

NO:

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIE WALKER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit**

PETITION FOR WRIT OF CERTIORARI

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BONNIE PHILLIPS-WILLIAMS
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Miami, Florida 33130-1555
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QUESTIONS PRESENTED FOR REVIEW

1. Whether Mr. Walker's sentence must be vacated because a violation of the Florida robbery statute currently under review in *Stokeling v. United States*, 138 S. Ct. 1438 (2018), is not categorically a "violent felony" for purposes of the Armed Career Criminal Act.

INTERESTED PARTIES

There are no parties to the proceeding other than those named in the caption of the case.

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No:

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v.

UNITED STATES OF AMERICA,

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**On Petition for Writ of Certiorari to the
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for the Eleventh Circuit**

PETITION FOR WRIT OF CERTIORARI

Willie Walker respectfully petitions the Supreme Court of the United States for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit, rendered and entered on March 19, 2018, *United States v. Walker*, No. 17-13448 (11th Cir. 2018), which affirmed the judgment and commitment of the United States District Court for the Southern District of Florida.

OPINION BELOW

A copy of the decision of the United States Court of Appeals for the Eleventh Circuit, which affirmed the judgment and commitment of the United States District Court for the Southern District of Florida, is contained in the Appendix (A-1).

STATEMENT OF JURISDICTION

Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1) and PART III of the RULES OF THE SUPREME COURT OF THE UNITED STATES. The decision of the court of appeals was entered on March 19, 2018. This petition is timely filed pursuant to SUP. CT. R. 13.1. The district court had jurisdiction because petitioner was charged with violating federal criminal laws. The court of appeals had jurisdiction pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742, which provide that courts of appeals shall have jurisdiction for all final decisions and sentences of United States district courts.

STATUTORY AND OTHER PROVISIONS INVOLVED

Petitioner intends to rely upon the following statutes:

18 U.S.C. § 924.

(e)(2) As used in this subsection – . . .

(B) the term ‘violent felony’ means any crime punishable by imprisonment for a term exceeding one year, ... , that –

(i) has as an element the use, attempted use, or threatened use of physical force against the person of another.

Fla. Stat. § 812.13 (2007).

(1) “Robbery” means the taking of money or other property which may be the subject of larceny from the person or custody of another, with intent to either permanently or temporarily deprive the person or the owner of the money or other property, when in the course of the taking there is the use of force, violence, assault, or putting in fear.

...

(3)(a) An act shall be deemed “in the course of committing the robbery” if it occurs in an attempt to commit robbery or in flight after the attempt or commission.

(3)(b) An act shall be deemed “in the course of the taking” if it occurs either prior to, contemporaneous with, or subsequent to the taking of the property and if it and the act of taking constitute a continuous series of acts or events.

STATEMENT OF THE CASE AND FACTS

Mr. Walker was charged in a two-count indictment on July 16, 2009, with possession of a firearm having previously been convicted of a felony offense in violation of 18 U.S.C. §§ 924(g)(1) and 924(e)(1) [Count 1], and possession of a shotgun not registered in violation of 26 U.S.C. §§ 5861(d), 5841 and 5871 [Count 2]. (DE:1, Case No: 09-20602). Following a jury trial Mr. Walker was convicted of count 1, but acquitted of count 2. (DE:63, Case No: 09-20602).

The probation office prepared a pre-sentence investigation report (“PSI”), recommending that Mr. Walker be sentenced as an armed career criminal. Being a felon of possession of a firearm normally carries a statutory maximum term of imprisonment of ten years. 18 U.S.C. § 924(a)(2). However, under the Armed Career Criminal Act (“ACCA”), a defendant is subject to a mandatory-minimum fifteen-year term of imprisonment where he has three prior felony convictions for either a “serious drug offense” or a “violent felony.” 18 U.S.C. § 924(e)(1). Under the ACCA, a “violent felony” is defined as an offense that: “has as an element the use, attempted use, or threatened use of physical force against the person of another” [‘elements clause’], “is burglary, arson, or extortion, involves use of explosives [‘enumerated offense clause’], or otherwise involves conduct that presents a serious potential risk of physical injury to another [‘residual clause’].” *Id.* § 924(e)(2)(B).

The Presentence Investigation Report (“PSI”) determined that Mr. Walker qualified as an armed career criminal based upon two robbery convictions in 1982

and 1985, a strong arm robbery conviction and a burglary conviction which required a fifteen year minimum mandatory sentence. (Case No: 09-20602 PSI ¶ 21). The PSI determined that his base offense level was a level 33, and his criminal history was a category IV, with a resulting guideline range of 188 – 235 months. (Case No: PSI ¶98. The court sentenced Mr. Walker to 188 months the low end of the Guideline range. (DE:69, Case No: 09-20602).

Mr. Walker appealed his conviction and sentence, but the Eleventh Circuit affirmed his conviction. (DE:70,88 Case No: 09-20602). Mr. Walker filed a *pro se* petition pursuant to 28 U.S.C. § 2255. (DE:91 Case No: 09-20602). Said petition was denied. (DE:92 Case No: 09-20602).

Mr. Walker filed a Motion to Vacate His Sentence pursuant to 28 U.S.C. § 2255 on June 22, 2016. [DE:1]. On July 14, 2016, Mr. Walker filed a Motion to Stay or Hold Case in Abeyance Pending a Ruling by the Eleventh Circuit on Movant's Petition to File a Second or Subsequent Petition Pursuant to 28 U.S.C. § 2255. [DE:5]. The court granted the motion and held the case in abeyance. [DE:7]. On July 25, 2016, the Eleventh Circuit granted Mr. Walker leave to file a successive 2255. [DE:8]. On October 24, 2016, the court granted Mr. Walker's 2255 Petition and vacated Mr. Walker's sentence. [DE:14].

The government filed a Motion for Reconsideration of the Order Vacating Mr. Walker's Sentence on December 19, 2016, citing, *United States v. Fritts*, 841 F.3d 937 (11th Cir. 2016). [DE: 15]. Mr. Walker filed a response in opposition. [DE:16]. The court granted the government's motion for reconsideration and reinstated Mr.

Walker's original sentence on December 30, 2016. [DE:18]. Mr. Walker filed a Motion for a Certificate of Appealability on January 12, 2017. [DE:10]. The court granted the Motion for Certificate of Appealability on July 27, 2017. [DE:20].

Mr. Walker's conviction and sentence were affirmed by the Eleventh Circuit in an unpublished decision. *United States v. Walker*, No. 17-13448, March 19, 2018.

REASONS FOR GRANTING THE WRIT

In *Stokeling v. United States*, 138 S. Ct. 1438 (2018), this Court granted *certiorari* to review the following question:

Is a state robbery offense that includes “as an element” the common law requirement of overcoming “victim resistance” categorically a “violent felony” under the only remaining definition of that term in the Armed Career Criminal Act, 18 U.S.C. § 924(e)(2)(B)(i) (an offense that “has as an element the use, attempted use, or threatened use of physical force against the person of another”), if the offense has been specifically interpreted by state appellate courts to require only slight force to overcome resistance?

In the instant case, Mr. Walker was subjected to the enhanced penalties of the Armed Career Criminal Act (“ACCA”) based on a violation of the same Florida robbery statute that is currently under review. He therefore asks this Court to hold his case in abeyance pending the resolution of this question in *Stokeling*

I. Florida robbery is not a violent felony under the elements clause of the ACCA.

The offense of robbery is not an enumerated offense under 18 U.S.C. § 924(e)(2)(B)(ii), and the residual clause of that provision has been declared void for vagueness, *Samuel Johnson v. United States*, 576 U.S. ___, 135 S. Ct. 2551 (2015). Thus, this offense can qualify only under the elements clause in § 924(e)(2)(B)(i), which defines violent felony as certain crimes that “ha[ve] as an element the use, attempted use, or threatened use of force against the person of another.” Mr. Walker’s prior Florida conviction for robbery does not meet the ACCA’s elements clause because it does not necessarily require violent force.

In *Curtis Johnson v. United States*, 559 U.S. 133, 140 (2010), the Court defined “physical force” to mean “violent force.” It explained that violent force referred to a “substantial degree of force” involving “strength,” “vigor,” “energy,” “pressure,” and “power.” *Id.* at 139; *see id.* at 142 (violent force “connotes force strong enough to constitute ‘power’”). Accordingly, it held that Florida simple battery, which could be committed only by a slight touching, *id.* at 138, did not necessarily require violent force. The same is true of the offense here.

In *United States v. Geozos*, 870 F.3d 890 (9th Cir. 2017), the Ninth Circuit considered a robbery conviction under the statute at issue here and held that it did not qualify as a violent felony under the elements clause, because it did not necessarily require the use of “violent force” under *Curtis Johnson*. The Ninth Circuit found significant that the terms “force” and “violence” were used separately, within the test of Fla. Stat. § 812.13, which suggested “that not all ‘force’ that is covered by the statute is ‘violent force.’” *Geozos*, 970 F.3d at 900. That, in and of itself, led the Ninth Circuit to “doubt whether a conviction for violating Section 812.13 qualifies as a conviction for a ‘violent felony.’” *Id.* In addition, Florida case law made “clear” that “one can violate section 812.13 without using violent force.” *Id.* The Ninth Circuit recognized that, according to *Robinson v. State*, 692 So.2d 883, 886 (Fla. 1997), a conviction under § 812.13(1) requires that there “be resistance by the victim that is overcome by the physical force of the offender.” *Id.* at 886. And, critically, Florida case law both before and after *Robinson* confirmed that “the amount of resistance can be minimal.” *Geozos*, 870 F.3d at 900.

For instance, the Ninth Circuit noted that, in *Mims v. State*, 342 So.2d 883, 886 (Fla. 3rd DCA 1997), a Florida court had held that, “[a]lthough purse snatching is not robbery if no more force or violence is used than necessary to physically remove the property from a person who does not resist, if the victim does resist in any degree and this resistance is overcome by the force of the perpetrator, the crime of robbery is complete.” *Geozos*, 870 F.3d at 900 & n. 9 (adding emphasis to “in any degree” and noting that *Mims* was “cited with approval in *Robinson*”).

The Ninth Circuit also found significant that, in *Benitez-Saldana v. State*, 67 So.3d 320, 323 (Fla. 2nd DCA 2011), another Florida court had held that a robbery conviction “may be based on a defendant’s act of engaging in a tug-of-war over the victim’s purse.” In the Ninth Circuit’s view, such an act “does not involve the use of violent force within the meaning of the ACCA;” rather, it involves “something less than violent force within the meaning of *Johnson I.*” *Geozos*, 870 F.3d at 900.

Notably, the Ninth Circuit acknowledged that its conclusion put it “at odds” with the Eleventh Circuit, which held just the opposite in *United States v. Fritts*, 841 F.3d 937, 942 (11th Cir. 2016), and *United States v. Lockley*, 632 F.3d 1238, 1245 (11th Cir. 2011). However, the Ninth Circuit correctly found that *Lockley* and *Fritts* were unpersuasive because they overlooked the crucial point—confirmed by Florida case law—that violent force was unnecessary to overcome the victim’s resistance where the resistance itself is slight:

[W]e think that the Eleventh Circuit, in focusing on the fact that Florida robbery requires a use of force sufficient to overcome the resistance of the victim, has overlooked the fact that, if the resistance itself is minimal, then the force used to overcome that resistance is not

necessarily violent force. *See Montsdoca v. State*, 93 So. 157, 159 (Fla. 1922) (“The degree of force used is immaterial. All the force that is required to make the offense a robbery is such force as is actually sufficient to overcome the victim’s resistance.”).

Geozos, 870 F.3d at 901 (parallel citation omitted).

This split of authority will be resolved by this Court in *Stokeling*. Mr. Walker therefore asks this Court to stay decision in his case pending resolution of *Stokeling*.

CONCLUSION

Mr. Walker asks this Court to stay his petition pending the resolution of *Stokeling*, and thereafter grant his petition for a writ of certiorari, vacate the decision of the Court of appeal, and remand his case to the Eleventh Circuit for further proceedings.

Respectfully submitted,

MICHAEL CARUSO
Federal Public Defender

By: *s/ Bonnie Phillips-Williams*
Bonnie Phillips-Williams
Assistant Federal Public Defender
Counsel for Petitioner

Miami, Florida
June 11, 2018

A P P E N D I X

APPENDIX

Decision of the United States Court of Appeals for the Eleventh Circuit,

United States v. Walker, No. 17-13448 (11th Cir. Mar. 19, 2018) A-1

Order Granting Motion for Certificate of Appealability A-2

Judgment imposing sentence A-3

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-13448
Non-Argument Calendar

D.C. Docket Nos. 1:16-cv-22372-JLK,
1:09-cr-20602-JLK-1

WILLIE WALKER,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(March 19, 2018)

Before WILLIAM PRYOR, MARTIN and JILL PRYOR, Circuit Judges.

PER CURIAM:

Willie Walker appeals the denial of his second motion to vacate his sentence. 28 U.S.C. § 2255. Walker argued that he lacked sufficient predicate offenses to be sentenced as an armed career criminal because, in the wake of *Johnson v. United States*, 135 S. Ct. 2551 (2015), his convictions in 1982, 1985, and 1986 for robbery did not qualify as “violent felon[ies],” 18 U.S.C. § 924(e)(2)(B). The district court ruled that Walker’s argument was foreclosed by *United States v. Fritts*, 841 F.3d 937 (11th Cir. 2016). We affirm.

The district court correctly denied Walker’s motion to vacate. *Fritts* controls this appeal. Walker’s prior convictions in Florida for robbery, Fla. Stat. § 812.13, qualify categorically as violent felonies under the elements clause of the Armed Career Criminal Act. *See Fritts*, 841 F.3d at 939–42 (discussing *United States v. Dowd*, 451 F.3d 1244 (11th Cir. 2006), and *United States v. Lockley*, 632 F.3d 1238 (11th Cir. 2011)); *United States v. Seabrooks*, 839 F.3d 1326, 1338–45 (11th Cir. 2016). *Fritts* “is the law of this Circuit[and] . . . bind[s] all subsequent panels unless and until the . . . holding is overruled by the Court sitting en banc or by the Supreme Court.” *Seabrooks*, 839 F.3d at 1341 (quoting *Smith v. GTE Corp.*, 236 F.3d 1292, 1300 n.8 (11th Cir. 2001)).

We **AFFIRM** the denial of Walker’s second motion to vacate.

MARTIN, Circuit Judge, joined by JILL PRYOR, Circuit Judge, concurring in judgment:

The majority is quite right that our circuit precedent dictates that Mr. Walker's previous robbery convictions under Florida Statute § 812.13 qualify as violent felonies as that term is defined by the elements clause of the Armed Career Criminal Act ("ACCA"), 18 U.S.C. § 924(e). See United States v. Fritts, 841 F.3d 937, 943–44 (11th Cir. 2016). However, I continue to believe that Fritts was wrongly decided. In particular, the Fritts panel failed to give proper deference to McCloud v. State, 335 So. 2d 257 (Fla. 1976), the controlling Florida Supreme Court case interpreting § 812.13 at the time Mr. Walker was convicted under that statute. In McCloud, Florida's highest court held that taking by "[a]ny degree of force" was sufficient to justify a robbery conviction. Id. at 258–59 (emphasis added). Under McCloud, a defendant could therefore be convicted of Florida robbery without using, attempting to use, or threatening to use "violent force," Curtis Johnson v. United States, 559 U.S. 133, 140, 130 S. Ct. 1265, 1271 (2010), or a "substantial degree of force," United States v. Owens, 672 F.3d 966, 971 (11th Cir. 2012), as necessary to qualify as a violent felony under ACCA.

To support Mr. Walker's ACCA sentence, the government relies in part on three robberies Mr. Walker was convicted of committing over 30 years ago. All three convictions—one in 1982, one in 1985, and one in 1986—were controlled by the Florida Supreme Court's definition of robbery in McCloud. Because Mr.

Walker could have been convicted of those crimes for using any degree of force, not just violent or substantial force, they should not qualify as violent felonies for purposes of Mr. Walker's ACCA sentence.

What must be difficult for Mr. Walker to make sense of is that the District Court initially got his case right. On October 24, 2016, the District Court issued an order granting Mr. Walker's motion to vacate his sentence. In reaching this result, that court noted that "robbery-by-sudden-snatching, which does not require the use of force or placing a victim in apprehension of the use of force, was prosecuted under section 812.13 until as late as 1997." Because Mr. Walker's convictions could have been for robbery-by-sudden-snatching, the District Court concluded they did not categorically qualify as predicate offenses to support an ACCA enhancement and vacated Mr. Walker's sentence. But just two weeks after the District Court issued its order and before Mr. Walker had been resentenced, a panel of this Court issued Fritts, which concluded, in spite of McCloud, that "the § 812.13 robbery statute has never included a theft or taking by mere snatching." 841 F.3d at 942. Relying on Fritts, the government filed a motion for reconsideration, which the District Court granted, reinstating Mr. Walker's ACCA sentence.

The Bureau of Prisons now estimates that Mr. Walker will be released from prison in 2023. If Mr. Walker's resentencing had been finalized before Fritts was

published, or if the Fritts panel had gone the way of the only other circuit to have considered this issue in a published decision, there is a good chance Mr. Walker would now be out of prison. But instead, Mr. Walker's sentence will continue for another five years. I hope our Court or the Supreme Court recognizes the error in Fritts in time to grant Mr. Walker some form of relief.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 16-22372-CV-JLK

WILLIE WALKER,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

**ORDER GRANTING MOVANT'S MOTION FOR CERTIFICATE OF
APPEALABILITY**

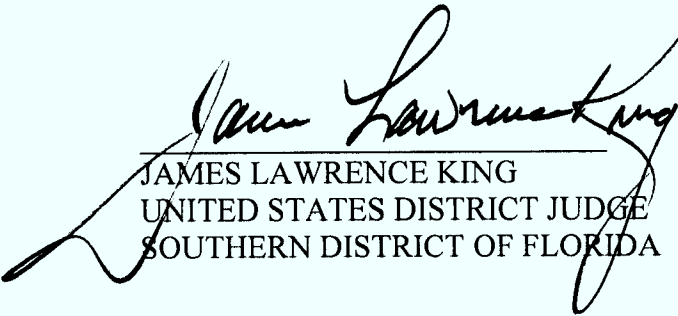
THIS MATTER comes before the Court upon Movant WILLIE WALKER's Motion for Certificate of Appealability (DE 19). No response was filed by the Government, and the time to do so has passed.

In the Motion, Movant requests a certificate of appealability upon the question of whether the Court erred by denying Movant's motion to vacate sentence in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015). After due consideration, the Court finds that a certificate of appealability is reasonable in this instance.

Accordingly, being otherwise fully advised in the premises of this matter, it is **ORDERED, ADJUDGED, and DECREED** that Movant's Motion for Certificate of Appealability (**DE 19**), be, and the same is, hereby **GRANTED**.

DONE and ORDERED in Chambers at the James Lawrence King Federal Justice

Building and United States Courthouse in Miami, Florida, this 27th day of July, 2017.



JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

Cc: All counsel of record

United States District Court
Southern District of Florida
MIAMI DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

Case Number - 1:09-CR-20602-KING

WILLIE WALKER

USM Number: 86374-004

Counsel For Defendant: Stewart G. Abrams
Counsel For The United States: John D. Couriel
Court Reporter: Larry Herr

The defendant was found guilty on Count 1 of the Indictment.
The defendant is adjudicated guilty of the following offense:

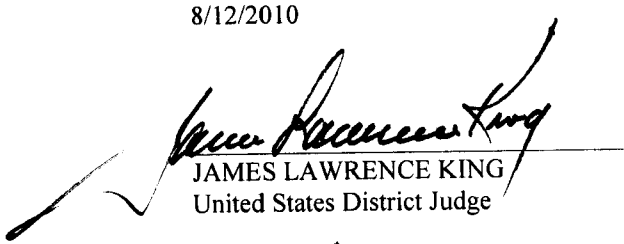
| <u>TITLE/SECTION NUMBER</u> | <u>NATURE OF OFFENSE</u> | <u>OFFENSE ENDED</u> | <u>COUNT</u> |
|------------------------------------|---|----------------------|--------------|
| 18: USC § 922(g)(1) and 924 (e)(1) | Felon in possession of a firearm and ammunition | March 18, 2009 | 1 |

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count 2.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

Date of Imposition of Sentence:
8/12/2010


JAMES LAWRENCE KING
United States District Judge

August 12, 2010

DEFENDANT: WILLIE WALKER
CASE NUMBER: 1:09-CR-20602-KING-

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **188 MONTHS**.

The defendant is remanded to the custody of the United States Marshal.

The Court makes the following recommendation to the Bureau of Prisons: The defendant be housed at FCI- Miami to be near his family.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

DEFENDANT: WILLIE WALKER
CASE NUMBER: 1:09-CR-20602-KING-

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **5 YEARS** .

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

If this judgment imposes a fine or a restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer **at least ten (10) days prior** to any change in residence or employment;
7. The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within **seventy-two (72) hours** of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: WILLIE WALKER
CASE NUMBER: 1:09-CR-20602-KING-

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

Substance Abuse Treatment - The defendant shall participate in an approved treatment program for drug and/or alcohol abuse and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

DEFENDANT: WILLIE WALKER
CASE NUMBER: 1:09-CR-20602-KING-

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on the Schedule of Payments sheet.

Total Assessment

\$100.00

Total Fine

\$

Total Restitution

\$

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: WILLIE WALKER
CASE NUMBER: 1:09-CR-20602-KING-

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A. Lump sum payment of **\$100.00** due immediately, balance due

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The assessment/fine/restitution is payable to the CLERK, UNITED STATES COURTS and is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716**

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.