

NUMBER \_\_\_\_\_

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IN THE SUPREME COURT OF THE UNITED STATES

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OCTOBER TERM 2018

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VINCENT BEATTY, Petitioner,

v.

UNITED STATES OF AMERICA, Respondent.

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APPENDIX A

TO PETITION FOR WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**JONATHAN D. BYRNE**

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*Counsel for Petitioner*

**BRIAN J. KORNBATH**

**ACTING FEDERAL PUBLIC DEFENDER**

**RACHEL E. ZIMAROWSKI**

**ASSISTANT FEDERAL PUBLIC DEFENDER**

2018 WL 5809775

Only the Westlaw citation is currently available.

This case was not selected for publication in West's Federal Reporter.

See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of Appeals 4th Cir. Rule 32.1. United States Court of Appeals, Fourth Circuit.

UNITED STATES of America, Plaintiff-Appellee,

v.

Vincent BEATTY, a/k/a Jamaal Beatty, a/k/a Vincent Daward Beatty, a/k/a [Mozzi](#), Defendant-Appellant.

No. 18-4276

|

Submitted: August 31, 2018

|

Decided: November 6, 2018

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Joseph R. Goodwin, District Judge. (2:17-cr-00168-1)

#### **Attorneys and Law Firms**

[Christian M. Capece](#), Federal Public Defender, Jonathan D. Byrne, Assistant Federal Public Defender, [Rachel E. Zimarowski](#), Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charleston, West Virginia, for Appellant. [Michael B. Stuart](#), United States Attorney, Matthew Davis, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Before [AGEE](#) and [HARRIS](#), Circuit Judges, and [SHEDD](#), Senior Circuit Judge.

#### **Opinion**

Affirmed by unpublished per curiam opinion.

Unpublished opinions are not binding precedent in this circuit.

#### **PER CURIAM:**

\*1 Vincent Beatty appeals his 60-month sentence, contending that the district court's upward variance is substantively unreasonable. Finding no error, we affirm.

## I.

Law enforcement officers targeted Beatty as part of a joint federal/local investigation into drug distribution in Kanawha County, West Virginia. As part of the investigation, officers had informants purchase heroin from Beatty on five occasions. In addition to these controlled heroin purchases, law enforcement officers also used a confidential informant to purchase a pistol from Beatty for \$200. Beatty boasted to the informant that he had guns stashed in other locations and could sell the informant a bulletproof vest. Local law enforcement officers arrested Beatty the following day. During a post-arrest interview, Beatty admitted that he maintained multiple residences for selling drugs and that he kept a gun and bulletproof vest at one of the locations. Beatty also conceded that he was a convicted felon.

Based on the foregoing, a federal grand jury indicted Beatty on a single count of being a felon in possession of a firearm, in violation of [18 U.S.C. § 922\(g\)\(1\)](#). Beatty pled guilty without the benefit of a plea agreement. At sentencing, the district court determined that Beatty's offense level was 12.<sup>1</sup> With a criminal history of Category VI, Beatty's guidelines range was 30 to 37 months' imprisonment.

<sup>1</sup> The Presentence Report (PSR) calculated Beatty's offense level to be 21. The PSR concluded that Beatty was a career offender under [U.S.S.G. § 4B1.2](#) and also imposed a four-level enhancement for use of a firearm in connection with the sale of methamphetamine under [U.S.S.G. § 2K2.1\(b\)\(6\)\(B\)](#). Beatty objected to the PSR's application of the career offender guideline and its imposition of the four-level enhancement. At sentencing, the Government agreed with Beatty on both issues, lowering his total offense level to 12.

After hearing from Beatty and his attorney, the district court sentenced Beatty to a variant sentence of 60 months imprisonment. In fashioning Beatty's sentence, the court noted that Beatty had a "rough upbringing as a child," and was raised around drugs and alcohol. (J.A. 40). Justifying the variance, the court noted that Beatty "has never stayed out of trouble with law enforcement his entire adult life," and that, despite this extensive criminal history, nothing had "deter[red] him from getting back into the criminal business." (J.A. 41). The court detailed the nature and circumstances of Beatty's offense, recounting Beatty's role in "the very serious drug epidemic that we have in this community," including his multiple heroin sales. (J.A. 41). The court also noted that the Presentence Report, relying on statements from an informant, concluded that Beatty lived in a "trap house; i.e., a residence that drug dealers use to sell and store narcotics, United States currency and/or weapons." (J.A. 41-42). Likewise, the court explained that Beatty's involvement with both "[g]uns and drugs [is] particularly bothersome," and that society "can't have a career criminal, which essentially, without meeting the legal definitions, what your career's been, continue what you're doing." (J.A. 42).

\*2 Finally, the court referred to one of Beatty’s prior convictions, for aggravated assault under New Jersey law.<sup>2</sup> The court acknowledged that the conviction was not a “crime of violence” under [U.S.S.G. § 4B1.2](#), a fact it found “fairly amazing.” (J.A. 32). Nonetheless, in explaining its variant sentence, the court explained that it “can consider [the conviction] and I do.” (J.A. 43).

<sup>2</sup> Aggravated assault occurs when a person “[a]ttempts to cause significant bodily injury to another or causes significant bodily injury purposely or knowingly or, under circumstances manifesting extreme indifference to the value of human life recklessly causes such significant bodily injury.” N.J. Stat. Ann. § 2C:12-1b(7) (West 2006).

## II.

On appeal, Beatty challenges only the substantive reasonableness of his sentence. In reviewing this claim, we must “take into account the totality of the circumstances, including the extent of any variance from the Guidelines range,” [Gall v. United States](#), 552 U.S. 38, 51, 128 S.Ct. 586, 169 L.Ed.2d 445 (2007), in order “to see whether the sentencing court abused its discretion,” [United States v. Mendoza-Mendoza](#), 597 F.3d 212, 216 (4th Cir. 2010). In considering the extent of the variance, however, we “must give due deference to the district court’s decision that the § 3553(a) factors, on a whole, justify the extent of the variance,” [Gall](#), 552 U.S. at 51, 128 S.Ct. 586, because “district courts have extremely broad discretion when determining the weight to be given each” § 3553(a) factor, [United States v. Jeffery](#), 631 F.3d 669, 679 (4th Cir. 2011).

Here, the district court “properly considered and fully explained its decision pursuant to the factors set forth” in § 3553(a), including the nature and circumstances of the offense, the history and characteristics of the defendant, the need for adequate deterrence, and the need to protect the public from further crimes by Beatty. [United States v. Diosdado-Star](#), 630 F.3d 359, 367 (4th Cir. 2011). Specifically, the court considered Beatty’s role in selling both drugs and guns in the community, his lengthy criminal history, and the fact that one of his prior offenses showed a lack of care for the value of human life. Given this thorough recitation, “we conclude that we must give due deference to the District Court’s reasoned and reasonable decision that the § 3553(a) factors, on the whole, justified the sentence.” *Id.* (internal quotation marks and alterations omitted).

## III.

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this Court and argument would not aid the decisional process.

*AFFIRMED*

#### **All Citations**

--- Fed.Appx. ----, 2018 WL 5809775

NUMBER \_\_\_\_\_

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OCTOBER TERM 2018

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VINCENT BEATTY, Petitioner,

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APPENDIX B

TO PETITION FOR WRIT OF CERTIORARI  
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**BRIAN J. KORNBATH**

**ACTING FEDERAL PUBLIC DEFENDER**

**RACHEL E. ZIMAROWSKI**

**ASSISTANT FEDERAL PUBLIC DEFENDER**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

	X	
	:	
UNITED STATES OF AMERICA,	:	Criminal Action
	:	
Plaintiff,	:	No. 2:17-cr-00168
	:	
v.	:	
	:	Date: April 18, 2018
Vincent Beatty,	:	
	:	
Defendant.	:	APPEAL TRANSCRIPT
	X	

SENTENCING HEARING

BEFORE THE HONORABLE JOSEPH R. GOODWIN  
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Government:	AUSA James Matthew Davis U.S. Attorney's Office P.O. Box 1713 Charleston, WV 25326-1713
For the Defendant:	Rachel Elizabeth Zimarowski Federal Public Defender's Office Room 3400 300 Virginia Street East Charleston, WV 25301
Probation Officer:	Matt Lambert

Court Reporter: Kimberly Kaufman, RMR, CRR, CRC

Proceedings recorded by mechanical stenography;  
transcript produced by computer.

1           THE COURT: Anything the defendant or defense  
2 counsel would like to say before I impose sentence?

3           THE DEFENDANT: Yes, Your Honor. I just apologize  
4 to my family and the Court. I do accept my punishment for  
5 my crime.

6           THE COURT: Ms. Zimarowski, anything further?

7           MS. ZIMAROWSKI: No, Your Honor.

8           THE COURT: It's the judgment of the Court the  
9 defendant be committed to the custody of the Federal Bureau  
10 of Prisons for a term of 60 months. Upon release from  
11 prison, the defendant shall report in person to the  
12 probation office in the district to which he's released.  
13 While he's on supervised release, you may not commit another  
14 federal, state or local offense; you may not possess any  
15 dangerous device or firearm; you may not possess any  
16 unlawful controlled substance; you must comply with the  
17 standard terms and conditions of supervised release as  
18 adopted in this district and recommended by the Sentencing  
19 Commission, including the special condition that you  
20 participate in a program of testing, treatment and  
21 counseling for drug and alcohol abuse as directed by your  
22 probation officer.

23           I also sentence you to a term of supervised release of  
24 three years after your term of imprisonment.

25           I find that you don't have the resources to pay a fine



1 and are unlikely to become able to pay a fine and impose no  
2 fine. I direct you be drug tested within 15 days of your  
3 release and at least twice thereafter as you're not a low  
4 risk of substance abuse.

5 I do not impose a fine as you don't appear to have the  
6 resources. There's no identifiable victim. I do not order  
7 restitution. I order a special assessment due immediately  
8 of \$100. I understand you're going to pay that out of the  
9 prison earnings; is that right?

10 MS. ZIMAROWSKI: Yes, Your Honor.

11 THE COURT: After considering the advisory  
12 guideline range and the applicable factors from 3553(a), I  
13 find that a sentence -- a variant sentence of 60 months,  
14 followed by three years' supervised release, is reasonable  
15 and appropriate for quite a number of reasons.

16 Mr. Beatty is 39 years old. He did have a rough  
17 upbringing as a child. He was born to alcoholic and drug  
18 trafficking parents. Both his parents were incarcerated for  
19 drug trafficking activities. During his teenage years he  
20 had the first of his six children at the age of 14. He's  
21 never been married. His father passed away in 1999. He  
22 appears to have struggled when his mother passed away. He  
23 first consumed alcohol at age eight. He first smoked  
24 marijuana with crack cocaine laced into it at the age of  
25 ten. He was a daily marijuana and crack user for many

1 years, but abstained for a substantial period later in life.

2 He completed 11th grade, but never graduated or  
3 obtained a high school equivalency diploma. His employment  
4 history is almost nonexistent. He worked a little while at  
5 Golden Corral and as a garbage man, which was the most  
6 significant length of employment, in New Jersey.

7 The fact is Mr. Beatty has never stayed out of trouble  
8 with law enforcement his entire adult life. He has an  
9 extensive criminal history, spent time in prison, but that  
10 didn't deter him from getting back into the criminal  
11 business.

12 The offense of conviction demonstrates that Mr. Beatty  
13 is part of the very serious drug epidemic that we have in  
14 this community. He told Mr. Williams, after he took the  
15 money for the gun that is the offense of conviction here, to  
16 go in and get methamphetamine. In an unobjected-to  
17 paragraph, he admits -- or does not object to the finding  
18 that -- by the probation officer that he sold heroin five  
19 times. He had multiple firearms for sale. That's what he  
20 told the CI. He also had things like bulletproof vests for  
21 sale. He told the CI that he had additional contraband like  
22 the vest for sale at a "stash house," and that's a quote.

23 One CI indicated that Mr. Beatty was living in an  
24 apartment primarily used as a trap house; i.e, a residence  
25 that drug dealers use to sell and store narcotics, United

1 States currency and/or weapons.

2 Investigating an alleged battery by Mr. Beatty,  
3 Charleston police officers received information he was  
4 selling heroin. After his arrest, and during his Mirandized  
5 statement to law enforcement, Mr. Beatty admitted to using  
6 multiple residences to traffic controlled substances.

7 I don't have any idea what the solution is to drug  
8 trafficking, particularly to the heroin -- so-called heroin  
9 crisis. Now heroin's laced with everything from elephant  
10 tranquilizers to designer drugs from Africa. No indication  
11 that this defendant sold any such heroin, but the number of  
12 fentanyl deaths increased in this country by ten percentage  
13 points year-over-year from last year. Methamphetamine,  
14 which was here, the number of deaths almost doubled in West  
15 Virginia, overdose deaths from methamphetamine. We had  
16 100 -- this is just my recollection -- approximately 150 and  
17 now we're up to -- or the year before, and last year we had  
18 like 240. Those are approximations.

19 Guns and drugs are particularly bothersome. You've  
20 got to stop. I can't have a career criminal, which is  
21 essentially, without meeting the legal definitions, what  
22 your career's been, continue what you're doing. So five  
23 more years in prison. You get out, you'll still be a young  
24 man. You can go back to crime. That's your choice.

25 You have six kids. It seems like you owe them

1 something. Only you can decide what you're going to do.  
2 You can learn to live a law-abiding life and be productive.  
3 You can read while you're in prison. You can learn things  
4 or you can just fall in with the crowd that's there, sit  
5 around, lift weights, not do much of anything except talk.  
6 There's even drugs in prison. I know that will come as a  
7 shock to you.

8 I think the sentence as I have imposed it for the  
9 activity that I firmly believe you were involved in and that  
10 I may consider, even if it is not offered as evidence in  
11 this case beyond being unobjected to in the presentence  
12 report, justifies a variant sentence, along with your  
13 extensive history.

14 I also think that even though I may not consider the  
15 aggravated assault for purposes of the guideline crime of  
16 violence provision, I can consider it and I do.

17 What Ms. Zimarowski said tells me that there's  
18 something within you that's worth straightening out, that  
19 you have a good heart, that you care about people, that you  
20 want to help people, that you like helping people. If you  
21 turn to that side of you and quit what you've been doing  
22 since you were a kid, you might make it. If not, you're  
23 going to end up -- the next time you'll probably go to  
24 prison and you probably won't get out for the bulk of your  
25 adult life.

NUMBER \_\_\_\_\_

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APPENDIX C

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**RACHEL E. ZIMAROWSKI**

**ASSISTANT FEDERAL PUBLIC DEFENDER**

# UNITED STATES DISTRICT COURT

Southern District of West Virginia

UNITED STATES OF AMERICA

v.

VINCENT BEATTY

## JUDGMENT IN A CRIMINAL CASE

Case Number: 2:17-cr-00168

USM Number: 14759-088

Rachel Zimarowski

Defendant's Attorney

### THE DEFENDANT:

☒ pleaded guilty to count(s) one

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC §§ 922 (g) (1) and 924 (a)(2)	Felon in possession of a firearm	8/7/2017	One

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

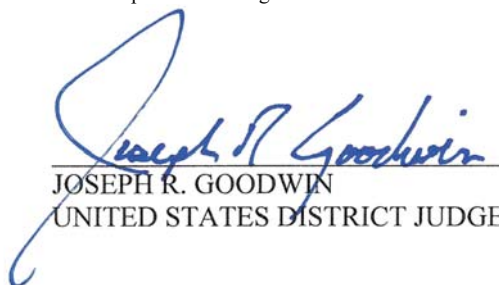
☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

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 material changes in economic circumstances.

4/18/2018

Date of Imposition of Judgment

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE

4/18/2018

Date

DEFENDANT: VINCENT BEATTY  
CASE NUMBER: 2:17-cr-00168

## IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

60 months

☒ The court makes the following recommendations to the Bureau of Prisons:

that the defendant be housed at FCI Butner;  
that the defendant be allowed to participate in the Comprehensive Drug Abuse Treatment Program.

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

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

## 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 UNITED STATES MARSHAL

DEFENDANT: VINCENT BEATTY

CASE NUMBER: 2:17-cr-00168

### SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

3 years

### MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must 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 above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

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



DEFENDANT: VINCENT BEATTY  
CASE NUMBER: 2:17-cr-00168

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: VINCENT BEATTY  
CASE NUMBER: 2:17-cr-00168

### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant will participate in a program of testing, counseling and treatment for drug and alcohol abuse as directed by the probation officer.

The defendant shall comply with the Standard Conditions of Supervision adopted by the Southern District of West Virginia in Local Rule of Criminal Procedure 32.3, as follows:

- 1) If the offender is unemployed, the probation officer may direct the offender to register and remain active with Workforce West Virginia.
- 2) Offenders shall submit to random urinalysis or any drug screening method whenever the same is deemed appropriate by the probation officer and shall participate in a substance abuse program as directed by the probation officer. Offenders shall not use any method or device to evade a drug screen.
- 3) As directed by the probation officer, the defendant will make copayments for drug testing and drug treatment services at rates determined by the probation officer in accordance with a court-approved schedule based on ability to pay and availability of third-party payments.
- 4) A term of community service is imposed on every offender on supervised release or probation. Fifty hours of community service is imposed on every offender for each year the offender is on supervised release or probation. The obligation for community service is waived if the offender remains fully employed or actively seeks such employment throughout the year.
- 5) The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

DEFENDANT: VINCENT BEATTY  
CASE NUMBER: 2:17-cr-00168

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$	\$	\$

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>

<b>TOTALS</b>	\$	<u>0.00</u>	\$	<u>0.00</u>
---------------	----	-------------	----	-------------

☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

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

DEFENDANT: VINCENT BEATTY

CASE NUMBER: 2:17-cr-00168

**ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES**

The \$100 special assessment will be paid through participation in the Inmate Financial Responsibility Program.