

United States Court of Appeals
For the Eighth Circuit

No. 19-1556

United States of America

Plaintiff - Appellee

v.

Michael Adefemi Adeyemo, also known as Adekunle Olufemi Adetiloye

Defendant - Appellant

Appeal from United States District Court
for the District of North Dakota - Fargo

Submitted: May 12, 2020

Filed: September 2, 2020

[Unpublished]

Before SMITH, Chief Judge, MELLOY and SHEPHERD, Circuit Judges.

PER CURIAM.

Defendant Michael Adefemi Adeyemo operated a multi-million dollar fraud scheme that involved opening credit cards in the names of other individuals. In 2001, Defendant and two others were charged in California with operating a fraud scheme. United States v. Adeyemo, No. 8:01-cr-75 (C.D. Cal. filed May 9, 2001). Defendant left the country before he could be arrested. By late 2003, Defendant lived in Canada

under the false name and identity of Adekunle Olufemi Adetiloye. He applied for refugee status in Canada using the new name and false biographical information. In 2008, a grand jury in the District of North Dakota returned an indictment bringing fraud-scheme charges against Defendant under his false name. United States v. Adetiloye, No. 3:08-cr-28 (D.N.D. filed Mar. 19, 2008). In 2010, Canada extradited Defendant to the United States, where he later pleaded guilty and was sentenced in North Dakota as Adetiloye. In 2014, the government realized Adetiloye and Adeyemo were one in the same, leading to the instant charges. In 2018, a jury found Defendant guilty on four counts of obstruction of justice, in violation of 18 U.S.C. § 1503, for providing or affirming false identifying information to the District of North Dakota with the intent to mislead the court (Counts 1 and 2) and to prevent the Central District of California from discovering his location (Counts 3 and 4).

On appeal, Defendant argues he had a Fifth Amendment right to not volunteer his given name because it would have exposed him to the pending California charges. The district court¹ rejected this argument under Hiibel v. Sixth Judicial District Court of Nevada, 542 U.S. 177, 191 (2004), and so do we. Defendant did not assert his right to remain silent in fear of self-incrimination. Instead, Defendant repeatedly provided false identification and information to the court and its officers during the prosecution of his own criminal case. Cf. United States v. Pereira-Munoz, 59 F.3d 788, 793 (8th Cir. 1995) (as applied to the obstruction-of-justice sentencing enhancement). Defendant also argues that the jury's verdict was not supported by sufficient evidence and that the district court abused its discretion instructing the jury. Based on our thorough review of the record, we affirm. See 8th Cir. R. 47B.

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa, sitting by designation.