

Aptix founder on trial for fraud, murder plot

By Howard Mintz
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Amr Mohsen seemed to have it all. He founded a successful Silicon Valley high-tech company that flourished in the mid-1990s. He had a \$10 million mansion in Los Gatos.

But today, Mohsen will find himself in a San Francisco federal courtroom, where his downward spiral has left him exposed to decades in prison for a range of allegations that includes a plot to murder a Bay Area federal judge. Jury selection begins in a two-month trial to determine exactly how far Mohsen has fallen and whether he will trade that mansion for a prison cell.

The 58-year-old Mohsen has been locked up in the Santa Rita jail in Dublin since the summer of 2004, when federal prosecutors indicted him for soliciting a hit man to kill U.S. District Judge William Alsup, whom he blames for his criminal troubles and the loss of his once-promising company, Sunnyvale-based Aptix.

When Mohsen was jailed for the alleged murder plot, he already was facing charges of trying to flee the country to evade perjury and obstruction of justice allegations. Mohsen's trial now promises to offer a sad glimpse into how his former company's feud with a competitor spun wildly out of control.

Mohsen's criminal plight traces back to a long-running patent battle between Aptix and San Jose-based Cadence Design Systems over the rights to chip design technology. Alsup, who presided over the civil case, eventually found that Mohsen fabricated key evidence and referred him and his brother, Aly, to the U.S. attorney's office for prosecution.

Aly Mohsen, a Missouri resident, pleaded guilty last week to obstruction charges related to the patent case.

Amr Mohsen's lawyers did not return phone calls seeking comment. However, in court

papers filed in recent weeks, they say they will argue Mohsen's conduct in the patent case has been exaggerated. They also indicated they may argue the FBI used a jailhouse informant to entrap him into the murder-for-hire scheme.

A judge earlier in the case rejected Mohsen's argument that he was not mentally competent to stand trial.

Federal prosecutors declined comment, but in court papers outlined a case that will attempt to show the jury that Mohsen lied and fabricated evidence in the patent case, cooked up plans to cover up his actions, later attempted to flee the United States and then, while in jail, arranged to threaten witnesses and kill Alsup.

The Bay Area federal bench recused itself from the case, which is being handled by William Shubb, a judge from Sacramento.

The trial will unfold in two phases. The first phase will focus solely on the government's allegation that Mohsen committed a "multi-million dollar fraud" on Cadence's Quickturn Design Systems unit in the patent case, which heated up in 1998 when Mohsen's Aptix filed a patent lawsuit. Mohsen, who founded Aptix in 1989, resigned as the company's CEO in 2004.

Alsup dismissed Aptix's lawsuit in 2001 after concluding that Mohsen fabricated engineering notebooks to back his case. Once the jury decides the perjury and obstruction charges against Mohsen, the trial will turn to the bizarre allegation that the former executive tried to recruit a fellow jail inmate to murder Alsup.

The alleged plot took place shortly after Mohsen was arrested in Campbell with an Egyptian passport and a flight reservation to the Cayman Islands. At the time in 2004, Mohsen was facing the perjury and obstruction allegations, having backed out of a plea deal that would have resolved his case.

While in jail, Mohsen struck up a friendship with another inmate who had a lengthy criminal record, according to government documents. Mohsen allegedly first recruited the inmate to arrange to threaten some of the government's witnesses, then inquired about the prospect of murdering Alsup.

The inmate tipped the FBI, and his conversations with Mohsen were recorded. At one point, Mohsen said he wanted a "funeral" for Alsup and that if the judge were gone, "everything will go my way." When told it would cost \$25,000 to arrange a hit on Alsup, Mohsen replied, "That's very high. . . . I heard it's more like 10 (\$10,000)," according to the government papers.

Mohsen instructed the informant to find out where Alsup lives and "what are his patterns," prosecutors also allege.

Mohsen's lawyers said they may argue that the government lured Mohsen into a scheme that he was not "predisposed to commit."