

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 99-3136**

**September Term, 2000**

United States,

Filed On: November 13, 2000 [555983]

Appellee

v.

Jonathan Olayinka Adeosun,

Appellant

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Appeal from the United States District Court  
for the District of Columbia  
(Crim. No. 98-395)

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Before: Ginsburg, Randolph, *and* Rogers, *Circuit Judges.*

**J U D G M E N T**

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs of the parties. The court has determined that the issues presented occasion no need for oral argument. *See* D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order convicting Adeosun be affirmed.

Adeosun contends that the district court erred in instructing the jury with respect to the charge under 18 U.S.C. § 1028(a)(3), which prohibits the possession of five or more false identification documents with an intent to use them unlawfully. Adeosun argues that the court should have instructed the jury as to what constituted an unlawful use of the documents. As Adeosun concedes, he did not object at the time the jury was charged; accordingly, we review the actions of the district court for clear error. *United States v. Olano*, 570 U.S. 725, 732 (1993).

The district court did not commit a clear error. Adeosun is mistaken in his reliance upon *United States v. Rohn*, 964 F.2d 310 (4<sup>th</sup> Cir. 1992) (vacating conviction under 18 U.S.C. § 1028(a)(3) because district court failed to instruct jury regarding unlawful uses of false identification cards). In *Rohn*, the defendant was charged only under §1028(a)(3) and the jury received no instructions as to the law. In the present case Adeosun faced fraud and money laundering charges and the jury received instructions as to the law on each count. The jury, therefore, was not required to speculate as to what uses of false identification documents might

violate the law. Indeed, the jury convicted Adeosun on all counts, including defrauding financial institutions -- a crime that Adeosun could not have committed without using false identification documents. Because there is no clear error, the order of the district court is affirmed.

The clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. *See* D.C. Cir. Rule 41.

*Per curiam*

**FOR THE COURT:**

Mark J. Langer, Clerk

By:

Deputy Clerk