of discretion.

D. Sentencing Challenges

Finally, Goklu argues that he was improperly sentenced based on all of his financial transactions with Agent O'Kain, even though O'Kain first told Goklu that his bitcoin came from drug dealing during their fourth transaction. First, Goklu claims that the indictment was impermissibly duplicitous because it charged multiple transactions under a single count of money laundering. He contends that he was prejudiced because "both Probation and the court treated the early transactions as part of the offense of conviction" even though the jury did not render a verdict for each transaction. Appellant's Br. at 40. Second, he claims that the district court committed procedural error at sentencing by improperly including the value of the first three transactions when determining the "value of the laundered funds" as part of its Guidelines calculation. *Id.* at 43-44 (quoting U.S.S.G. § 2S1.1(a)(2)). The remedy he seeks for both purported errors is a remand for resentencing.

We need not address these arguments because Goklu's challenges to his term of imprisonment are moot. "While the Government has failed to argue that [Goklu's] appeal should be dismissed as moot, we have an independent obligation to ensure that developments in the case have not rendered the appeal moot." *United States v. Williams*, 475 F.3d 468, 479 (2d Cir. 2007). An appeal from a prison sentence is typically moot when the sentence has been completed. *See United States v. Simmons*, 150 F.4th 126, 134-35 (2d Cir. 2025). "Although a defendant's release from prison will not necessarily moot his sentencing challenges if he remains under supervision at the time of his appeal, such challenges remain live only if there is more than a remote and speculative possibility that the district court could or would impose a reduced term of supervised release were we to remand the matter." *Id.* at 134 (quotation marks omitted).

Goklu has completed his term of imprisonment and is now serving his two-year term of supervised release. But his sentencing challenges on appeal address only his prison sentence, not his term or conditions of supervised release. Goklu does not suggest that the district court's calculation of the value of the laundered funds affected his sentence of supervised release, nor does he ask us to reduce his term of supervision. "Given the lack of a challenge to [Goklu's] term of supervision, it would be quite strange for us to conclude that a live controversy exists as to that issue." *Id.* at 135 (quotation marks omitted).

III. CONCLUSION

We have considered Goklu's remaining arguments and find them to lack merit. For these reasons we dismiss Goklu's appeal in part as moot and otherwise affirm the judgment of the district court.

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 7th day of April, two thousand twenty-six.

Before: Michael H. Park,
Sarah A. L. Merriam,
Circuit Judges,
Kiyo A. Matsumoto,
District Judge. *

United States of America,

Appellee,

v.

Mustafa Goklu, AKA Mustangy,

Defendant - Appellant.

JUDGMENT

Docket No. 24-767

The appeal in the above captioned case from a judgment of the United States District Court for the Eastern District of New York was argued on the district court's record and the parties' briefs.

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the appeal is DISMISSED in part as moot and the judgment of the district court is otherwise AFFIRMED.

For the Court:
Catherine O'Hagan Wolfe,
Clerk of Court

Catherine O'Hagan Wolfe

UNITED STATES SECOND CIRCUIT COURT OF APPEALS

*Judge Kiyo A. Matsumoto, of the United States District Court for the Eastern District of New York, sitting by designation.

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 5th day of June, two thousand twenty-six.

United States of America,

Appellee,

v.

Mustafa Goklu, AKA Mustangy,

Defendant - Appellant.

ORDER

Docket No: 24-767

Appellant, Mustafa Goklu, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request for panel rehearing, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

UNITED STATES SECOND CIRCUIT COURT OF APPEALS

Catherine O'Hagan Wolfe

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
---x
UNITED STATES OF AMERICA

- against -

MUSTAFA GOKLU, a/k/a MUSTANGY,

Defendant.
---x

MEMORANDUM & ORDER
19-CR-386 (PKC)

PAMELA K. CHEN, United States District Judge:

On October 28, 2020, Defendant Mustafa Goklu, a/k/a Mustangy, was indicted in a two-count Superseding (S-1) Indictment ("Indictment") on charges of money laundering and operating an unlicensed money transmitting business, in violation of 18 U.S.C. § 1956(a)(3)(B) and § 1960(a), respectively. (Dkt. 28.) He was convicted of both counts following a jury trial, and now moves under the Federal Rule of Criminal Procedure 29 for acquittal on the charge of operating an unlicensed money transmitting business in Count Two of the Indictment. (*See* Dkt. 77.) In reality, however, Defendant's motion does not challenge the sufficiency of evidence introduced at trial, but instead challenges the Court's instructions to the jury on the elements of the Section 1960(a) violation that he was convicted of in Count Two. The Court accordingly denies Defendant's motion as procedurally improper.

BACKGROUND

I. Procedural History

On October 28, 2020, Defendant was charged with money laundering in violation of 18 U.S.C. § 1956(a)(3)(B) (Count One), and the operation of an unlicensed money transmitting business in violation of 18 U.S.C. § 1960(a) (Count Two), to both of which he pleaded not guilty. (Dkt. 28; 11/12/2020 Docket Entry.) In sum and substance, the Indictment alleged that between 2018 and 2019, Defendant engaged in a series of transactions converting cryptocurrencies, including Bitcoin that an undercover agent represented to Defendant were narcotics-trafficking proceeds, into United States dollars. (*See generally* Dkts. 1, 28.)

Trial took place between October 3 and 11, 2022. (Dkts. 78–81.) As to Count Two of the Indictment, the Court instructed the jury, in relevant part, that: "'[a] money transmitting business' is a business which, for a fee, accepts currency, funds, or value that substitutes for currency for transfer within or outside the United States." (Dkt. 71, at 23; *see also* Def.'s Proposed Jury Instr., Dkt. 58, at 5 ("A 'money transmitting business' is a business that, for a fee, accepts currency for transfer within or outside the United States.").)[1] Notably, neither in the parties' proposed requests to charge nor at the charge conference was there any discussion about the meaning of the term "transfer[]" in 18 U.S.C. § 1960(b)(2).[2]

During summations, however, defense counsel Murray E. Singer made the following argument to the jury regarding Count Two:

> **Mr. Singer**: On the money transferring business, *this is a matter of the language* and I'm going to encourage you folks to listen carefully to the Judge as she gives the language of this charge and you're going to have the written charge with you in the jury room and you can look at the language as well. ["]A money transmitting business is a business which for a fee accepts currency for transfer.["] That's the language that you're being given. And I submit to you under that definition that the [J]udge is giving to you and it's included in the instruction that Mr. Goklu is not operating a money transmitting business, that he is not -- that the evidence does not prove beyond a reasonable doubt that *he is accepting currency for transfer*. . .

[1] This instruction was based on the parties' proposed requests to charge (Dkts. 56, 58) and following the charge conference held on October 6, 2022, at which the parties were permitted to make objections or proposals regarding the jury instructions, and to present arguments about the same. (*See* Dkt. 80, at 494–532.)

[2] The statute reads: "[T]he term 'money transmitting' includes transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier[.]"

.[3] So folks I encourage you with regard to the second count, read that legal language, read it.

(Dkt. 81, at 572:11–23, 575:5–6 (emphases added).) The Court excused the jury before the Government's rebuttal argument to address an issue with the defense:

> **The Court**: The reason I wanted to take a break before the rebuttal is I'm a little concerned, Mr. Singer, about the argument you made about the money transmitting charge. You specifically told the jurors to pay attention to the jury charge regarding the meaning of transfer. Now my concern is that you are suggesting some legal argument that quite honestly should have been raised, I think, during a motion to dismiss long before the trial, or during the jury charge conference because you are suggesting to the jury that what the Government alleges was illegal money transmitting, which is the exchange of Bitcoin for cash[,] doesn't qualify as transferring funds or transmitting. And I have not heard that argument from you before, nor did we address it in the charges that I'm going to give.[4]

(*Id.* at 576:23–577:11.)

In response to defense counsel's claim that he had not been making a legal argument to the jury about the meaning of transfer and that he had not "highlight[ed] the word transfer" (*id.* at 582), the Court engaged in the following exchange with defense counsel:

> **The Court**: [reading from the defense summation] ["]Accepting currency for transfer.["] That's what I heard that made me think it's got to be literally . . . transferred to someone else. In other words, the Government's theory is he accepted Bitcoin which is currency for transfer to someone, like Western Union which you did refer to, as I recall. That is a misleading statement about the law and so the Government ought to be able to say to the jury, to the extent that you are thinking . . . that Mr. Goklu then had to take the Bitcoin and give it to someone else or that the customer had to take the cash and give it to someone else, that is not what's required under the statute. That's what I'm addressing.

[3] Though less apparent from the written transcript, it was clear to the Court from defense counsel's oral presentation that he was attempting to focus the jury on the "transfer" element of the offense—a suspicion borne out by the colloquy that followed, *see infra*.

[4] Though defense counsel maintained that he had "expressed" the view to the Court that exchanging cash for Bitcoin did not constitute a money transmitting business "at the beginning of the case," it is undisputed that Defendant never moved to dismiss the Section 1960 charge on that or any other basis and that the "transfer" issue was not raised in connection with the jury instructions to be given at trial.

> **Mr. Singer**: I think you're reading too much into that. You're making inferences and assumptions about it and I think it's for the jury to decide that.
>
> **The Court**: Mr. Singer, what exactly were you arguing to the jury then? Be candid. What were you suggesting? ["]Listen to whether he accepted currency for transfer.["] What did you want them to think?
>
> **Mr. Singer**: That's not what Mr. Goklu did.
>
> **The Court**: Right. Why not?
>
> **Mr. Singer**: *Because he didn't transfer the money*. . . . [T]he Second Circuit as far back as 1999 has said that a money transmitting business receives money from a customer and then for a fee paid by the customer transmits that money to a recipient.
>
> **The Court**: . . . [T]hat may be a legitimate argument to have made before we started this trial and before I produced these jury charges. . . . [The] time to make [this argument] and to then sandbag the jury and me, quite frankly, in terms of the charges I was prepared to give, is not in the middle of your closing. . . .

(Dkt. 81, at 584:13–585:24 (emphasis added).) Overruling Defendant's objection, the Court declined to allow the defense theory—that a Section 1960 charge requires a transfer to someone other than the payor of "the currency"—to proceed to the jury. The Court then supplemented the jury instructions to include: "Exchanging Bitcoin for U.S. currency can qualify as a 'transfer' within the meaning of the statute." (Dkt. 71, at 23–24.) On October 11, 2022, the jury returned guilty verdicts as to both counts of the Indictment. (Dkt. 72.)

II. Defendant's Rule 29 Motion

On November 10, 2022, Defendant filed the present motion pursuant to Federal Rule of Criminal Procedure 29. (*See* Dkt. 77.) Defendant's motion centers on his view that the case law requires that a Section 1960 "transfer" be to someone other than the person who paid the currency to the defendant. Defendant argues that "the evidence failed to establish that his conduct constituted a money transmitting business" because it did not show that Defendant transferred the Bitcoin he received from the undercover agent and other customers to other parties. (*See id.* ¶¶ 4, 6, 9–10 ("To be a money transmitting business, Mr. Goklu had to accept currency (here, bitcoin) for *transfer*." (emphasis in original)[5].) Rather, Defendant contends, "viewing the evidence in the light most favorable to the government, the evidence established that Mr. Goklu operated a currency exchange business, not a money transmitting business." (*Id.* ¶ 10.)

In its response, the Government contests Defendant's interpretation of the relevant statute and the case law. (Dkt. 82.) The Government argues that "Section 1960 broadly defines the term 'money transmitting' to include 'transferring funds on behalf of the public by any and all means'[,]" thus noting, in effect, that the statute does not specify that the transfer of funds must be to a person other than the person who provided the funds to the alleged money transmitter. (Dkt. 82, at 9.) The Government also points out that 31 U.S.C. § 5330, which is expressly referenced in Section 1960, defines "money transmitting business" broadly to include businesses that provide, *inter alia*, currency exchange services. (*Id.* at 10 (citing 31 U.S.C. § 5330(d)(1) ("The term 'money transmitting business' means any business . . . which [] provides . . . currency exchange[.]").

In his brief in Reply, Defendant focuses entirely on the meaning of the word "transfer" in Section 1960. (Dkt. 84.)

STANDARD OF REVIEW

Rule 29(c) allows challenges to a guilty verdict where "the evidence is insufficient to sustain a conviction." Fed. R. Crim. P. 29(c); *see also United States v. Taylor*, 464 F.2d 240, 243 (2d Cir. 1972) (Friendly, J.) ("[The question is] whether upon the evidence, giving full play to the

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[5] The Court notes that Defendant goes on to argue here that "Mr. Goklu's receipt of bitcoin cannot both be *for transfer* and constitute the transfer itself." (Dkt. 77, ¶ 10 (emphasis in original).) This argument, however, mischaracterizes the Government's theory, which was that Defendant's payment of cash to the customers after receiving Bitcoin from them was the transfer, not that Defendant's mere receipt of Bitcoin from his customers was the transfer. (Dkt. 81, at 550 ("You'll hear that a money transmitting business is simply a business that transfers funds, including Bitcoin, by any means in exchange for a fee. That's exactly what the defendant's business did. He transferred Bitcoin through cellphone application and transferred cash by hand exchange for a fee.").)

right of the jury to determine credibility, weigh the evidence, and draw justifiable inferences of fact, a reasonable mind might fairly conclude guilt beyond a reasonable doubt."); *United States v. Eppolito*, 543 F.3d 25, 45 (2d Cir. 2008) (district court's Rule 29 decision reviewed *de novo*). Thus, Rule 29(c) is not an open-ended opportunity to relitigate unfavorable rulings, contest jury instructions, or advance new legal theories. *See United States v. Levy*, No. 11-CR-62 (PAC), 2013 WL 3832718, at *3, *3 n.2 (S.D.N.Y. July 15, 2013) (denying Rule 29(c) motion where "argument [did] not address the sufficiency of the evidence[,]" but instead attempted to challenge the government's "novel" legal theory and "rehash certain jury instruction arguments as to why [defendant's] activities should not be considered illegal as a matter of law."); *United States v. Velentzas*, No. 91-CR-384 (DRH), 1993 U.S. Dist. LEXIS 5193, *3 (E.D.N.Y. April 19, 1993) (denying Rule 29 motion that "effectively [asked] for a reconsideration of certain evidentiary rulings made at trial," and noting that "such arguments [were] more appropriate for appeal, while the arguments to be made in connection with a Rule 29 motion [should] relate to the sufficiency of the evidence." (collecting authorities)); *see also United States v. Dawkins*, 999 F.3d 767, 780–81, 781 n.12 (2d Cir. 2021) (reviewing for plain error when "defendants moved for judgments of acquittal under Rule 29[], [but] did not challenge the sufficiency of the evidence" of the matters considered on appeal); *accord* 2A Charles A. Wright and Arthur R. Miller, Federal Practice and Procedure § 466 (4th ed. 2022) (noting that evidentiary insufficiency is the "only [] ground for a motion for a judgment of acquittal."). Specifically, "[a] Rule 29 motion . . . is not the proper vehicle for raising an objection to jury instructions." *United States v. Crowe*, 563 F.3d 969, 972 n.5 (9th Cir. 2009); *see also United States v. Moreland*, 622 F.3d 1147, 1166 (9th Cir. 2010) (same); *United States v. Huber*, 243 F. Supp. 2d 996, 1001 (D.N.D. 2003) ("[Defendant] argues that the Court erred in denying three of his requested jury instructions . . . [but] this argument does not provide the proper basis for a Rule 29 motion."), *aff'd*, 404 F.3d 1047 (8th Cir. 2005).[6]

DISCUSSION

Defendant's motion falls outside the narrow confines of Rule 29. It is not a sufficiency-of-the evidence challenge; rather, it seeks to challenge the Court's interpretation of Section 1960(a) and the meaning of "transfer[]" in the statute. In his motion, Defendant discusses the evidence presented at trial only fleetingly, and his motion papers are entirely devoid of any detailed discussion of trial testimony and exhibits, or any citation to the record whatsoever. (*See generally* Dkts. 77, 84.) Instead, Defendant focuses almost entirely on a selective presentation of case law and regulations that purportedly support his theory about the meaning of "transfer[]" in Section 1960—which the Court expressly rejected after the defense summation. (*See* Dkt. 77, ¶¶ 7–10; Dkt. 84, ¶¶ 3–4; Dkt. 81, at 585–86.) In arguing that "the evidence failed to establish that [Defendant's] conduct constituted a money transmitting business as opposed to either a currency exchange business or some other form of money service business" (Dkt. 77, ¶ 4), Defendant never acknowledges the Court's explicit instruction to the jury that the exchange of Bitcoin for cash could constitute money transmitting, and omits any discussion of whether the trial evidence was

[6] Notably, Defendant did not bring a motion pursuant to Federal Rule of Criminal Procedure 33, seeking a new trial. *See United States v. Serrano*, 224 F. Supp. 3d 248, 255 (S.D.N.Y. 2016) (granting a Rule 33 motion and ordering a new trial based on erroneous jury instructions); *accord United States v. Bustamante*, 972 F.2d 349 (6th Cir. 1992) ("Matters that a district court may consider under Rule 33 include perceived errors or confusion resulting from the jury instructions." (collecting authorities)). However, for the reasons discussed *infra* fn. 7, the Court is doubtful that a Rule 33 motion would have fared any better than Defendant's present Rule 29 motion. *See United States v. Ferguson*, 246 F.3d 129, 134 (2d Cir. 2001) ("Generally, the trial court has broader discretion to grant a new trial under Rule 33 than to grant a motion for acquittal under Rule 29, but it nonetheless must exercise the Rule 33 authority 'sparingly' and in 'the most extraordinary circumstances.'") (citing *United States v. Sanchez*, 969 F.2d 1409, 1414 (2d Cir. 1992)); *see also id.* at 133 (reviewing district court's Rule 33 decision for abuse of discretion).

sufficient to prove *that* conduct. Defendant instead argues that the evidence failed to show that his conduct constituted money transmitting as *he* believes—and argued belatedly and unsuccessfully—it should be defined, *i.e.*, as requiring a "transfer" of funds to someone other than the payor.

This is not a proper Rule 29 argument, but is an attempt to end run the procedural requirements of challenging the Court's interpretation of Section 1960(a) and its instructions to the jury on that crime. *See Levy*, 2013 WL 3832718 at *3 (denying Rule 29(c) motion that did not argue sufficiency of the evidence, but instead attempted to "rehash certain jury instruction arguments as to why [defendant's] activities should not be considered illegal as a matter of law."); *Velentzas*, 1993 U.S. Dist. LEXIS 5193 at *3 (denying Rule 29 motion and noting that arguments effectively seeking "reconsideration of certain evidentiary rulings made at trial" were "more appropriate for appeal, while the arguments to be made in connection with a Rule 29 motion [should] relate to the sufficiency of the evidence." (collecting authorities)); *United States v. Rabbani*, No. 08-CR-118 (RJA), 2009 WL 1272276, at *2 n.1 (W.D.N.Y. May 7, 2009) ("The defendant also argues in his [Rule 29] motion that this Court erred in failing to give [certain instruction to the jury, but the] Court finds it unnecessary to address that argument because it is not a proper basis for granting a Rule 29 motion." (citing authorities)).

The Court accordingly denies Defendant's motion as procedurally improper.[7]

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[7] The Court notes that even had it considered Defendant's argument that money transmitting under Section 1960 requires a transfer to a "third party" who is not the payor of funds, it would have rejected it. First, the term "transfer" is not so restricted in Section 1960 and, in fact, it is undefined. In this Circuit, a statutory term is generally "interpreted as taking [its] ordinary, contemporary, common meaning." *Harris v. Sullivan*, 968 F.2d 263, 265 (2d Cir. 1992) (citing *Perrin v. United States*, 444 U.S. 37, 42 (1979)). Transfer means "[a]ny mode of disposing of or parting with an asset or an interest in an asset, including a gift, the payment of money, release, lease, or creation of a lien or other encumbrance." *See Transfer*, Black's Law Dictionary (11th ed. 2019). Thus, nothing on the face of the statute suggests that a transfer of funds from a defendant

CONCLUSION

For the reasons stated herein, Defendant's Rule 29 motion is denied in its entirety as procedurally improper.

SO ORDERED.

/s/ Pamela K. Chen
Pamela K. Chen
United States District Judge

Dated: January 13, 2023
Brooklyn, New York

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back to his customer does not qualify as a "transfer" for Section 1960 purposes. Second, contrary to Defendant's argument, this Circuit's case law does not compel a different conclusion. Defendant relies on the following sentence from *United States v. Velastegui*: "[a] money transmitting business receives money from a customer and then, for a fee paid by the customer, transmits that money to a recipient in a place that the customer designates, usually a foreign country." (Dkt. 77, ¶ 8 (citing *United States v. Velastegui*, 199 F.3d 590, 592 (2d Cir. 1999); *see also* Dkt. 77, ¶ 8 (citing *United States v. Banki*, 685 F.3d 99, 114 (2d Cir. 2012) (citing *Velastegui*)).) There is no indication in *Velastegui* or any other decision, that this explanation, which appears in the "Background" section of *Velastegui*, was intended to define the universe of conduct that qualifies as money transmitting under Section 1960. Nor does this statement from *Velastegui* suggest that a "customer" cannot be the "recipient" of the funds, as occurs with currency exchange businesses, which qualify as money transmitting services under 31 U.S.C. § 5330, which is referenced in Section 1960(b)(1). Finally, Defendant's interpretation of the statute would create a regulatory lacuna: Section 5330 would require currency exchange businesses to be licensed, but Section 1960 would attach no penalty for their failure to do so because such businesses are not engaged in "transfers." Thus, for these reasons and those stated in the Government's Opposition (Dkt. 82), were the Court to consider Defendant's argument about the proper interpretation of Section 1960, it would have rejected that argument.

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA
v.
MUSTAFA GOKLU

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:19-cr-00386 (PKC)

USM Number: 91604-053

Sabrina Shroff, CJA
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 Superseding Indictment (S-1) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 1956(a)(3)(B)	Money Laundering	4/30/2019	1 (S-1)
18 U.S.C. § 1960(a)	Operation of an Unlicensed Money Transmitting Business	4/30/2019	2 (S-1)

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) underlying Indictment ☑ 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.

3/14/2024
Date of Imposition of Judgment

s/Hon. Pamela K. Chen
Signature of Judge

Pamela K. Chen, United States District Judge
Name and Title of Judge

3/21/2024
Date

DEFENDANT: MUSTAFA GOKLU
CASE NUMBER: 1:19-cr-00386 (PKC)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
sixteen (16) months.

☑ The court makes the following recommendations to the Bureau of Prisons:
a facility as close to the New York City Metropolitan area as possible, but not the MDC Brooklyn.

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

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ______________ ☐ a.m. ☐ p.m. on ______________ .

☐ as notified by the United States Marshal.

☑ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☑ before 2 p.m. on 5/14/2024 .

☐ as notified by the United States Marshal.

☐ as notified by the 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 ______________
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MUSTAFA GOKLU
CASE NUMBER: 1:19-cr-00386 (PKC)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

two (2) years.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
   ☑ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☐ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You 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 you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You 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: MUSTAFA GOKLU
CASE NUMBER: 1:19-cr-00386 (PKC)

STANDARD CONDITIONS OF SUPERVISION

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

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines based on your criminal record, personal history and characteristics, and the nature and circumstances of your offense, you pose a risk to another person (including an organization), the probation officer, with prior approval of the Court, may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk..
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature ______________________________ Date ________________

DEFENDANT: MUSTAFA GOKLU
CASE NUMBER: 1:19-cr-00386 (PKC)

SPECIAL CONDITIONS OF SUPERVISION

1. Upon request, the defendant shall provide the U.S. Probation Department with full disclosure of his financial records, including co-mingled income, expenses, assets and liabilities, to include yearly income tax returns. With the exception of the financial accounts reported and noted within the presentence report, the defendant is prohibited from maintaining and/or opening any additional individual and/or joint checking, savings, or other financial accounts, for either personal or business purposes, without the knowledge and approval of the U.S. Probation Department. The defendant shall cooperate with the Probation Officer in the investigation of his financial dealings and shall provide truthful monthly statements of his income and expenses. The defendant shall cooperate in the signing of any necessary authorization to release information forms permitting the U.S. Probation Department access to his/her financial information and records.

2. If determined by the IRS that the defendant has failed to pay taxes that were required for any year from the date of his offense, 2018, to the date of his incarceration, the defendant will make up for any shortfall and shall file any return and pay any penalty that is required.

DEFENDANT: MUSTAFA GOKLU
CASE NUMBER: 1:19-cr-00386 (PKC)

CRIMINAL MONETARY PENALTIES

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

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 200.00	$	$	$	$

☐ 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.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage
TOTALS	$ 0.00	$ 0.00	

☐ 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:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings 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: MUSTAFA GOKLU
CASE NUMBER: 1:19-cr-00386 (PKC)

SCHEDULE OF PAYMENTS

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

A ☑ Lump sum payment of $ 200.00 due immediately, balance due

☐ 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 the period of 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 shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names *(including defendant number)*	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall 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) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.