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Friday, April 14, 2017

Federal Appeals Court Upholds Convictions of William B. Aossey, Jr., Midamar Corporation, and Jalel Aossey

The criminal fraud and related convictions of William B. Aossey, Jr.; Jalel Aossey; and Midamar Corporation, all of Cedar Rapids, Iowa, were upheld today by the United States Court of Appeals for the Eighth Circuit.

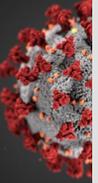
On July 3, 2015, the founder of Midamar Corporation (Midamar) and Islamic Services of America, William B. Aossey, Jr., age 75, of Cedar Rapids, Iowa, was convicted by a federal jury on 15 counts of conspiracy, making false statements on export certificates, and wire fraud. On February 26, 2016, Aossey was sentenced to 24 months' imprisonment and fined \$60,000. Aossey was also ordered to forfeit \$184,983 representing proceeds of the fraud. In addition, he was ordered to pay costs of prosecution of \$16,824 and a special assessment of \$1500.

On September 9, 2015, Midamar pleaded guilty to one count of conspiracy to commit the following federal offenses: mail and wire fraud; covering up material facts by a scheme; making and using false statements and documents in a matter within the jurisdiction of the Department of Agriculture; making false statements on export certificates with the intent to defraud; and selling misbranded meat in interstate commerce with the intent to defraud. Midamar's guilty plea was entered by its Treasurer and a corporate director, Yahya Nasser



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Aossey. On February 26, 2016, Midamar was sentenced to pay a 20,000 fine and ordered to forfeit \$600,000. Midamar was also placed on probation for five years. As a special condition of probation, Midamar was ordered to abide by all terms of a consent decree entered into with the USDA Food Safety Inspection Service. The consent decree required Midamar to take a variety of corrective actions and to remove certain corporate officials including Jalel Aossey and William B. Aossey from the business. Midamar was also ordered to pay a special assessment of \$400.

On September 11, 2015, Jalel Aossey, age 42, then President of Midamar, pleaded guilty to one count of conspiracy to commit the following federal offenses: mail and wire fraud; covering up material facts by a scheme; making and using false statements and documents in a matter within the jurisdiction of the Department of Agriculture; making false statements on export certificates with the intent to defraud; and selling misbranded meat in interstate commerce with the intent to defraud. On March 11, 2016, Jalel Aossey was sentenced to serve 12 months' and one day imprisonment and fined \$30,000. In addition, he was ordered to pay a special assessment of \$100. Aossey was ordered to serve a three-year term of supervised release after the prison term and to comply with the terms of a separate consent decree entered into with the USDA Food Safety Inspection Service. As part of that agreement and his plea agreement, Aossey was required to divest his interest in Midamar and to no longer be associated with the management or operations of Midamar.

William B. Aossey, Jr., Midamar, and Jalel Aossey each appealed their convictions. The defendants each claimed the district court, The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa, had erred by denying their motions to dismiss the cases. In their motions to dismiss, the defendants contended the district court lacked jurisdiction over their cases because Congress had reserved exclusive enforcement authority over the alleged statutory violations to the Secretary of Agriculture, and that the United States Attorney could not proceed against the defendants in a criminal prosecution. The cases were consolidated for resolution on appeal.

In a written opinion filed today, the United States Court of Appeals for the Eighth Circuit denied the appeals. The Court held that Congress did not express a "clear and unambiguous" intent that the district courts would not have jurisdiction over criminal violations of the Federal Meat Inspection Act. Rather, the "better reading" of the applicable statute is that it "provides an administrative enforcement mechanism for the Secretary of Agriculture that supplements the authority of the United States Attorneys to pursue criminal prosecutions in the district courts." Further, here, "the United States Attorney properly proceeded in the district court."

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The cases were prosecuted by Assistant United States Attorneys Richard L. Murphy and Timothy L. Vavricek and were investigated by the United States Department of Agriculture Office of Inspector General Investigations and Internal Revenue Service Criminal Investigations.

Court file information at <https://ecf.iand.uscourts.gov/cgi-bin/login.pl>.
The case file numbers: 14-CR-00116-LRR (William B. Aossey, Jr.); 14-CR-00138-LRR (Midamar & ISA).

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