UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4107

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

IGOR YASINOV,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Julie R. Rubin, District Judge. (1:22-cr-00448-JRR-1)

Submitted: July 24, 2026 Decided: September 2, 2026

Before KING, GREGORY, and AGEE, Circuit Judges.

Affirmed in part, dismissed in part by unpublished per curiam opinion.

ON BRIEF: Vincent A. Jankoski, VINCENT A. JANKOSKI, Silver Spring, Maryland, for Appellant. Kelly O. Hayes, United States Attorney, David C. Bornstein, Assistant United States Attorney, Chief, Appellate Division, M.J. Kirsch Muñoz, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

A jury convicted Igor Yasinov, a federal prisoner, on four counts of assaulting federal officers resulting in bodily injury, in violation of 18 U.S.C. § 111(a)(1), (b). The charges stemmed from a physical altercation between Yasinov and four officers at the Chesapeake Detention Facility ("CDF"), during which the officers sustained various injuries. After a trial, at which Yasinov represented himself with stand-by counsel, the jury found Yasinov guilty, and the district court sentenced him to concurrent terms of 110 months' imprisonment on each count. On appeal, Yasinov challenges his waiver of the right to counsel, the district court's handling of voir dire, the adequacy of the court's jury instructions and use of a general verdict form, the multiplicity of his convictions, and the court's failure to continue the sentencing hearing. We affirm in part and dismiss in part.

The Government asserts that Yasinov's pro se notice of appeal precludes review of the claims regarding waiver of counsel, multiplicity of convictions, and continuance of sentencing. We conclude that only the continuance claim is not encompassed by the notice of appeal because the court's denial had not occurred at the time Yasinov filed the notice of appeal. *See Manrique v. United States*, 581 U.S. 116, 124 (2017). Thus, we dismiss the appeal as to the denial of a continuance.

As to the remaining claims, Yasinov first argues that the district court failed to conduct a sufficient hearing under *Faretta v. California*, 422 U.S. 806 (1975), and, thus, that his waiver of his right to counsel was not knowing and voluntary. A defendant "may waive the right to counsel and proceed at trial pro se only if the waiver is (1) clear and unequivocal, (2) knowing, intelligent, and voluntary, and (3) timely." *United States v.*

Snyder, 181 F.4th 494, 503 (4th Cir. 2026) (internal quotation marks omitted). "The Supreme Court has not prescribed any formula or script to be read to a defendant who states that he elects to proceed without counsel." *United States v. Roof*, 10 F.4th 314, 359 (4th Cir. 2021) (internal quotation marks omitted). "The trial court must nevertheless assure itself that the defendant knows the charges against him, the possible punishment[,] and the manner in which an attorney can be of assistance, as well as the dangers and disadvantages of self-representation." *Id.* (citation modified).

Our de novo review of the record confirms that the district court thoroughly reviewed the offense elements and possible punishments. *See Snyder*, 181 F.4th at 503 (stating standard of review). The court took time to answer Yasinov's questions and ensure he understood the charges, maximum sentence, and risks of self-representation. At the end of these exchanges with the court, Yasinov stated that he understood the charges and possible punishments. Therefore, the district court did not err in conducting the *Faretta* hearing, granting Yasinov's motion to waive counsel, and permitting appointed counsel to serve as stand-by counsel during trial.

Next, Yasinov argues that the district court erred by asking supplemental voir dire questions of the potential jury panel outside his presence. "The Confrontation Clause of the Sixth Amendment and the Due Process Clause of the Fifth Amendment together guarantee a defendant charged with a felony the right to be present at all critical stages of his trial . . . where his absence might frustrate the fairness of the proceedings." *United States v. Rolle*, 204 F.3d 133, 136 (4th Cir. 2000) (internal quotation marks omitted). Defendants have the right to "be present at . . . every trial stage, including jury impanelment

and the return of the verdict." Fed. R. Crim. P. 43(a)(2). However, when a district court conducts voir dire outside the presence of a defendant, but the defendant does not object or otherwise raise the issue at trial, as is the case here, we review for plain error. *Rolle*, 204 F.3d at 138 (providing standard); *see id.* at 139-40 (discussing showing required to establish effect on substantial rights).

Here, the district court asked a court employee to ask supplemental questions of the potential jurors—who had already been excused to another room—including whether any juror had preconceived notions regarding Yasinov's guilt or innocence based on his decision to remain in prison attire at trial. Two potential jurors indicated that Yasinov's attire might impact their perception of him. Yasinov was present and participated during follow-up questioning of the potential jurors. Even assuming the district court plainly erred in submitting supplemental questions to the jury outside Yasinov's presence, Yasinov has not shown that the error affected his substantial rights, as the only two jurors to indicate they might harbor some preconceived notions were not ultimately seated on the jury. *See id.* at 140 ("Merely demonstrating that some difference in the makeup of the jury would have resulted from [a defendant's] presence is not sufficient . . . to establish actual prejudice." (citation modified)). Therefore, this claim fails.

Yasinov also argues that the district court erred by excluding the physical contact and bodily injury elements of § 111(b) from the general verdict form, as well as by giving the jury improper instructions on those elements, which resulted in a sentence exceeding the one-year maximum for simple assault. Any fact that increases a statutory maximum is an element of the offense that must be submitted to a jury and found beyond a reasonable

doubt. *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000). Because Yasinov did not challenge the jury instructions or general verdict form at trial, our review is for plain error. *See United States v. Jackson*, 126 F.4th 847, 857-58 (4th Cir.) (stating standard of review), *cert. denied*, 146 S. Ct. 825 (2025).

Yasinov is correct that infliction of bodily injury is a necessary offense element for a conviction under §111(b) that "must be charged in the indictment and proved to a jury beyond a reasonable doubt." *United States v. Campbell*, 259 F.3d 293, 300 (4th Cir. 2001). Here, the indictment and jury instructions both expressly included the bodily injury element. And, even if the district court's use of a general verdict form—which excluded § 111(b)'s bodily injury element—was error that was plain, such error did not affect Yasinov's substantial rights because the court clearly explained to the jury that bodily injury was an offense element and also defined what types of injuries could qualify. In addition, the Government presented clear and overwhelming evidence that the CDF officers sustained bodily injuries during the assault. Therefore, Yasinov has not shown that any exclusion of the term bodily injury from the general verdict form or any instructional error caused him actual prejudice or would seriously impact the integrity of judicial proceedings.

Finally, Yasinov argues that his convictions are multiplicitous because the indictment included four charges for a single act—running into the CDF officers when he charged the prison cell door—and he was sentenced to separate terms on each count. Although the Government asserts that Yasinov waived his multiplicity argument by not challenging the indictment before trial, we need not resolve the waiver issue. *United*

States v. Fall, 955 F.3d 363, 373 (4th Cir. 2020). Rather, we may assume, without deciding, that we can review Yasinov's multiplicity challenge for plain error. *Id.*

"A multiplicitous indictment is one that charges a single offense in multiple counts." *United States v. Slocum*, 106 F.4th 308, 312 (4th Cir. 2024). For purposes of § 111, regardless of the number of federal officers assaulted, "[a]n indictment may divide a course of conduct into separate assaults only when the Government demonstrates that the actions and intent of the defendant constitute distinct successive criminal episodes, rather than two phases of a single assault." *United States v. Thomas*, 669 F.3d 421, 426 (4th Cir. 2012) (citation modified) (discussing factors courts consider in making such determination); *see also United States v. Goodine*, 400 F.3d 202, 208 (4th Cir. 2005) ("It is well-settled that a defendant may be charged and prosecuted for the same statutory offense multiple times when each prosecution is based on discre[te] acts that each constitute a crime.").

Here, the evidence presented at trial, including video surveillance footage of the altercation and the CDF officers' testimony, reveals that Yasinov committed multiple distinct assaultive acts during the altercation. Those acts resulted in four CDF officers sustaining various injuries. Accordingly, we conclude that Yasinov's convictions on four counts of violating § 111(b) are not multiplicitous.

Accordingly, we affirm as to the claims encompassed by the notice of appeal.[*] We dispense with oral argument because the facts and legal contentions are adequately

[*] We deny the pro se motion to file an amicus brief in support of Yasinov's appeal.

presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED IN PART,
DISMISSED IN PART