

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-3704

United States of America,

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Plaintiff - Appellee,

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v.

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Appeal from the United States

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District Court for the

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District of North Dakota.

Sheikh Murshed Imam,

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[UNPUBLISHED]

Defendant - Appellant.

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Submitted: June 9, 1998

Filed: July 27, 1998

Before LOKEN, GODBOLD,* and HEANEY, Circuit Judges.

PER CURIAM.

Sheikh Murshed Imam appeals his conviction and sentence for mail fraud in violation of 18 U.S.C. § 1341. The scheme included hiring Pakistani college students from the Fargo-Moorhead area to stage fake rear-end auto accidents in California. Bogus medical clinics would then treat passengers in the struck car for sham personal injuries. Law firms established by the conspirators would make personal injury claims against the students' auto insurers, seeking quick settlements. Imam and his brother

*The HONORABLE JOHN C. GODBOLD, United States Circuit Judge for the Eleventh Circuit, sitting by designation.

up and operated the George Hernandez Law Firm, using the name of a local criminal defense lawyer who was paid for the use of his name but otherwise apparently participate in the fraudulent scheme. The jury convicted Imam of the six mail fraud counts charged in the indictment. Imam received a 30-month sentence, 18 months supervised release, and \$21,500 in restitution. Imam appeals, raising five issues.

On the record, we conclude the district court did not abuse its discretion in denying a continuance so that Imam could secure the presence of three witnesses to appear, George Hernandez and two employees of the law firm. Imam argued that the law firm was merely an employee of the law firm, not a manager who knowingly participated in the fraud. We agree with the district court that Imam failed to support his request for a continuance with reasonable assurance that testimony favorable to the law firm would be available. Imam argued that any testimony by these insiders as to Imam's knowledge of illegal activity at the law firm would be unreliable. We further conclude the district court did not abuse its discretion in denying Imam's pretrial motion for change of venue, the evidence was sufficient to convict him of the six mail fraud counts, the prosecutor's closing argument was not improperly prejudicial, and the court did not commit plain error. See U.S.S.G. § 3B1.1(b). Accordingly, we affirm.

A true copy.

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.

The Honorable RODNEY S. WEBB, Chief Judge of the United States District Court for the District of North Dakota.