

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 12-10086

D.C. Docket No. 1:09-cr-00037-SPM-GRJ-1

UNITED STATES OF AMERICA,

Plaintiff -Appellee
Cross Appellant,

versus

SAMIM ANGHAIE,
SOUSAN ANGHAIE,

Defendants-Appellants
Cross Appellees.

Appeals from the United States District Court
for the Northern District of Florida

(June 7, 2013)

Before CARNES, WILSON, and EBEL,* Circuit Judges.

PER CURIAM:

* Honorable David M. Ebel, United States Circuit Judge for the Tenth Circuit, sitting by designation.

Having studied the briefs and the relevant parts of the record, and having heard oral argument in this case, we have concluded that there is no merit to the Appellants' arguments that the evidence was insufficient to convict them on the counts for which they were convicted. We have also concluded that there is no merit to the Appellee's cross-appeal arguments that the district court erred in the amount of the forfeiture it ordered Appellants to pay or in failing to order them to pay restitution.

We are convinced, however, that the district court should conduct an evidentiary hearing into the Appellants' claim regarding the alleged conversation between juror Moss and Dr. Abdol Chini about Appellant Samim Anghaie. We leave to the district court's discretion the procedural question of whether to hear testimony from Dr. Chini before deciding if it needs to hear testimony from juror Moss, or to hear testimony from both of them in any event. We imply no view about how the district court should decide the issue once it conducts the evidentiary inquiry, nor do we imply any view about whether Appellant Sousean Anghaie could be entitled to any relief based on this claim if the alleged conversation was not about her.

The judgment in this case is **VACATED AND REMANDED** for the limited purpose of an evidentiary hearing into the allegations that juror Moss discussed the

case with Dr. Chini before the trial was complete and for a decision on the issue or issues involved in that claim.