

One of these sites was the Sister Clara Muhammad School, an institution established and operated by the Muslim community in buildings which formerly housed Saint Thomas More Catholic High School. The defendant Faridah Ali is the director of the Sister Clara Muhammad School, and the wife of the Imam, or spiritual leader of the Muslim community. The Clara Muhammad School provides education from kindergarten through twelfth grade, with an emphasis upon religious training. The building housing the various classrooms of the school also houses the Masjid, where religious services are conducted.

The teachers who instruct the children at the Clara Muhammad School are all affiliated with the mosque in some fashion. To a large extent, they either volunteer their services or receive periodic, rather small "stipends." The school itself is entirely supported by contributions from members of the congregation and their friends and benefactors.

The official at the Community College responsible for establishing the outreach program at the Clara Muhammad School was Delores Weaver (also a defendant in this case, who has been granted a separate trial because the government appealed a pretrial ruling in her case). It is a reasonable inference from the evidence that Ms. Weaver was enthusiastic about achieving the beneficial purposes of the ABE program, and also was interested in enabling the Clara Muhammad School to be a part of the effort.

In theory, in order to teach at the Community College it is necessary for an applicant to have at least a bachelor's degree. But some of the courses involved in the ABE program could be handled competently by teachers who did not have a college degree (e.g., a "parenting" course). And, it seems, many of the teachers regularly employed at the Clara Muhammad School did not have college degrees.

On behalf of the Community College, Ms. Weaver entered into an arrangement with the Clara Muhammad School under which the school would provide classrooms for the conduct of ABE classes by the Community College, and would be paid \$450 per room per semester. It was understood that no class would be scheduled unless at least 15 people had signed up for it, but that the class would continue as long as any of the students continued to appear for class.

Under this arrangement, there was, obviously, a financial incentive to enroll as many students as possible, so that more classes would be scheduled. The staff at the school, parents of the students, etc., were encouraged to engage in recruiting activities.

The pertinent events in this case occurred during the period between 1999 and 2001. The government's evidence was to the effect that Ms. Weaver, or others acting at her direction, regularly falsified the resumes of prospective teachers, so that

many teachers (some of whom also taught in the school's regular program) were hired who lacked college degrees, and that the registration forms by which students signed up for classes were filled out by recruiters, often without the student's knowledge or consent. Classes which were scheduled were not actually being conducted. Teachers were being paid, but were not actually providing teaching services.

The Indictment in this case was obtained after a lengthy investigation, which included telephone interceptions over a period of several months. As noted above, the defendant Faridah Ali was actively involved in what went on at the Clara Muhammad School. The defendant Lakiha Spicer is her daughter, and the defendant Azheem Spicer is her son. The defendant Eugene D. Weaver, III is the son of Delores Weaver, who was in charge of the program from the standpoint of the Community College of Philadelphia. All three of these individuals were hired as teachers, and received substantial payments from the Community College.

It is very clear that Lakiha Spicer, Azheem Spicer and Eugene Weaver were not actually teaching classes at the times when, according to the official schedules, these classes were supposed to be in progress. During much of the period, for example, Lakiha Spicer had an apartment in New York, and had a job with a public relations firm. During periods of time

aggregating nine months, when he was regularly receiving payroll checks from the Community College, the defendant Eugene Weaver was living in Peru. And there was evidence that, on some 49 different occasions, Azheem Spicer could not have been conducting classes as stated in the schedules.

The intercepted telephone conversations contained many damaging statements by Delores Weaver and Faridah Ali reflecting their awareness that people were being paid without performing services, and that it was desirable to take steps to avoid detection.

The only significant issue in the case was whether the defendants acted with fraudulent intent, and knowingly received money they were not entitled to, or whether they were merely willing recipients of largesse as the result of a sloppily-run program. The jury has resolved that issue, and there is adequate evidentiary support for the jury's verdict. The motions for judgment of acquittal will therefore be denied.

The motion for a new trial filed by the defendant Azheem Spicer requires little discussion. The defendant asserts that the court erred in excluding evidence of a telephone conversation on August 8, 2001 between Faridah Ali and a person named Carolyn Wilson. Ms. Wilson called the Ali home and asked to speak to Azheem Spicer, but was told by Faridah Ali that Mr. Spicer was not present because he was at work. Faridah Ali

stated that Azheem works for a college and is in class, but that he would be available on Saturday because "he doesn't teach class on Saturday."

To the extent that this evidence was offered as proof that, in fact, Azheem Spicer was teaching a class at the Community College on August 8, 2001, or that he was not scheduled to teach the next Saturday, the statement constitutes inadmissible hearsay. If, as defendant now argues, the evidence was offered to impeach the out-of-court declarations of Faridah Ali which the government had previously introduced as co-conspirator statements, the difficulty is that the proffered evidence does not impeach Faridah Ali in any respect. The government has never contended, and Faridah Ali never stated, that Azheem Spicer had never taught a class at the Community College. Moreover, since other evidence in the case makes clear that Faridah Ali (and Delores Weaver) wished to preserve the illusion that nothing improper was occurring, her statement to a third party not involved in the case must be interpreted in that light.

I conclude that no error was committed. In any event, exclusion of that snippet of evidence cannot reasonably be viewed as having had any effect on the jury's verdict. The motion for a new trial will also be denied.

An Order follows.

