

February 23, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

05-10648

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

Versus

NINA K. RAJWANI

Defendant-Appellant

Appeal from the United States District Court for the Northern
District of Texas, Fort Worth Division

ON PETITION FOR REHEARING

(Opinion January 16, 2007, 5th Cir. 2007____F.3d)

Before JONES, Chief Judge, and DAVIS and GARZA, Circuit Judges.

PER CURIAM:

In response to the petition for rehearing submitted by Appellant Nina K. Rajwani, we modify the first full paragraph on page 1187 of the slip opinion to read as follows:

The most direct evidence of Rajwani's knowledge of and participation in the scheme were the handwritten notes the customs agents found in her purse recording the names and addresses of two victims. In addition, the irregular nature of the transactions and

the machinations the defendant followed to recover funds in the United States are probative of her guilty knowledge. The unorthodox procedures included:

- The practice of personally crossing the border and withdrawing the funds rather than having the U.S. bank simply wire the funds to the defendant's friend or to the defendant herself in Canada;
- Opening multiple bank accounts for the different victims' deposits rather than having a single account;
- Making trips to various banks on nine different days, each within one or two days of the victim's deposits to empty the account and recover the funds;
- Fleeing from the bank on September 22, 2005 after the bank manager attempted to stall the defendant.

Rajwani was not inexperienced in business affairs. She served as an independent contractor for a financial services company in Canada and as a clerical worker for an importing company. The jury was entitled to conclude that the totality of these circumstances belied the defense theory that the defendant sincerely believed she was simply helping her friend collect funds legitimately owed to him in his travel agency.

IT IS ORDERED that the petition for rehearing is otherwise DENIED.