

**United States District Court**  
Eastern District of California

**FILED**

JUN 27 2017

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA**

**FIRST AMENDED  
CRIMINAL COMPLAINT**

**V.**

**MOHAMMED I. KAHN**

**DOCKET NUMBER:  
6:17-mj-00037-MJS**

I, acting legal officer Armin M. Najafi, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. In Yosemite National Park, in the Eastern District of California, Mohammed I. KAHN did violate:

**Count 1:** Operate a motor vehicle with the intent to evade and willfully fleeing or otherwise attempting to elude a pursuing peace officer's motor vehicle, in violation of Title 36 Code of Federal Regulations §4.2(b), incorporating California Vehicle Code §2800.1(a).

**Maximum penalty: 6 months imprisonment and/or \$5,000 fine**

**Count 2:** Create and maintain a hazardous condition, in violation of Title 36 Code of Federal Regulations §2.34(a)(4).

**Maximum penalty: 6 months imprisonment and/or \$5,000 fine**

**Count 3:** Resist and intentionally interfere with a government employee, in violation of Title 36 Code of Federal Regulations §2.32(a)(1).

**Maximum penalty: 6 months imprisonment and/or \$5,000 fine**

**Count 4:** Violate a lawful order, in violation of Title 36 Code of Federal Regulations §2.32(a)(2).

**Maximum penalty: 6 months imprisonment and/or \$5,000 fine**

**Count 5:** Have a non-functioning brake light, in violation of Title 36 Code of Federal Regulations §4.2(b), incorporating California Vehicle Code §24603.

**Maximum penalty: 6 months imprisonment and/or \$5,000 fine**

**Count 6:** Have a rear registration plate not clearly visible, in violation of Title 36 Code of Federal Regulations 4.2(b), incorporating California Vehicle Code §5201.

**Maximum penalty: 6 months imprisonment and/or \$5,000 fine**

Speedy Trial Act Applies: **No**

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**Count 7:** Operate a vehicle without due care, in violation of Title 36 Code of Federal Regulations §4.22(b)(1).

**Maximum penalty: 6 months imprisonment and/or \$5,000 fine**

**Count 8:** Speed, in violation of Title 36 Code of Federal Regulations §4.21.

**Maximum penalty: 6 months imprisonment and/or \$5,000 fine**

I further state that I am the acting legal officer and that this complaint is based on the following facts and information supplied to me by National Park Service Law Enforcement Rangers.

On May 07, 2017 at approximately 12:30 p.m., Ranger Holthouse was on patrol in his marked patrol vehicle on Chapel Straight in Yosemite National Park. Ranger Holthouse was driving eastbound on Southside Drive behind a silver Mercedes E-class sedan ((CA)4KRF001) when he observed that the Mercedes' left brake light was not illuminating with the other two brake lights, and that the Mercedes' rear registration plate was partially obstructed by a license plate cover.

Ranger Holthouse activated his patrol lights and stopped the Mercedes on Chapel Straight. Upon making contact with the driver of the vehicle, Ranger Holthouse smelled the odor of marijuana coming from inside the vehicle through the driver's open window. Ranger Holthouse identified the driver by his California driver's license as Mohammed Isa KAHN. Before going back to his patrol vehicle, Ranger Holthouse told KAHN to "sit tight for me, we'll get you going in a minute." At approximately 1233 hours, Ranger Phillipson arrived on scene in his patrol vehicle and obtained the driver's license from the Mercedes' passenger.

At approximately 12:35 hours, while both Rangers were still located at their patrol vehicles, KAHN started his Mercedes and quickly turned into the eastbound lane of traffic towards the Sentinel Bridge intersection. Rangers Holthouse and Phillipson pursued the vehicle, and within a half-mile, they reached speeds approaching 60 miles per hour while driving through two busy pedestrian crosswalks and one stop-sign. Neither Ranger was able to maintain a visual on KAHN during the first half-mile of the pursuit.

Witnesses provided written statements asserting that KHAN was driving "approximately 60 mph"; that at the "Sentinel Cross intersection" the Mercedes "skidded and continued through it at a high rate of speed"; one driver had to make an "evasive move" to avoid KAHN crashing into their vehicle head-on, and witnessed KAHN nearly hit another vehicle and some pedestrians.


Speedy Trial Act Applies: **No**

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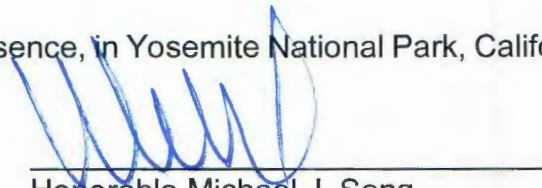
KAHN stopped his Mercedes near Housekeeping Camp on Southside Drive. At approximately 1240, Ranger Holthouse arrested KAHN for eluding and interfering with Rangers in the performance their duties. Ranger Nash performed a Carroll search on the Mercedes based on the marijuana odor emanating from the vehicle and recovered a small amount of marijuana from the Mercedes.

06/27/2017  
Date

  
Armin M. Najafi  
Acting Legal Officer  
Yosemite National Park, CA

Sworn to before me and subscribed in my presence, in Yosemite National Park, California.

6/27/17  
Date

  
Honorable Michael J. Seng  
U. S. Magistrate Judge  
Eastern District of California

Speedy Trial Act Applies: **No**

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