

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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UNITED STATES OF AMERICA	)	Criminal No.: cr-13-250 (PAM/JJK)
	)	
Plaintiff,	)	
	)	<b>DEFENDANT' TRIAL BRIEF</b>
vs.	)	
	)	
SHERIFF OLALERAN MOHAMMED	)	
	)	
Defendant.	)	

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The Defendant, SHERIFF OLALERAN MOHAMMED, by and through his attorney, JEPHTAH OLUPO, respectfully submits his trial brief in the proceedings herein.

The Defendant is charged with one count of smuggling firearms from the United States in violation of 18 U.S.C. § 554(a), and seventeen counts of making false statements during the purchase of a firearm in that Defendant indicated that he was the actual buyer of the firearm when he then know that he was not the actual buyer in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(2).

The Defendant denies the charges and denies smuggling firearms from the United States. Also, the Defendant denies making false statement during the purchase of a firearm or that he was a “straw buyer.”

**I. SUMMARY OF THE EVIDENCE AT TRIAL**

The Defendant need not present any evidence at trial, the burden is on the United States to prove the element of the offense charged. However, the Defendant will adduce evidence at trial as follows:

**a. Sending of Firearms to Nigeria**

The Defendant will testify that he placed firearms in a bag placed in an automobile in an Ocean Vessel Container. The firearms were among his other personal effects contained in the ocean vessel Container was declared to the shipping agent (Worldwide Shipping Link, Inc.) as personal effects. The Defendant will testify that the firearms were for his own personal use exclusively. That Defendant is not in not engaged in the business of manufacturing or exporting firearms of defense articles. The Defendant denies knowledge that the sending firearms from the United States was contrary to any law or regulations of the United States.

**b. Lack of Notice.**

The Defendant purchased some of the firearms at Bill's Gun Shop, a federally licensed gun dealer. When the Defendant purchased the firearms he told the Bill's Gun Shop that he was going to ship the firearms to Nigeria. Defendant was not alerted to any law or regulations prohibiting the shipment of firearms as personal effects from the United States.

**b. Laws and Regulations.**

The United States Code of Federal Regulation provides requires persons engaged in the business of exporting and importing defense article or services designated in the United States Munitions List to obtain export license. 22 U.S.C. § 2778 (b)(1)(A)(i)(ii). Firearms are designated as defense articles in the United Munitions List. 22 C.F.R. § 121.1. 22 U.S.C. § 2778(c) prohibits the exportation of defense articles without a license. To sustain the charge of exporting defense article in the United States Munitions list the government must prove that

Defendant knowingly (willfully) engaged in the business of exporting defense articles without a license.

The Government charged the defendant with an offense under 18 U.S.C § 554, because the Government refers to the United States Munitions List it must prove that the Defendant knowingly and willfully sent firearms from the United States.

Even if at all a export license is required the United States Code of Federal Regulation provides certain exception for sending firearm from the United States. 22 C.R.F 123.17(c)(e).

The Defendant has less than 1000 cartridges in his bag and had the firearms in a baggage with his personal effect and designated to Defendant's shipping agent (World Wide Shipping, Inc., as personal effects. The Defendant was not present at the custom post and his agent did not require him to item all articles contained in the Ocean Vessel Container. The defendant purchased the firearms for his own exclusive use and not for transfer to another. The Government must prove willfulness in sending the firearms from the United States and that the Defendant transferred the firearm to another.

## II. COUNTS 2 – 17 OF THE INDICTMENT.

The government charged the Defendant of purchasing firearms as a straw person, that is that he knowingly made a false or fictitious oral or written statement or furnished or exhibited false, fictitious or misrepresented identity intended to or likely to deceive a dealer with respect to any material fact to the lawfulness of the sale of firearms. 18 U.S.C. §922(a)(6). Specifically, the Government alleged that the "Defendant indicated that he was the actual purchaser of the firearm, when in fact the defendant was not the actual buyer of the firearm and the Defendant then knew that he was not the actual buyer." The Government has the burden of proving that Defendant made a material representation in the purchase of the

firearm and who the actual buyer of the firearms is. The Defendant maintains that he purchased the firearms for his own exclusive use.

**III. Testimony of Witness.**

The Defendant intends to call the following witnesses.

1. Adebayo Ladipo. Mr. Ladipo shared the Ocean Vessel Container where the firearms were discovered with the Defendant. Mr. Ladipo will testify as to his participation in the obtaining the Container and the documentation provided to the shipping agent, World Wide Shipping, Inc.
2. Busari Abdul. Mr. Abdul accompanied the Defendant to the firearms dealer when the Defendant purchased some of the firearms. Mr. Abdul will testify as to what he witnessed or heard during the purchase of firearms transaction.
3. Olayinka Bada. Ms. Bada is the Defendant's ex-wife. Ms. Bada has accompanied the Defendant to the firearms dealer during some of the firearm purchased made by the Defendant. Ms. Bada will testify as to her knowledge of the Defendant in relation to the firearms.
4. Sheriff Olaleran Mohammed. Defendant will testify in his own behalf.
5. All of the Government's Witnesses.

**IV. Defendant's List of Exhibits.**

Exhibit 1 - World Wide Shipping Links Inc., Letter of intent dated 09/20/2012

Exhibit 2 – World Wide Shipping Link Inc's letter of intent dated 13/30/2013

Exhibit 3 – Defendant's Nigeria gun permit

Exhibit 4 - Photos of Defendant's home in Nigeria

Exhibit 5 – Government Report of Investigation

Dated: June 6, 2014

**OLUPO LAW OFFICE**

s/Jephtah Olupo

By: \_\_\_\_\_

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