

1 AMR MOHSEN
2 Defendant
3 UKU 326
4 North County Jail
5 550 6th Street
6 Oakland, CA 94607

7 PRO SE

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11			
12	UNITED STATES OF AMERICA,)	No. CR 03-95-WBS
13	Plaintiff,)	
14	v.)	DEFENDANT AMR MOHSEN'S PRO SE
15	AMR MOHSEN and ALY MOHSEN,)	MOTION FOR NEW TRIAL ON GROUND
16	Defendants.)	OF INEFFECTIVE ASSISTANCE OF
17)	COUNSEL
)	Date: June 23, 2006
)	Time: 10:30 a.m.
)	Hon. William B. Shubb

18 Defendant Amr Mohsen, pro se, moves the Court for a new trial under Federal Rule of
19 Criminal Procedure 33 on all counts on the ground that his attorneys rendered ineffective
20 assistance of counsel under the Sixth Amendment by failing to call critical witnesses, failing to
21 cross-examine government witnesses, failing to conduct adequate investigation, and by failing to
22 expose serious discrepancies and falsities in the forensic and other evidence presented by the
23 government to create a reasonable doubt on the charges.

24 A reasonably competent defense would have included additional evidence and arguments
25 that would have strengthened the materiality defense in a number of ways, including showing:
26 (1) Quickturn's actions related to the 1988 notebook were unreasonable; (2) all of Quickturn's
27 prior art invalidation claims were frivolous and never invalidated the claims of the '069 patent
28 since its issuance in 1996; (3) the alleged conspiracy was terminated prior to the evidentiary

1 hearing; and (4) the district court's decisions on materiality and dismissal in the evidentiary
2 hearing were erroneous as the federal circuit reversed his interpretations of the controlling
3 authority for his decisions. In addition, a reasonably competent defense would have corrected the
4 falsities and discrepancies in the government's evidence and created a reasonable doubt in the
5 evidence presented by the government. For example, the test results of the government's ink
6 expert on the 1988 notebook are contradicted by two other ink experts. Overall, the combined
7 analysis of the government's forensic witness testimony and other evidence is inconclusive. The
8 defendant's memorandum and supporting materials will include evidence, declarations, and legal
9 arguments to show counsel's performance was deficient and that, if counsel had performed at a
10 reasonably competent level, there is a reasonable probability that the result of the trial would have
11 been different.

12 Dr. Mohsen requests appointment of counsel and additional time to submit a memorandum
13 of points and authorities on this motion. This motion is based on the instant motion, the record in
14 this case, and any additional authorities, exhibits, or evidence presented before decision on this
15 motion.

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1 Dr. Mohsen also requests an evidentiary hearing on this motion.

2 DATED: April 13, 2006

3 Respectfully submitted,

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5 /s/ Amr Mohsen
6 AMR MOHSEN
7 DEFENDANT, PRO SE

8 [original signature on file]

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John Balazs
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April 14, 2006

Hon. William B. Shubb
U.S. District Judge
501 I Street, 14th Floor
Sacramento, CA 95814

Re: *U.S. v. Amr Mohsen*, No. 03-95-WBS

Dear Judge Shubb:

Our client Amr Mohsen asked us to file the attached motion for new trial on the ground of ineffective assistance of counsel. As we cannot litigate this motion ourselves, we request that the Court consider appointing separate counsel for Dr. Mohsen with respect to this motion. Thank you.

Sincerely

/s/ John Balazs
John Balazs

/s/ Bruce Locke
Bruce Locke

Attorneys for Defendant
Amr Mohsen