

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL HEARING MINUTES

Date: December 8, 2006

Case No.: CR 03-0095-WBS

Judge: William B. Shubb

FILED

DEC 8 2006

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Title: UNITED STATES -v- AMR MOHSEN (custody)
ALY MOHSEN (not in custody)

Attorneys: AUSAs: Robin Harris
Kyle Waldinger

Defense: Bruce Locke - for Amr Mohsen
John Balasz - for Amr Mohsen
Christian Picone - for Aly Mohsen
Frank Ubhaus - for Aly Mohsen

U.S. Probation Officer: Sara Black

Deputy Clerk: Edward Butler Court Reporter: Sylvia Russo

Time in Court: 10:50 a.m.-11:52 a.m.; 1:02 p.m - 3:10 p.m.

PROCEEDINGS

- 1) Judgment and Sentencing. _____
- 2) _____
- 3) _____

SUMMARY:

I. The court proceeds with sentencing for Aly Mohsen:

Defendant plead guilty to Counts 1, 5, 6, 7, 8, 9 and 19 of the Superseding Indictment filed 1/24/06.

Defendant has reviewed the Presentence Report. The defense has objections.

The court finds the following:

- 1. The Probation Officer's assessment re: grouping is correct. There are 2 separate groupings of counts.
- 2. Defendant's Role in the Offense was minor, but not minimal, allowing a 2 point decrease.
- 3. The Probation Officer's assessment re: Substantial Interference with the Administration of Justice is correct.
- 4. The court will not add an additional 2 points for an Obstruction of Justice enhancement.

The court adopts the remainder of the Findings of Fact and Guideline calculations as set forth in the PSR. The defendant's Adjusted Offense Level is 13; his Criminal History level is I; the Sentencing Guideline Range is 12 - 18 months.

Defendant Aly Mohsen is sentenced to a term of imprisonment of 12 months on each of counts 1, 5-9 and 10, to be served concurrently.

Defendant Aly Mohsen is sentenced to 3 years on Supervised Release on each count, to run concurrently.

The standard terms and conditions for supervised release are imposed, including that he is not to commit any crime nor use controlled substances. The drug testing condition is waived.

Additional terms and conditions of supervised release are:

- 1) He is to pay a fine of \$5,000.00 and a Special Assessment of \$700.00, both due immediately.
- 2) He is to pay restitution of \$4,536.74 to Cadence Design Systems.
- 3) He is to submit searches as directed by the Probation Office.
- 4) He is not to be employed in a position requiring his certification of documents, or providing testimony.
- 5) He is not to possess firearms, weapons or other destructive devices.
- 6) He is to comply with requirements to provide DNA.

The defendant's sentence is to be served beginning no later than 2/14/07. He is to voluntarily surrender at 2:00 p.m. at the facility designated by the Bureau of Prisons; if no designation is made by that date, he is to report to the U.S. Marshals Service in Springfield, MO.

II. Amr Mohsen:

Defense moves to present evidence regarding the amount of loss to Quickturn. Defense has retained an expert.

An evidentiary hearing regarding the Quickturn issue is set for Friday, January 5, 2006 at 9:00 a.m. Counsel Balazs will likely be substituted by newly-retained counsel.

Corporate counsel for corporate victim Cadence Design Systems provides a victim statement.

Defendant's Motion for Dental Services is denied. The court leaves the matter up to the discretion of the Marshals Service and detention facility.

cc: U.S. Marshals Service
U.S.D.C. Finance Office