

No.

IN THE SUPREME COURT OF THE UNITED STATES

KISHAN VINAYAK PATEL,

PETITIONER,

VS.

UNITED STATES OF AMERICA,

RESPONDENT.

APPENDIX

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NOT RECOMMENDED FOR PUBLICATION

No. 25-3746

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED

Jun 24, 2026

KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff-Appellee,	)	
	)	ON APPEAL FROM THE UNITED
v.	)	STATES DISTRICT COURT FOR
	)	THE NORTHERN DISTRICT OF
KISHAN VINAYAK PATEL,	)	OHIO
	)	
Defendant-Appellant.	)	

O R D E R

Before: NORRIS, NALBANDIAN, and HERMANDORFER, Circuit Judges.

Kishan Vinayak Patel, a federal prisoner, appeals his conviction and sentence. The parties have waived oral argument, and this panel unanimously agrees that oral argument is not needed. *See* Fed. R. App. P. 34(a). We affirm.

In 2025, a jury found Patel guilty of conspiracy to commit money laundering, *see* 18 U.S.C. § 1956(h); concealment money laundering, *see* 18 U.S.C. § 1956(a)(1)(B)(i); and promotion money laundering, *see* 18 U.S.C. § 1956(a)(1)(A)(i). The convictions arose after law enforcement discovered that Patel and his co-conspirators formulated a scheme in which individuals would pose as customer service agents or government officials and persuade elderly victims that their financial accounts had been hacked. The victims would then transfer their money to “runners”—including Patel—for alleged safekeeping. The runner would then meet the victim in a parking lot, take cash from them, and deliver or attempt to deliver the cash to another co-conspirator.

The evidence reflects that Patel completed two pickups. One occurred on November 3, 2023, during which a victim delivered \$67,000. Patel took his cut of the funds and brought the rest to another co-conspirator. On November 9, 2023, Patel completed another pickup, this time

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for \$40,000. But Patel was intercepted by law enforcement officers before he could deliver the funds to a co-conspirator. Following Patel's trial and conviction, the district court sentenced him to 46 months in prison and ordered him to pay \$3,940,438 in restitution, joint and severally with his co-defendants.

Patel now appeals, arguing that (1) his convictions are not supported by sufficient evidence, (2) his sentence is procedurally unreasonable, and (3) the restitution amount is excessive.

Sufficiency of the Evidence

We generally review the sufficiency of the evidence de novo, asking “whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *United States v. Collins*, 799 F.3d 554, 589 (6th Cir. 2015) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). A sufficiency claim does not require us to “weigh the evidence presented, consider the credibility of witnesses, or substitute our judgment for that of the jury.” *United States v. Jackson*, 470 F.3d 299, 309 (6th Cir. 2006) (quoting *United States v. Davis*, 177 F.3d 552, 558 (6th Cir. 1999)). Rather, we “draw all available inferences and resolve all issues of credibility in favor of the jury’s verdict.” *Id.* (quoting *United States v. Salgado*, 250 F.3d 438, 446 (6th Cir. 2001)). “Circumstantial evidence alone can be sufficient to sustain a conviction, even if it does not remove every possibility besides that of guilt.” *United States v. Rosales*, 990 F.3d 989, 994 (6th Cir. 2021).

“[A] defendant is limited on appeal to the same insufficient-evidence theory that he advanced before the trial court.” *United States v. Mercer-Kinser*, 149 F.4th 870, 878 (6th Cir. 2025). So if a “defendant makes a Rule 29 motion on specific grounds, all grounds not specified in the motion are waived.” *United States v. Chance*, 306 F.3d 356, 369 (6th Cir. 2002). That waiver triggers the demanding “manifest-miscarriage-of-justice standard.” *United States v. LaVictor*, 848 F.3d 428, 457 (6th Cir. 2017) (citation omitted). Under that standard, we “only reverse a conviction if the record is devoid of evidence pointing to guilt.” *Id.* (citation omitted).

To prove conspiracy to launder money, the government had to show “that two or more persons conspired to commit the crime of money laundering,” and the defendant “knowingly and

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voluntarily joined the conspiracy.” *United States v. Powell*, 847 F.3d 760, 781 (6th Cir. 2017) (quoting *United States v. Prince*, 618 F.3d 551, 553-54 (6th Cir. 2010)). The substantive crime of money laundering, in turn, required the government to prove that the defendant “(1) conducted a financial transaction that involved the proceeds of unlawful activity; (2) knew the property involved was proceeds of unlawful activity”; and (3) either “intended to promote that unlawful activity” or “[knew] that the transaction is designed in whole or in part to disguise the source, ownership or control of the proceeds.” *United States v. Warshak*, 631 F.3d 266, 317, 320 (6th Cir. 2010) (citation modified). To prove concealment money laundering, the government had to show (1) that a person conducted or attempted to conduct a financial transaction, (2) that involved the proceeds of unlawful activities, (3) that he knew involved some illegal proceeds, and (4) that he knew was “designed” (at least in part) to conceal or disguise certain facts about the proceeds. 18 U.S.C. § 1956(a)(1), (a)(1)(B)(i). To prove promotion money laundering, the government had to show that the defendant “conduct[ed] a financial transaction which involved the proceeds of unlawful activity, with knowledge that the money was the proceeds of unlawful activity, and with the intent to promote the underlying criminal activity.” *United States v. Reed*, 264 F.3d 640, 650 (6th Cir. 2001).

“Financial Transaction”

Patel first argues that the government failed to prove that he conducted, attempted to conduct, or agreed to conduct a financial transaction.

The parties dispute whether Patel preserved this basis for acquittal and the governing standard of review. By way of background, Patel’s trial counsel made an oral Rule 29 motion at the close of the Government’s case in chief. Though that motion asserted that Patel did “not conced[e] that any elements have been met,” it emphasized that the Rule 29 argument was “focus[ed] on the mens rea elements.” Trial Tr. Vol. 4, R.306, PageID 6367. Trial counsel then proceeded to discuss only those elements. Counsel acknowledged that there was “a lot of . . . action-oriented evidence” yet argued that “what is missing is evidence beyond a reasonable doubt of what Mr. Patel knew about” the various criminal acts involved or evidence of “his intent.”

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Id. at PageID 6368-69. The district court took those motions under advisement. Patel later renewed his motion at the close of all evidence by citing his “original arguments” without elaboration. Trial Tr. Vol. 5, R.308, PageID 6535. The district court denied that motion. After the jury returned its verdict, Patel filed a renewed Rule 29 motion challenging only the mens rea elements. The Government and district court both recognized that narrow focus and only discussed those elements.

Patel appears to agree that his Rule 29 motions “did not include the arguments that [he] now make[s] on appeal,” which ordinarily triggers waiver. *United States v. Hamm*, 952 F.3d 728, 740 (6th Cir. 2020). Nor can Patel escape his waiver under cases in which “the record reveals that the trial court (and the government) construed the Rule 29 motion as applying to the entire charge and reviews the sufficiency of each element.” *United States v. London*, ___ F.4th ___, 2026 WL 1346443, at *9 (6th Cir. May 14, 2026) (citation omitted). As Patel concedes, the district court never “review[ed] the sufficiency of each element.” *Id.* (citation omitted). And Patel’s own post-verdict motion, which purported to *renew* his prior Rule 29 arguments, discussed only the mens rea elements. That narrow scope belies that Patel preserved a general Rule 29 objection to all elements. We therefore review Patel’s new financial-transaction argument under the manifest-miscarriage-of-justice standard. *See LaVictor*, 848 F.3d at 457.

Applying that standard, we conclude that the record is not “devoid of evidence pointing to guilt.” *Id.* (citation omitted). A “financial transaction” for purposes of the money-laundering statute is defined, in relevant part, as “a transaction . . . involving the movement of funds.” 18 U.S.C. § 1956(c)(4). A “transaction,” in turn, requires some disposition of the funds, including by “purchase, sale, loan, pledge, gift, transfer, [or] delivery.” *Id.* § 1956(c)(3). Trial evidence showed that on November 9 Patel received funds from the victim and then began driving to Chicago to deliver them to co-conspirator David. A rational juror could examine that sequence of events and find that Patel conducted or attempted to conduct a financial transaction. *See United States v. Reed*, 77 F.3d 139, 143 (6th Cir. 1996) (en banc) (“giving [criminal] proceeds to a courier is both a transfer and a delivery and involves the movement of funds by means of the courier,

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which satisfies the definition of ‘financial transaction’”). The district court did not create a manifest miscarriage of justice by denying Patel’s motion for judgment of acquittal.

Patel’s counterarguments do not move the needle. He contends that he was merely transporting proceeds in a motor vehicle from Point A to Point B and there was no intended “disposition” of funds, as required by the statute. *Id.* But any rational juror could find that there was an *attempted* disposition of funds when Patel started to drive the bag of money to transfer and deliver those funds to David in Chicago.¹ *See id.* at 142. Patel’s first insufficiency-of-the-evidence argument therefore fails. *See United States v. Fuller*, 974 F.2d 1474, 1478-79 (5th Cir. 1992).

Specific Intent—Concealment Money Laundering

Next, Patel argues that the government failed to prove the specific-intent element of concealment money laundering. He maintains that his purported “secretive behavior” is insufficient to establish intent. Appellant’s Br., p. 27.

The record shows that Patel “wordlessly accepted large quantities of cash into the backseat of his car during transactions that took place in mere minutes” and attempted to drive the cash to “a more isolated second location.” Mem. Op. and Order, R. 280, PageID 4776. The government posits that, in doing so, Patel “attempted to avoid surveillance both in Ohio and later in Indiana by exiting the highway, using lightly traveled backroads, and making sudden turns.” Appellees’ Br., p. 39. Patel also agreed to deliver the cash—including a bill with a specific serial number—to an individual whom he knew only by the name “David.” Upon being apprehended before he could deliver the money to David, Patel initially lied to law enforcement. Patel claimed he was going to

¹ Patel argues that we should reject the government’s focus on his attempted delivery of the funds because its closing argument emphasized that the victim dropping the funds into Patel’s car was a financial transaction. It is true that “we cannot affirm a criminal conviction on the basis of a theory not presented to the jury.” *Chiarella v. United States*, 445 U.S. 222, 236 (1980). But that rule is no barrier here because the jury was specifically invited to consider whether Patel “conducted or attempted to conduct a financial transaction.” R. 172, PageID 1761, 1763. And the government’s trial case emphasized all of Patel’s action’s that day—both the initial drop off and attempting to transport funds to David. Moreover, Patel’s opening brief focused almost exclusively on his transporting the funds to David and argued that there was “[no] proof of an *attempted* financial transaction,” which invited the government to rebut that argument. Appellant’s Br., p. 26 (emphasis added).

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Chicago to visit a friend, was driving a particular route because he had made a wrong turn, and did not know what was in the bag that contained the cash. Based on these facts, any rational juror could find that Patel intended to “conceal or disguise the nature, the location, the source, the ownership, or the control of the” cash that was part of the money-laundering conspiracy. 18 U.S.C. § 1956(a)(1)(B)(i); *see United States v. White*, 718 F. App’x 353, 357-58 (6th Cir. 2017); *United State v. Conteh*, 234 F. App’x 374, 383-84 (6th Cir. 2007).

Specific Intent—Promotion Money Laundering

Patel similarly argues that the government failed to prove the specific-intent element of promotion money laundering. According to Patel, he “remained totally ignorant about the fraud scheme” and “simply did not have any interest in promoting the enterprise that generated the proceeds.” Appellant’s Br., p. 32.

The evidence suggests otherwise. As discussed above, Patel retrieved money from one of the victims, who had placed a bag of money in his trunk; received instructions from “Owen” to drive the money—including a bill with a specific serial number—to “David” two states away; lied to law enforcement when apprehended; and told law enforcement that he “had been asked to do pickups a year before.” Trial Tr. Vol. 2, R.304, PageID 5848. In other words, Patel knew about the money pickup scheme for at least a year, communicated with his co-conspirators to facilitate the money transports, followed a lead co-conspirator’s instructions on how to transport the money to another co-conspirator, and made one money transport and attempted to make a second. On this record, any rational juror could find beyond a reasonable doubt that Patel knowingly intended to promote a money-laundering conspiracy. *See United States v. Garcia*, 99 F.4th 253, 264-65 (5th Cir. 2024).

Procedural Reasonableness of Sentence

Patel challenges the district court’s application of two sentencing enhancements and its denial of a downward adjustment. “Whether a district court properly applied a sentencing enhancement is a matter of procedural reasonableness.” *United States v. Taylor*, 85 F.4th 386, 388 (6th Cir. 2023). When considering the application of a sentencing enhancement, we ordinarily

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review the district court's interpretation of the sentencing guidelines de novo and its factual findings for clear error. *See id.* In reviewing for clear error, we look to whether we are "left with the definite and firm conviction that a mistake has been committed." *United States v. West*, 962 F.3d 183, 187 (6th Cir. 2020) (quoting *United States v. Orlando*, 363 F.3d 596, 603 (6th Cir. 2004)).

Victim-Loss Enhancement

Patel argues that the evidence and findings do not support a 10-level victim-loss enhancement under USSG § 1B1.3(a)(1)(B). Although he concedes that he is liable for \$107,000 in losses, he maintains that he should not be held accountable for an additional \$51,460 in losses attributable to a different runner who took funds from two victims with whom Patel had no contact. According to Patel, he "lacked knowledge regarding the scope of the overall operation" and "took no measures to further that operation" beyond his activities on two occasions that led to the \$107,000 in losses. Appellant's Br., pp. 39-40. In other words, Patel maintains that "he is accountable only for the money that he personally transported." Reply Br., p. 17.

In rejecting this argument, the district court determined that Patel was accountable for \$158,460 in losses under a *Pinkerton*² theory of liability because that figure accounts for "amounts that were reasonably foreseeable" to Patel. Sent'g Hr'g Tr., R. 322, PageID 6840. *Pinkerton* held that a defendant may be held liable for acts committed by his co-conspirators that were within the scope and in furtherance of the conspiracy, and were reasonably foreseeable to him. 328 U.S. at 647; *see also United States v. Campbell*, 279 F.3d 392, 399-400 (6th Cir. 2002) (providing that district courts "must make two particularized findings: (1) that the acts were within the scope of the defendant's agreement; and (2) that they were foreseeable to the defendant," (quoting *United States v. Studley*, 47 F.3d 569, 574 (2d Cir. 1995))); *see* USSG § 1B1.3(a)(1)(B). Patel argues that the district court failed to find that his co-conspirators' acts that led to the additional \$51,460 in losses were within the scope of the conspiracy. We disagree. Although the district court did not expressly state on the record that the full amount of losses assessed to Patel includes losses incurred

² *See Pinkerton v. United States*, 328 U.S. 640 (1946).

during “the scope” of the conspiracy, it indicated that it relied on all facts adduced at trial, in the presentence report (PSR), and at sentencing, and it agreed with the government’s argument—which was supported by specific examples—that Patel “signed up for this scheme” and “described his availability” to retrieve money from the victims, which shows that “he knew exactly what was happening.” Sent’g Hr’g Tr., R. 322, PageID 6838. The PSR noted two additional transactions (amounting to the \$51,460 figure) for which Owen texted Patel about a potential pickup that another runner ended up carrying out. In other words, the district court necessarily found Patel liable for the challenged \$51,460 in losses because those losses derived from his co-conspirators’ acts that were well within the scope of the conspiracy that he agreed to jointly undertake. *See United States v. Donadeo*, 910 F.3d 886, 895-98 (6th Cir. 2018). That the district court did not explicitly use the word “scope” is not clear error. *See United States v. Cowley*, 800 F. App’x 402, 404 (6th Cir. 2020) (providing that “magic words” are not required (citing *Donadeo*, 910 F.3d at 899-900)).

One final note: Patel relies on *Studley*, in which the Second Circuit held that the proper calculation of loss caused by a defendant in a telemarketing scheme was the loss inflicted by the defendant’s own fraudulent statements to consumers. 47 F.3d at 576. But the defendant in *Studley* “did not cooperate to design, plan, improve, or perpetuate the illegal scheme.” *United States v. Davis*, Nos. 94-6074, 94-6075, 94-6076, 94-6077, 94-6078, 94-6224, 1996 U.S. App. LEXIS 1388, at *12 (6th Cir. Jan. 16, 1996). Here, Patel at least improved and perpetuated the illegal scheme. And he has not shown that the district court clearly erred in finding that \$158,460 in total losses was “a safe estimate in terms of what might be appropriate under the guidelines for culpability and loss amount” based on Patel’s knowledge of the conspiracy and foreseeability of his co-conspirators’ acts. Sent’g Hr’g Tr., R. 322, PageID 6840. *See Donadeo*, 910 F.3d at 895-98. Patel’s challenge to the amount of loss therefore fails.

Vulnerable-Victim Enhancement

Patel argues that the evidence and findings do not support a two-level vulnerable-victim enhancement under USSG § 3A1.1(b)(1). That enhancement applies “[i]f the defendant knew or

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should have known that a victim of the offense was a vulnerable victim.” USSG § 3A1.1(b)(1).

Application Note 2 defines a “vulnerable victim” as

a person (A) who is a victim of the offense of conviction and any conduct for which the defendant is accountable under § 1B1.3 (Relevant Conduct); and (B) who is unusually vulnerable due to age, physical or mental condition, or who is otherwise particularly susceptible to the criminal conduct.

The parties do not dispute the district court’s finding that the victims were vulnerable due to their elderly age. Patel argues, though, that the district court failed to make an adequate finding that he knew or should have known that the victims were vulnerable. We disagree. In discussing the evidence in support of the vulnerable-victim enhancement, the district court explained that “it’s pretty clear generally from the pattern of the conspiracy that . . . elderly people” were targeted and that “the government has the better argument here” regarding application of the enhancement. Sent’g Hr’g Tr., R. 322, PageID 6858-59. That argument—which summarizes what is stated in the PSR, on which the district court relied at sentencing—is that Patel “knew or should have known that elderly victims were not acting in sound mind when they met him in a parking lot and passed over their life savings in cash.” *Id.*, PageID 6855. Indeed, Patel admitted that he personally met the two elderly victims from whom he acquired money. On this record, Patel cannot show that the district court clearly erred in applying a two-level vulnerable-victim enhancement.

Denial of Minor-Role Adjustment

Patel argues that the district court should have applied at least a two-level minor-role adjustment because the loss amount for which he is accountable greatly exceeds his personal gain, he had no proprietary interest in the wire fraud scheme, and he was paid to perform a “basic task” of receiving and transporting money. Appellant’s Br., p. 45. He sought an adjustment under USSG § 3B1.2, which “provides a range of adjustments for a defendant who plays a part in committing the offense that makes him substantially less culpable than the average participant in the criminal activity.” USSG § 3B1.2, cmt. n.3(A). “The defendant bears the burden of demonstrating his minor role by a preponderance of the evidence.” *United States v. Sherrill*, 972 F.3d 752, 770 (6th Cir. 2020). “Because we review the denial of a mitigating role reduction for clear error, the district

court has a wide berth in resolving the matter.” *United States v. Mosley*, 53 F.4th 947, 963 (6th Cir. 2022).

In concluding that Patel failed to meet his burden to show that the adjustment should apply, the district court found that Patel was in “tier three”—or “kind of in the middle”—of a four-tier money-laundering scheme. Sent’g Hr’g Tr., R. 322, PageID 6870. The district court agreed with the government that at least two other individuals were substantially less culpable than Patel insofar as they—unlike Patel—participated in only one cash pickup, never met any victims, and had a limited or no role in transporting the cash. The district court added that it “ha[d] no reason to doubt the government’s relative ranking or stacking of culpability in this case among the defendants.” *Id.*, PageID 6869-70. Although Patel maintains that the district court failed to account for two other co-conspirators at the very top tier of the scheme, he did not raise that argument at sentencing. Regardless, Patel has not shown that, even if the district court had considered these co-conspirators and agreed that they fell at the top tier of the scheme, he would be considered “substantially less culpable than the average participant” in the scheme. USSG § 3B1.2, cmt. n.3(A). Patel—“as opposed to many participants in this scheme”—“directly communicated with his scheme coordinator,” “counted the money,” and transported the money. Sent’g Hr’g Tr., R. 322, PageID 6865. In other words, Patel knowingly participated in and advanced key parts of the money-laundering scheme, which cannot be said about other scheme participants. The totality of the record therefore does not indicate that Patel was substantially less culpable than the average participant in the money-laundering scheme. *See Mosley*, 53 F.4th at 963; USSG § 3B1.2, cmt. n.3(C). Patel thus cannot show that the district court clearly erred in declining to apply a two-level minor-role adjustment.

Restitution

Patel argues that the district court entered a restitution order that “far exceeds the amount by which the victims were harmed by [his] conduct.” Appellant’s Br., p. 30 (capitalization omitted). According to Patel, only two victims were “directly harmed” by his conduct and thus he should not be jointly and severally liable for losses caused to other victims by his co-defendants.

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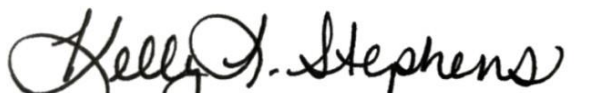
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Appellant's Br., p. 47 (quoting 18 U.S.C. § 3663A(a)(2)). We review the amount of restitution ordered by the district court for an abuse of discretion. *United States v. Bogart*, 576 F.3d 565, 569 (6th Cir. 2009).

It was within the district court's discretion to find Patel jointly and severally responsible for restitution to all victims for losses caused by his co-defendants. *See* 18 U.S.C. § 3664(h); *United States v. Bailey*, 973 F.3d 548, 576 (6th Cir. 2020); *Bogart*, 576 F.3d at 575. This holds true even if, as Patel claims, he did not "directly harm[]" all victims of the money-laundering conspiracy. *See, e.g., United States v. Jamieson*, 427 F.3d 394, 418 (6th Cir. 2005) (quotation marks omitted) (rejecting the defendant's argument that he could "only be ordered to pay restitution to victims 'directly harmed by [his] criminal conduct in the course of the . . . conspiracy'"). Patel's challenge to the restitution amount therefore fails.

For the foregoing reasons, we **AFFIRM** the district court's judgment.

ENTERED BY ORDER OF THE COURT


Kelly L. Stephens, Clerk

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America,

Case No. 3:23-cr-575-5

Plaintiff,

v.

MEMORANDUM OPINION
AND ORDER

Kishan Vinayak Patel,

Defendant.

I. INTRODUCTION

Following a week-long trial, a jury convicted Defendant Kishan Vinayak Patel of three offenses: conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h) (Count 1); concealment money laundering, in violation of 18 U.S.C. § 1956(a)(1)(B)(i) (Count 5); and promotion money laundering, in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i) and (2) (Count 9). (Doc. No. 170; *see* Doc. No. 77 at 1, 8, 9, 10). After the close of the evidence, but before the jury's verdicts, I denied Patel's oral motion for a judgment of acquittal under Federal Rule of Criminal Procedure 29. (*See* non-document entry dated January 31, 2025). Patel has renewed his Rule 29 motion and has also moved, in the alternative, for a new trial under Federal Rule of Criminal Procedure 33. (Doc. No. 206). The government filed a brief in opposition. (Doc. No. 229). Patel filed a brief in reply. (Doc. No. 256). For the reasons that follow, I deny Patel's motions.

II. BACKGROUND

Patel and seven others were indicted for their participation in a type of money laundering fraud scheme known as a "phantom hacker scam," in which a group of defrauders exploit

individuals' concern for the security of their online accounts to steal large sums of money. (*See* Doc. No. 77). In this kind of fraud conspiracy, a scheme participant initiates contact with a potential victim by posing as a customer service representative for a consumer-facing company or bank. After convincing the victim their account has been compromised, the first defrauder refers the victim to a second party posing as a law enforcement officer, who then persuades the victim to transfer large sums of money to a third-party under the guise of keeping the funds safe. In reality, the money is stolen and distributed to the members of the fraud scheme.

The criminal operation here ran in a similar fashion. After initiating contact, a scheme participant convinced each victim over the phone that the only way to safeguard their money was to transfer it to a third party. The personas adopted by the front-end fraud scheme participants varied: in one instance, for example, a victim was convinced he was working with a DEA agent; in another, a fraud scheme participant persuaded a victim she was working with a member of the Federal Trade Commission. In all cases, the front-end fraud scheme participants deceived and manipulated their victims over the course of days or weeks until they agreed to part with their money—often tens or hundreds of thousands of dollars in total, sometimes in multiple “batches.” Unusually for a scheme of this kind, however, the transfer of funds took place in person, with cash and gold bars, rather than virtually.

Patel was not one of the front-end operators who manipulated and threatened the targets of the scam. Neither did he manage or coordinate the fraud scheme at a higher level. Instead, he personally received and transported the proceeds of the scheme from two of the victims.

Patel resided in Canada just on the other side of the Michigan border, in Windsor, Ontario. He liked to gamble on sports betting apps, and he wanted to buy a house. (*See* Doc. No. 254 at 40-42; Doc. No. 251 at 26). But Patel was unlucky. On August 30, 2023, communicating with a contact named “Scott,” Patel admitted, “I am in loss, so [I] don’t have much money . . . [l]et’s say

you first w[i]n me some money, then I can pay you. . . . [Y]ou need to trust, I'll give you money . . . once I make money, I can pay you[.]” (Doc. No. 254 at 46). Ten days later, Patel was more urgent: “I need to make 30k in two months. Tell me proper way to do it. I can have 10k bankroll at max. No more. Every 5k I make, I will give you 1k. Let me know what you think.” (*Id.*). He continued: “I am in very bad condition financially. I mean, not that bad, but there are expenses coming up in November which I need to be ready to pay.” (*Id.* at 47).

Patel continued his unsuccessful gambling activities in October. (*See id.* at 41-42). Around that time, he sent a message to a contact he called “Riyaz Bhai” containing his phone number, his postal code, the zip code nearest to him in the United States, and a list of states to which he was willing to travel: Michigan, Indiana, Ohio, and Illinois. (*See id.* at 44). Soon thereafter, he communicated with someone named “Aditya.” (*See id.* at 43). Patel and “Aditya” discussed gambling—a mutual interest—and “Aditya” inquired if Patel had spoken “to him.” (*Id.* at 43, 45). Patel said this third-party would “let us know if something comes.” (*Id.*). “Aditya” asked if Patel “underst[ood] what the process is,” and Patel replied, “no” and sent “Aditya” a screenshot of his prior communication with “Riyaz Bhai.” (*Id.* at 44). “Aditya” then called Patel. (*See id.*).

After this, Patel began to communicate with another person named “Owen” to arrange pickups of funds. (*See id.* at 45, 50). “Owen” and Patel communicated about several possible pickups—though Patel only completed two. (*See* Doc. No. 255 at 111-12).

Patel completed his first pickup on November 3, 2023. (*See* Doc. No. 254 at 50). The process began with a text from “Owen” that morning: “46897 cash pick up.” (*Id.*). 46897 is the zip code covering Fort Wayne, Indiana. “Owen” texted Patel, “send map” and then called him. (*Id.*). “Send map” indicated Patel should type the zip code into a mapping application on his phone (such as Google Maps or Apple Maps), take a screenshot of the route, and send it back to show how far he was from the location “Owen” had sent him. (*See id.* at 49). Patel did so. (*Id.* at 51). “Owen”

responded, “leave when I tell you.” (*Id.*). At 11:51am on November 3, “Owen” sent the Fort Wayne home address for one of the scheme’s victims. (*See id.*). Twenty-eight minutes later, Patel entered the United States by car and began to drive to the Fort Wayne area. (*See id.* at 51-52). While he drove, “Owen” monitored him closely, texting and calling him several times with requests for updates on his progress. (*See id.* at 52-54).

As Patel got closer, “Owen” sent him the address for a Sportsman’s Warehouse, where the pickup was to take place. (*Id.* at 54). When Patel arrived, “Owen” sent him a visual description that matched the clothing and car of Diane Robinson, the victim from which he was to receive the funds. (*Id.*). Patel responded with a description of his clothing and the car he was driving. (*Id.* at 54-55).

This was Robinson’s second “delivery.” The first time, a defrauder masquerading as then-FTC Commissioner Alvaro Bedoya manipulated Robinson into giving up \$40,500, the sum total of the inheritance she had recently received after her parents’ passing. (*See* Doc. No. 247 at 14-15). The first transaction took place in a gas station parking lot, and Robinson was instructed to place a box of cash in the back of an SUV, a different car than the one Patel drove. (*See* Doc. No. 247 at 13-15). Similarly, for the transaction involving Patel, Robinson arrived at the Sportsman’s Warehouse on November 3, 2023, with \$67,000 in cash in a box, money she had taken out of her IRA account at the behest of the same defrauder. (*See id.* at 7, 17). Patel pulled up beside Robinson, and Robinson put the box with her money in the backseat of Patel’s car, as she was instructed. (*See id.* at 20).

Patel sent “Owen” a video of the box, and “Owen” responded: “Do not open it. Go somewhere about 20 to 25 minutes away. . . . Then call me and I will explain.” (Doc. No. 254 at 55-56). Patel called “Owen.” (*Id.* at 56). Some minutes later, Patel sent “Owen” a nearly ten-minute-long video in which he counts every single bill of cash in the box, taking notes on his phone all the

while. (*See id.* at 57). Patel also sent “Owen” a photo of the notes he took to corroborate the counting. (*See id.* at 58).

“Owen” then sent Patel information to coordinate the drop-off of the funds. First, he sent the zip code 60016—near Chicago. (*See id.* at 59). Patel began driving. Then, “Owen” forwarded a message with the word “Chicago,” the serial number of a dollar bill, and the name “David.” (*Id.* at 59-60). The dollar bill serial number is part of a verification technique used by this particular fraud scheme: the individual receiving dropped-off funds gives a dollar bill with a particular identification number or serial number to the courier who has the funds, and the courier checks to make sure the number on the bill they are given matches the one they were told to expect. (*See id.* at 60-61, 63).

Patel received an Illinois address, and then “Owen” told him his cut: \$1,300. (*See id.* at 60-61). Patel asked for confirmation of the address, and “Owen” gave him “David’s” number to call. (*See id.* at 61). Patel called the number and began communicating with “David,” and “David” provided a different address in Schaumburg, Illinois. (*Id.* at 62). Some time later, Patel sent a screenshot of a map with his location, which by then was near Gary, Indiana. (*Id.*). By 8:14pm central time, Patel had completed the drop-off. (*See id.* at 63-64). He crossed the border back into Canada at 2:32am on November 4, 2023. (*Id.* at 64). A few minutes later, he texted “Owen” confirmation of the drop-off. (*Id.* at 65).

Despite the late hour, Patel couldn’t sleep. He began messaging “Aditya” again, complaining that a Monster Energy drink was keeping him up. (*Id.* at 65). “Aditya” responded: “You cannot sleep perhaps because you are happy about the money.” (*Id.*). Patel demurred, and “Aditya” continued: “I ha[ve] spoken with brother. He told me since it is new, [you] will have to work hard and travel longer distances too. . . . [h]e will explain it all to you tomorrow.” (*Id.* at 66).

The next day, “Owen” sent Patel an address in Michigan. (*See id.*). Patel expressed interest: he sent a screenshot of a map showing his distance to the location, and the next day he asked

“Owen” if there would be “[a]ny delivery today.” (*Id.* at 67). Patel did not make that particular “delivery.” (*See id.*). But a few days later, on November 9, 2023, “Owen” contacted him again with an address in Indiana connected to another victim of the scheme, Donald Evans. (*See id.* at 67).

Like Robinson, Evans had already been manipulated into delivering funds to the defrauders before his interaction with Patel: a total of \$285,000 over the course of five separate “drops.” (*See* Doc. No. 246 at 9-11, 12-14, 17-18, 19-20, 22-23). Fortunately for Evans, the FBI intercepted the courier attempting to transport the fifth drop, consisting of \$100,000 in cash and gold bars. (*See id.* at 23-25). With the cooperation of Evans, who was still in contact with his defrauder, the FBI planned a controlled delivery for November 9—unbeknownst to Patel. (*See id.* at 25-26).

“Owen” asked Patel to “send map,” and after speaking with “Owen” over the phone, Patel did so. (*See id.* at 68). “Owen” asked for Patel’s zip code and said he would tell Patel when to leave. (*See id.*). “Owen” sent Patel information for a gas station in Liberty Center, Ohio and told him to “go there quickly.” (*Id.* at 68-69). Twenty minutes later, at 11:35 am on November 9, Patel crossed the Canada border and entered the United States. (*See id.*).

Just as before, “Owen” demanded periodic updates during Patel’s journey. (*See id.* at 70). When Patel got close to the gas station, “Owen” forwarded an image of Evans’ license plate and vehicle, and Patel responded with his own vehicle information. (*See id.*). After Patel arrived, Evans approached his vehicle and dropped a yellow bag containing \$40,000 in cash into the back seat through an open window. (*See* Doc. No. 246 at 29-31). Patel drove away, but after driving for a few minutes, he turned off onto a secluded dirt road and stopped. (*See* Doc. No. 249 at 40-41). There, he counted the money in the bag. (*See id.* at 43-44). Like with the Robinson pickup, Patel sent “Owen” videos documenting his counting of the cash. (*See* Doc. No. 254 at 72-73). “Owen” then instructed Patel to “[g]o to Chicago.” (*Id.* at 73). Just as before, “Owen” called Patel and forwarded

a message with the word “Chicago,” the serial number of a dollar bill, the name “David,” and “David’s” phone number. (*See id.* at 73-74).

Patel did not make it to Chicago to meet “David” a second time. Surveilled by the FBI and Indiana State Police throughout the entire transaction with Evans, Patel was eventually pulled over. (*See* Doc. No. 249 at 35-36, 49-50). During the traffic stop, Patel was questioned by FBI Special Agent Jonathan Joyce. (*See* Doc. No. 251 at 13).

When asked about the purpose of his journey, Patel initially said he was going to visit a friend, Jay Patel, in Chicago. (*See id.*). Despite the aerial surveillance footage showing Patel receiving the bag containing the funds from Evans that same day, Patel told Joyce he did not know when he received the yellow bag. (*Id.* at 15). Patel also told Joyce he had picked up the yellow package near a Domino’s in downtown Detroit. (*See id.* at 18). And despite the video Patel had just taken of himself counting the money in the bag Evans had given him, Patel initially denied knowing what was in the bag. (*See id.* at 15, 17).

After a few minutes of questioning, Patel’s answers began to change. By then, much of their conversation had moved off-camera and was not recorded. (*See id.* at 23-24). Patel admitted to Joyce he was directed to pick up the package by an individual named “Owen.” (*See id.* at 20-21). Joyce asked questions about “Owen” and the directions Patel was receiving, and the two went through videos and texts on Patel’s phone. (*See id.* at 24). Patel told Joyce he had done another pickup approximately a week prior. (*See id.*).

He disclosed he was “surprised” it took so long for law enforcement to investigate, because he had known about the pickups for over a year, even though he hadn’t decided to start doing the cash pickups until the previous week. (*See id.* at 24-25). Patel stated he got paid for the pickups and that while he didn’t know how much he would be paid for the current pickup, he had received \$1,300 for the previous one. (*See id.* at 25). After watching the video of him counting the money on

his phone, Patel admitted that he knew there was cash in the yellow bag, and he also admitted to Joyce he was going to Chicago to drop off the package with “David.” (*See id.*).

When asked why he started picking up the cash, Patel said he needed the money because of his gambling activities. (*Id.* at 26). He also said he wanted to buy a house and needed money for a down payment. (*Id.*). In addition, Patel said he was initially concerned that the pickups might be drug money, but that his fears had been allayed somewhat when he realized the money looked like it came “directly from the bank.” (*Id.* at 27).

Six of Patel’s co-defendants pled guilty to various money laundering offenses. Patel and one other defendant, Pranay Kumar Mamidi, went to trial. After the close of the government’s evidence, Patel moved for a judgment of acquittal under Rule 29. (Doc. No. 222 at 6-8). I reserved decision on the motion. (*See id.* at 11). Patel renewed his motion after the close of all the evidence, and I denied it on the record at that time. (Doc. No. 223 at 3-4). After the jury found Patel guilty on all three counts, this briefing followed. (*See* Doc. Nos. 206, 229 & 256).

III. STANDARD

Rule 29 provides that, “[a]fter the government closes its evidence or after the close of all the evidence, the court on the defendant’s motion must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction.” Fed. R. Crim. P. 29(a). “If the court reserves decision [on the motion], it must decide the motion on the basis of the evidence at the time the ruling was reserved.” Fed. R. Crim. P. 29(b). Rule 29 permits a court to set aside a jury’s guilty verdict and enter an acquittal. Fed. R. Crim. P. 29(c)(2). A court considering a Rule 29 motion, “while reviewing the record in the light most favorable to the prosecution, should grant relief only if it is found that upon the record evidence adduced at the trial, no rational trier of fact could have found proof of guilt beyond a reasonable doubt.” *United States v. Abner*, 35 F.3d 251, 253 (6th Cir. 1994) (citing *Jackson v. Virginia*, 443 U.S. 307, 324 (1979)).

Rule 33 permits a defendant to move a court to vacate a judgment and “grant a new trial if the interest of justice so requires.” Fed. R. Crim. P. 33(a). A Rule 33 motion “calls on the trial judge to take on the role of a thirteenth juror, weighing evidence[,] and making credibility determinations firsthand to ensure there is not a miscarriage of justice.” *United States v. Mallory*, 902 F.3d 584, 596 (6th Cir. 2018). Such motions are “discretionary,” and “[a] trial court should only grant the motion when the verdict is against the ‘manifest weight’ of the evidence.” *United States v. Bowens*, 938 F.3d 790, 796 (6th Cir. 2019) (quoting *Mallory*, 902 F.3d at 596) (additional citation omitted).

IV. ANALYSIS

A. RULE 29 MOTION

Patel contends the government did not present enough evidence for a rational juror to find, beyond a reasonable doubt, the *mens rea* elements of each offense for which he was convicted. (*See* Doc. No. 206 at 3-5).

1. 18 U.S.C. § 1956(h) – Money Laundering Conspiracy

Section 1956(h) requires proof “(1) that two or more persons conspired to commit the crime of money laundering, and (2) that the defendant knowingly and voluntarily joined the conspiracy.” *United States v. Matthews*, 31 F.4th 436, 447 (6th Cir. 2022) (quoting *United States v. Powell*, 847 F.3d 760, 781 (6th Cir. 2017)) (quotation marks omitted). To establish Patel had the requisite mental state, the government needed to prove, beyond a reasonable doubt, that Patel “knew the property involved was proceeds of unlawful activity;” and . . . either ‘intended to promote that unlawful activity’ or ‘[knew] that the transaction is designed in whole or in part to disguise the . . . source, ownership or control of the proceeds.’” *Matthews*, 31 F.4th at 447 (quoting *United States v. Warshak*, 631 F.3d 266, 317, 320 (6th Cir. 2010)) (quotations omitted in *Matthews*).

Patel does not contest the existence of the money laundering conspiracy in this case. (*See* Doc. No. 222 at 8; Doc. No. 206 at 3). Instead, he argues, “the evidence admitted at trial failed to

prove . . . that Mr. Patel knew of the conspiracy and its goals and that he joined the conspiracy intending for at least one member of the conspiracy to commit money laundering” because the government’s case “focused on physical acts” and “fail[ed] to establish the requisite mental state.” (Doc. No. 206 at 3). More specifically, he contends he did not think what he was doing contributed to a money laundering conspiracy because he did not try to hide the fact that his car came from Canada, and because he stared at Diane Robinson during their encounter. (*See* Doc. No. 206 at 3-4; Doc. No. 256 at 2-4). Patel also points out that his messages with “Aditya” and others don’t expressly mention money laundering, a conspiracy, or victims of fraud. (*See* Doc. No. 256 at 4).

But the government need not “produce a smoking gun” in order for a jury to convict. *Matthews*, 31 F.4th at 448. Instead, “[a] conspiracy may be inferred from circumstantial evidence that can reasonably be interpreted as participation in the common plan.” *Matthews*, 31 F.4th at 448 (quoting *United States v. Avery*, 128 F.3d 966, 971 (6th Cir. 1997)) (additional quotation marks omitted in, and alteration by, *Matthews*). Viewing the evidence presented at trial in the light most favorable to the government, I conclude a rational juror could find Patel knew of the conspiracy and joined it intending for at least one member of the conspiracy to commit money laundering. (*See* Doc. No. 172 at 17-20).

Patel’s communications before his pickups help set the stage. He needed money for various expenses due in November of 2023, possibly totaling as much as \$30,000. So, he got in touch with “Riyaz Bhai,” and he sent information about his location and driving availability. When Patel was uncertain about the “process,” his contact “Aditya” called him to explain. A rational juror could conclude this is a suspicious series of events, to start. Patel needed to make a large amount of money very quickly, and his contact did not feel comfortable explaining over text the process by which Patel might do so.

Patel's communications with "Owen" likewise support the conclusion he knowingly participated in a conspiracy to engage in unlawful activity. Patel was told his first journey would be for a "cash pickup" in the Fort Wayne, Indiana area, and he was instructed to leave immediately at "Owen's" whim. "Owen" monitored Patel's progress throughout his hours-long drive, and he was only given the information necessary to complete the pickup as he got close. Then, in a wordless transaction, a woman Patel knew only from "Owen's" description of her appearance placed a bag of cash in the backseat of his car. Patel was instructed to drive 20-25 minutes away before counting every dollar in the bag—again, a process explained over the phone rather than by text. He was further instructed to send a video to "Owen" of this laborious process.

Several aspects of this transaction supports the conclusion Patel knew he was playing a role in a criminal conspiracy: driving for hours at a moment's notice to pick up cash, the anonymous nature of the pickup, the constant monitoring by an interlocutor identified only by a first name, the sparse information given only as necessary, the command to drive to a second location out of public view, and the requirement to count the money immediately and to verify it with a video. Hiding identities, counting money in secret, and strictly limiting the flow of information are hallmarks of coordinated unlawful activity. *See United States v. Mosley*, 53 F.4th 947, 959 (6th Cir. 2022) ("Conspiracies . . . often work best in secret"); *United States v. Browning*, 40 F. App'x. 873, 877 (6th Cir. 2002) (evidence the defendant attempted to hide information about the identities of the coconspirators and created shell companies to obscure the movement of funds supported her conviction for conspiracy to commit money laundering).

When taken together, a rational juror could conclude these circumstances show Patel was aware he was involved in a criminal conspiracy. A rational juror could also conclude Patel's acquiescence to "Owen's" request to hide his counting of the cash shows Patel intended for at least one member of the conspiracy to commit a money laundering offense.

The circumstances surrounding the delivery likewise support the conclusion Patel knew about the conspiracy and joined it intending for another member of the conspiracy to commit a money laundering act. The complicated verification system Patel used to confirm the delivery did not involve any conventional identifying details, such as “David’s” full name or appearance. Patel completed the delivery as instructed—again while monitored by “Owen”—and took a cut of the cash as payment for his work. In short, Patel was paid to personally deliver the proceeds of the scheme to one conspiracy member at the direction of another conspiracy member. This also supports the conclusion Patel knew about the conspiracy and participated in it with the intent that at least one other member of the conspiracy, including himself, engage in money laundering. *See United States v. Agundiz-Montes*, 679 F. App’x. 380, 388 (6th Cir. 2017) (affirming a conviction for conspiracy to commit money laundering where the defendant “personally paid” rent on a warehouse using the proceeds of a drug conspiracy and accompanied a co-conspirator to make deposits of drug money at a bank).

Moreover, after conducting this initial pickup-and-delivery, Patel immediately sought out opportunities to do it again. The second delivery followed the same secretive process as before. “[T]he jury could reasonably infer the requisite animating purpose and knowledge” from Patel’s repeated participation in these “irregular monetary transactions.” *United States v. Donohue*, 726 F. App’x. 333, 352 (6th Cir. 2018); *see also United States v. Miller*, 562 F. App’x. 272, 297 (6th Cir. 2014) (defendant’s receipt of a wire transfer for less than \$1,000, combined with testimony such transfers were often used by drug dealers to evade detection, supported the jury’s verdict).

Finally, Patel’s comments to Joyce after the Evans pickup are probative of his knowledge of the scheme and his intent to further it. A rational juror could conclude Patel initially chose to lie about whether he knew what was in the bag, where he received the bag, and who he planned to meet in Chicago because he knew he was transporting and delivering the proceeds of a criminal

conspiracy. Patel's expression of "surprise" that law enforcement hadn't investigated the scheme earlier, combined with his admission he thought the money might initially have been connected to drug trafficking, further strengthens this inference. *Cf. United States v. Cole*, 59 F. App'x. 696, 699 (6th Cir. 2003) (holding that the defendant's statement, "Tell me a young black man going to sit here and tell you how he's selling dope? I can't do it" was "ambiguous and it was properly admissible for the jury to draw its own inferences").

In sum, the government presented evidence of Patel's overt participation in a scheme bearing all the hallmarks of a criminal conspiracy. Patel's statements and admissions to Joyce during his interview further bolster the strength of this circumstantial evidence. A rational juror could conclude from this evidence, taken as a whole and viewed in the light most favorable to the government, that Patel knew the cash he picked up was the proceeds of unlawful activity, and that he intended to promote the conspiracy or knew that his transactions were designed to disguise the proceeds. For these reasons, I conclude the government presented sufficient evidence to convict Patel of conspiracy to commit money laundering under 18 U.S.C. § 1956(h). I deny Patel's Rule 29 motion as to Count 1.

2. 18 U.S.C. § 1956(a)(1)(B)(i) – Concealment Money Laundering

To prove a violation of § 1956(a)(1)(B)(i), the government needed to show, beyond a reasonable doubt, that Patel "conducted a financial transaction with the purpose (in whole or in part) of concealing the nature, location, source, ownership, or control of the illegal funds used in the transaction." *United States v. Patel*, 651 F. App'x 468, 472-73 (6th Cir. 2016) (citing 18 U.S.C. § 1956(a)(1)(B)(i)). Concealment must have been "an animating purpose of the transaction," though it need not have been the sole or primary purpose. *United States v. Faulkenberry*, 614 F.3d 573, 586 (6th Cir. 2010). "[T]he defendant's conduct may support an inference" of the required intent to conceal. *Patel*, 651 F. App'x at 473 (citing *United States v. Warshak*, 631 F.3d 266, 321 (6th Cir. 2010)).

Patel argues the government did not meet its burden because “[h]e made no attempt to hide his identity” during the pickups, and he “drove a car with Canadian plates to the pickup[s],” which he asserts is inconsistent with an “inten[t] to play an American law enforcement agent.” (Doc. No. 256 at 3).

But this argument ignores important evidence and misconstrues the government’s theory of the case. At trial, the government did not attempt to prove Patel tried to pass himself off as a law enforcement officer. Instead, the evidence of concealment focused on Patel’s secretive behavior leading up to and, especially, after he made the pickups. Both times, he waited to verify the amount of the pickup, as instructed by “Owen,” until he had driven to a more isolated second location. And while Patel did not conceal his face from Robinson or modify the license plate on his car, “evidence need not remove every reasonable hypothesis except that of guilt” in order to sustain a verdict. *United States v. Hughes*, 505 F.3d 578, 592 (6th Cir. 2007) (quoting *United States v. Stone*, 748 F.2d 361, 362 (6th Cir. 1984)) (emphasis in *Stone* removed). Patel did not tell Evans or Robinson his name, and he wordlessly accepted large quantities of cash into the backseat of his car during transactions that took place in mere minutes. Given the brief and impersonal nature of the transactions, a rational juror could infer that Patel did not feel he needed to take any further actions to conceal his identity.

Taken together, Patel’s behavior is enough to show his intent to conceal, from the victims of the scheme and any other observers, the “nature . . . of the proceeds” and who “own[ed]” and “control[led] . . . the proceeds.” 18 U.S.C. § 1956(a)(1)(B)(i). Patel never identified himself to Evans or Robinson; he never spoke to them at all. A rational juror could conclude from this, and from Patel’s dissembling statements to Joyce, that one of Patel’s purposes in conducting the pickups this way was to hide the true nature of the pickups. A rational juror could also conclude that “Owen’s” instructions for painstakingly counting and verifying the funds on video would have raised

suspicious about whom the transactions benefited, if Patel had been observed, and that Patel moved to a different location to better conceal this unusual behavior. In all, therefore, a rational juror could have concluded Patel knew he engaged in a transaction with proceeds from an unlawful source, and that Patel intended to conceal an “attribute of the funds” listed in § 1956(a)(1)(B)(i). *Faulkenberry*, 614 F.3d at 586.

For these reasons, I conclude the government presented sufficient evidence to convict Patel of concealment money laundering under 18 U.S.C. § 1956(a)(1)(B)(i). I deny Patel’s Rule 29 motion as to Count 5.

3. 18 U.S.C. §§ 1956(a)(1)(A)(i) and (2) – Promotion Money Laundering

To convict Patel of promotion money laundering, the government needed to show, beyond a reasonable doubt, “that the defendant: ‘(1) conducted a financial transaction that involved the proceeds of unlawful activity; (2) knew the property involved was proceeds of unlawful activity; and (3) intended to promote that unlawful activity.’” *United States v. Prince*, 618 F.3d 551, 554 (6th Cir. 2010) (quoting *United States v. King*, 169 F.3d 1035, 1039 (6th Cir. 1999)) (quotation marks and additional citation in *King* omitted). Patel argues the government did not present sufficient evidence for the second and third of these elements. (*See* Doc. No. 206 at 4-5; Doc. No. 256 at 2-4).

As with Patel’s concealment money laundering offense, there was sufficient evidence for a rational juror to find, beyond a reasonable doubt, that Patel knew the property he picked up and transported was the proceeds of unlawful activity. Patel’s statements to Joyce about the deliveries “suggest[ed] he knew something illicit was going on,” since his first instinct was to lie about what he was doing and why. *United States v. Tolliver*, 949 F.3d 244, 248 (6th Cir. 2020) (defendant’s attempt to hide his identity when conducting transactions supported a finding he knew the money came from illegal activity). Patel’s willingness to “coordinate his actions with others in the conspiracy” also supports the conclusion he knew the funds he transported came from unlawful sources. *Id.* at 249.

The evidence surrounding Patel's deliveries of the two cash pickups is sufficient to prove he promoted the conspiracy. A financial transaction that "reinvests the proceeds" into a money laundering conspiracy "promotes the conspiracy by allowing it to continue or grow." *Id.* at 248 (citing *United States v. Crosgrove*, 637 F.3d 646, 654 (6th Cir. 2011)) (emphasis in *Tolliver* removed). A rational juror could conclude Patel's first delivery to "David" promoted the conspiracy in this manner because it "complet[ed] the financial transaction" coordinated by "Owen," and that Patel's second delivery was designed to do the same, since it was destined for the same person. *United States v. Robinson*, 656 F. Appx. 145, 151 (6th Cir. 2016). A rational juror could further conclude Patel intended for both of his deliveries to promote the underlying money laundering conspiracy because he took a cut of the Robinson delivery and sought out additional pickup-and-delivery opportunities after his first one.

For these reasons, I conclude the government presented sufficient evidence to convict Patel of promotion money laundering under 18 U.S.C. §§ 1956(a)(1)(A)(i) and (2). I deny Patel's motion for a judgment of acquittal as to Count 9.

B. RULE 33 MOTION

Patel makes the same arguments under Rule 33 as he does in the Rule 29 part of his motion. (*See* Doc. No. 206 at 6; Doc. No. 256 at 4). A Rule 33 motion requires me to view the evidence with somewhat less deference to the government, in order to "ensure there is not a miscarriage of justice." *Mallory*, 902 F.3d at 596. Nevertheless, I conclude Patel has not shown he is entitled to a new trial on any of the three offenses for which he was convicted.

As I discussed above, Patel's communications with "Aditya," "Owen," and "David," especially when combined with his incriminating statements to Joyce, show he knew of the conspiracy and joined it on purpose, even if he did not know every detail of it. Patel's first interactions with "Riyaz Bhai," in which he indicated the states to which he was willing to drive,

show he understood he was playing a part in a project with a number of moving pieces. Patel was instructed to be ready at a moment's notice to drive for hours across large swaths of the Midwest to pick up cash from people he did not know, in isolated locations. During his trips, he was monitored by a coordinator who doled out important information—like where he was to go and who he was to meet—piecemeal.

Patel was instructed on a particular method to verify his contact in Chicago, “David,” that did not rely on ordinary details like the contact’s full name or appearance. Patel was required to send videos of himself counting every single bill in the bags he picked up to ensure he did not siphon off unauthorized funds. He was instructed to take the funds he received to a second location, away from the pickup point, before counting it. And he received a “cut” of the proceeds, which he needed to pay various expenses. This secrecy, lack of trust, and stinginess with information are the hallmarks of a criminal conspiracy, not ordinary business activity.

Patel confirmed he understood this when questioned by Joyce. At first, he lied about where he picked up the money, who he got it from, and who he intended to meet in Chicago. Then, he admitted the truth—including that he had known about the pickups for a year, and that he initially thought the scheme involved drug money. He was not surprised to have been caught; he was surprised it took law enforcement so long to investigate.

Faced with Joyce’s incriminating testimony, Patel challenges its credibility. (*See* Doc. No. 256 at 4). Under the Rule 33 standard, and unlike the more deferential Rule 29 framework, a district court must make such credibility determinations in its role as a “thirteenth juror.” *Matthews*, 31 F.4th at 448-49 (quoting *Mallory*, 902 F.3d at 596). Even so, I undertake this evaluation not to determine “whether the evidence was sufficient,” but instead “whether the evidence weighed ‘heavily’ against the verdict.” *Bovens*, 938 F.3d at 796 (citation omitted).

Patel notes that part of his conversation with Joyce was “not recorded” and asserts he “suffered from language-barrier issues” that may have inhibited his ability to say what he meant and to understand Joyce’s questions. (*Id.* at 4). But no evidence presented at trial undermined Joyce’s credibility in this respect or called into question Patel’s ability to communicate during his conversations with Joyce. On cross-examination, Joyce reiterated the same details about the recorded and unrecorded portions of his conversation with Patel as he did during his direct examination. (*See* Doc. No. 251 at 12-27; 37-40).

And while the recorded portions of Patel’s conversation with Joyce show Patel spoke with an accent, they also show Patel understood what Joyce was asking him and that his answers were responsive to Joyce’s questions. This supports the inference that Patel demonstrated a similar level of English proficiency during the unrecorded portions of the conversation, which took place moments later. In short, the evidence presented at trial indicates the testimony about Patel’s statements is reliable and is probative of his knowledge regarding the money laundering offenses for which he was charged.

Altogether, Patel knew he was joining a criminal conspiracy, and he intended at least one member of the conspiracy to engage in money laundering, when he twice picked up tens of thousands of dollars from people he did not know in isolated locations hours away from him, counted the money in secret, and delivered one batch of funds to an anonymous contact in Chicago, all the while being monitored by a mysterious contact named “Owen” who demanded constant updates and proof of compliance. Patel’s statements to Joyce confirm he understood he was participating in a criminal conspiracy. Therefore, Patel’s conviction for conspiracy to commit money laundering, in Count 1, was not a “miscarriage of justice” warranting a new trial. *Mallory*, 902 F.3d at 596.

Similarly, the evidence presented at trial regarding the *mens rea* requirements for Patel's concealment money laundering and promotion money laundering offenses does not "weigh[] 'heavily' against the verdict." *Bowens*, 938 F.3d at 796 (quoting *Mallory*, 902 F.3d at 596) (additional citation in *Mallory* omitted).

As I explained above, Patel's statements to Joyce, combined with the nature of Patel's interactions with "Owen" and "David," shows he knew the funds he picked up came from unlawful sources. The evidence further shows Patel knew that the transaction was designed to conceal the proceeds, the *mens rea* element specific to concealment money laundering. For both the Robinson and the Evans transactions, Patel was instructed to drive a short distance away before counting the money, and he did so. Patel also had the intent to promote the carrying on of wire fraud, the *mens rea* element for promotion money laundering. He successfully delivered a box containing tens of thousands of dollars of ill-gotten gains to a person in Chicago who he identified by matching the serial number on a dollar bill, and he took a cut of the proceeds. Moreover, after his first delivery, he sought out opportunities to do it again.

For these reasons, the evidence does not "weigh[] 'heavily' against the verdict[s]," and it would not be a miscarriage of justice to let the verdicts stand. *Bowens*, 938 F.3d at 796 (citation omitted). I deny Patel's motion for a new trial under Rule 33.

V. CONCLUSION

For the reasons above, I deny Patel's motion for a judgment of acquittal under Rule 29 and for a new trial under Rule 33. (Doc. No. 206).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

v.

KISHAN VINAYAK PATEL§ **JUDGMENT IN A CRIMINAL CASE**

§

§

§ Case Number: **3:23-CR-00575-JJH(5)**§ USM Number: **87333-510**§ **Donna M. Grill**

§ Defendant's Attorney

THE DEFENDANT:

☐	pleaded guilty to count(s)	
☐	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
☐	pleaded nolo contendere to count(s) which was accepted by the court	
☒	was found guilty on count(s) after a plea of not guilty	1ss, 5ss, and 9ss of the Second Superseding Indictment.

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense

18:1956(H) - Money Laundering Conspiracy
 18:1956 (A)(1)(B)(I) and 2 - Concealment Money Laundering
 18:1956(A)(1)(A)(I) and 2 - Promotion Money Laundering

Offense Ended

11/30/2023
 11/09/2023
 11/09/2023

Count

1ss
 5ss
 9ss

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.

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.

September 11, 2025

Date of Imposition of Judgment

s/ Jeffrey J. Helmick

Signature of Judge

Jeffrey J. Helmick**UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

September 12, 2025

Date

DEFENDANT: KISHAN VINAYAK PATEL
CASE NUMBER: 3:23-CR-00575-JJH(5)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

**FORTY-SIX (46) MONTHS as to Counts 1ss, 5ss, and 9ss
of the Second Superseding Indictment to be served concurrently.**

- ☒ The court makes the following recommendations to the Bureau of Prisons:
This Court recommends defendant be designated to a facility as close to Columbus, Ohio as possible.

- ☒ 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
☐ 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: KISHAN VINAYAK PATEL
CASE NUMBER: 3:23-CR-00575-JJH(5)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

THREE (3) YEARS as to each Count to run concurrently.

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 which 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: KISHAN VINAYAK PATEL
CASE NUMBER: 3:23-CR-00575-JJH(5)

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. If not in compliance with the condition of supervision requiring full-time occupation, you may be directed to perform up to 20 hours of community service per week until employed, as approved or directed by the pretrial services and probation officer.
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. As directed by the probation officer, you shall notify third parties who may be impacted by the nature of the conduct underlying your current or prior offense(s) of conviction and/or shall permit the probation officer to make such notifications, and/or confirm your compliance with this requirement.
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. I understand additional information regarding these conditions is available at the www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: KISHAN VINAYAK PATEL
CASE NUMBER: 3:23-CR-00575-JJH(5)

SPECIAL CONDITIONS OF SUPERVISION

Deportation

You must surrender to the Bureau of Immigration and Customs Enforcement, U.S. Department of Homeland Security, for deportation as provided by law. If you are ordered deported from the United States, you must remain outside the United States, unless legally authorized to re-enter. If you re-enter the United States, you must report to the nearest probation office within 72 hours after you return.

Financial Disclosure

You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.

No New Debt/Credit

You must not incur new credit charges or open additional lines of credit without the approval of the probation officer.

Financial Windfall Condition

You must apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

Gambling Restriction

You must not engage in any form of gambling (including, but not limited to, lotteries, online wagering, sports betting) and you must not enter any casino or other establishment where gambling is the primary purpose (e.g., horse race tracks, off-track betting establishments).

DEFENDANT: KISHAN VINAYAK PATEL
CASE NUMBER: 3:23-CR-00575-JJH(5)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments page.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	\$300.00	\$3,940,438.00	\$0.00	\$0.00	\$0.00

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* 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. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

See Attachment A – Restitution

The defendant must pay restitution in the total amount of \$3,940,438, joint and several with codefendants, through the Clerk of the U.S. District Court. Restitution is due and payable immediately.

Payment is to commence no later than 60 days following release from imprisonment to a term of supervised release in monthly payments of at least a minimum of 10% of defendant's gross monthly income during the term of supervised release and thereafter as prescribed by law.

Notwithstanding establishment of a payment schedule, nothing shall prohibit the United States from executing or levying upon property of the defendant discovered before and after the date of this Judgment.

- ☐ 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 the schedule of payments page 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: KISHAN VINAYAK PATEL
CASE NUMBER: 3:23-CR-00575-JJH(5)

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 payments of \$ _____ due immediately, balance due
☐ not later than _____, or
☐ in accordance ☐ 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 20 (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:
It is ordered that the Defendant shall pay to the United States a special assessment of \$300.00 for Counts 1ss, 5ss and 9ss, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.

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

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

- ☒ Joint and Several with co-defendants in case 3:23-cr-00575: Dileep Kumar Sakineni (1); Pranay Kumar Mamidi (2); Hiren Jagdishbhai Patel (4); Kishan Vinayak Patel (5); Sai Hruthik Thodeti (6); Srinivas Ravi Valluru (7); Balaji Rakesh Mulpuri (8).

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

- ☐ Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- ☐ 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) fine principal, (5) fine interest, (6) community restitution, (7) JVT Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.