

NO. _____

In The
Supreme Court of the United States

—◆—
PEDRO ANTHONY ROMERO CRUZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

—◆—
**ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

—◆—
PETITION FOR WRIT OF CERTIORARI
—◆—

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Dated: February 10, 2020

QUESTION PRESENTED

1. Whether 18 U.S.C. § 924(c)(3)(A)'s definition of a "crime of violence," under which an offense must have "as an element the use, attempted use, or threatened use of physical force," includes the crime of attempted murder under Virginia law, which can be committed through mere omission.

PARTIES TO THE PROCEEDING

The Petitioner, Pedro Anthony Romero Cruz, is an individual. The Respondent is the United States. No corporate disclosure statement is required under Rule 29.6.

DIRECTLY RELATED CASES

United States v. Cruz et al., No. 1:14-CR-306, United States District Court for the Eastern District of Virginia. Judgment entered August 19, 2016.

United States v. Cruz, No. 16-4526, United States Court of Appeals for the Fourth Circuit. Judgment entered September 23, 2019.

United States v. Villegas, No. 16-4390, United States Court of Appeals for the Fourth Circuit. Judgment entered September 23, 2019.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Pedro Anthony Romero Cruz respectfully petitions this Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit.

OPINIONS BELOW

The United States Court of Appeals for the Fourth Circuit affirmed the district court's judgment of conviction in an unpublished opinion dated August 29, 2019 App. 1a. Mr. Cruz filed a timely petition for rehearing *en banc* on October 21, 2019.¹ The petition for rehearing *en banc* was denied on November 12, 2019. App. 11a.

JURISDICTION

The Court of Appeals entered its judgment on August 29, 2019. Mr. Cruz filed a timely petition for panel rehearing and rehearing *en banc*, which was denied on November 12, 2019. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

STATUTES INVOLVED

18 U.S.C. § 924(c)(3)(A) defines a crime of violence, in relevant part, as:

“...an offense that is a felony and—

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

¹ The Fourth Circuit granted an extension for the filing of a petition for rehearing *en banc*.

STATEMENT OF THE CASE

This case presents an exceptionally important issue of federal law with far reaching impact: whether the federal definition of a “crime of violence” includes state law crimes that can be committed through mere omission.

The labeling of a crime as a “crime of violence” under 18 U.S.C. § 924(c)(3)(A) has important consequences for criminal defendants, because federal law imposes severe mandatory minimum penalties on defendants who possess a firearm in furtherance of a crime of violence.

Previously, a state crime could be deemed a “crime of violence” for purposes of federal law in two ways. § 924(c)(3)(A), commonly called the “force clause,” defines a crime of violence as an offense that has “as an element the use, attempted use, or threatened use of physical force against the person or property of another.” § 924(c)(3)(B), commonly called the “residual clause,” defines a crime of violence as an offense that “by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.”

After this Court held that the residual clause of 18 U.S.C. § 924(c)(3) is unconstitutionally vague in *United States v. Davis*, 139 S. Ct. 2319 (2019), the Fourth Circuit adopted an expansive re-interpretation of the force clause to reach offenses that previously qualified as crimes of violence only under the residual clause. In the decision below (and the published decision upon which it is based), the Fourth Circuit held that a crime may be a crime of violence under the force clause even if it could be

committed through omission. This position is in conflict with approaches taken by other circuits. Given the severe penalties, this Court should grant the petition for certiorari to resolve this important issue of federal criminal law that involves a circuit split.

I. Background

In 2015, Petitioner Pedro Cruz was indicted for various offenses arising out of his membership in the MS-13 street gang. Relevant here, the indictment charged Mr. Cruz with conspiracy to commit murder in aid of racketeering (Count One), and possession of a short-barreled shotgun in furtherance of a crime of violence (Count Three). The “crime of violence” that forms the basis for Count Three is attempted murder and conspiracy to commit murder under Virginia law.

Mr. Cruz moved in the district court to dismiss Count Three on the ground that attempted murder and conspiracy to commit murder are not categorically “crimes of violence” under § 924(c), because Virginia law defines murder to include killing through omission or neglect, such as when a parent deliberately neglects to feed a starving child. In addition, Mr. Cruz argued that the residual clause of § 924(c) was unconstitutionally vague.

The district court denied the motion. Subsequently, Mr. Cruz entered into a conditional plea agreement with the government to plead guilty to Counts One and Three, but reserving his right to appeal the district court’s denial of his motion to dismiss. He was sentenced to 10 years on Count One (the statutory maximum), and 20 years on Count Three. He filed an appeal.

II. The Appeal.

On appeal, the Fourth Circuit stayed Mr. Cruz's appeal for several years while the constitutionality of § 924(c)'s residual clause was being litigated in this Court. In 2019, this Court held in *United States v. Davis* that the residual clause was unconstitutionally vague. After *Davis* was decided, the Fourth Circuit lifted the stay in Mr. Cruz's appeal.

In a four-page memorandum opinion, the Fourth Circuit summarily denied Mr. Cruz's claim, relying on a published decision from that circuit, *United States v. Mathis*, 932 F.3d 242 (4th Cir. 2019), which held that murder under Virginia law qualifies categorically as a crime of violence under the force clause. App. 4a.

Mathis, in turn held that a crime constitutes a crime of violence under the force clause whenever the crime involves a "violent result." *Mathis*, 932 F.3d 242, 265. The opinion rejected the distinction between crimes that require the use of physical force and crimes that have a violent result.

Mr. Cruz moved unsuccessfully for a petition for rehearing, which has been denied. He now petitions this Court for certiorari.

REASONS FOR GRANTING THE PETITION

This petition presents an important question of federal law meriting review. The Fourth Circuit adopted an expansive interpretation of the force clause of 18 U.S.C. § 924(c)(3) that is not only at odds with the statutory language, but also creates a circuit split. Because 18 U.S.C. § 924(c)(3) imposes severe mandatory minimum

penalties based on whether a given crime is a “crime of violence,” this Court should grant certiorari to resolve this issue.

I. The Fourth Circuit’s interpretation of the force clause in 18 U.S.C. § 924(c)(3) is inconsistent with the statute.

Federal law provides severe penalties for the possession of a firearm in furtherance of a crime of violence. The statute contains multiple subsections that specifies different penalties based on the type of firearm possessed and how it was used. A person convicted under the specific subsection that Mr. Cruz was convicted of, for example, faces a mandatory minimum sentence of 10 years.

Prior to this Court’s decision in *United v. States v. Davis*, 139 S. Ct. 2319 (2019), there were two ways that a crime could meet the definition of a “crime of violence.” § 924(c)(3)(A), commonly called the “force clause,” defines a crime of violence as an offense that has “as an element the use, attempted use, or threatened use of physical force against the person or property of another.” § 924(c)(3)(B), commonly called the “residual clause,” defines a crime of violence as an offense that “by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.”

This Court’s *Davis* decision held that the residual clause was unconstitutionally vague. As a result of *Davis*, the only way that a crime can qualify as a crime of violence is under the force clause.

Courts apply the “categorical approach” to determine whether a given crime is a crime of violence. *United States v. McNeal*, 818 F.3d 141, 152 (4th Cir. 2016). Under the categorical approach, the facts of the case are irrelevant, and courts look only at

the statutory definition of the crime, alongside any relevant case law interpreting that offense, to decide whether a crime is a “crime of violence.” An offense meets the definition of a “crime of violence” only if every instance of that offense—including “the most innocent conduct”—falls under the statutory definition of crime of violence.

It is clear that Virginia law permits a defendant to be convicted of first degree murder by the deliberate failure to perform an act for which the defendant has a legal obligation to perform. Virginia law defines murder as the “willful, deliberate, and premeditated killing” of another person. Va. Code. § 18.2-32. As interpreted by the Virginia Supreme Court, the crime of murder includes the “malicious omission of the performance of a duty, such as of a mother to feed her child.” *Biddle v. Commonwealth*, 206 Va. 14, 20 (1965).

Virginia also has a history of prosecuting parents for murder where newborns died of starvation, dehydration, hypothermia, or other kinds of inaction. *See Biddle*, 206 Va. at 15-16 (first degree murder for death by malnutrition and dehydration); *Vaughan v. Commonwealth*, 7 Va. App. 665 (1989)(first degree murder for death by hypothermia and lack of proper post-birth care); *Welch v. Commonwealth*, 2005 Va. App. LEXIS 264 (Va. Ct. App. 2005)(first degree murder for starvation).

Although such expansive definitions of murder are not problematic for purposes of state law, it is problematic when federal courts try to impose the federal definition of a “crime of violence” onto such expansive state law crimes. Plainly, a statutory definition of “crime of violence” that requires a crime to have “as an element the use, attempted use, or threatened use of physical force” is at odds with the

position that a crime that can be committed through omission (i.e., a failure to perform a physical act) may nonetheless qualify.

In the past, the Fourth Circuit has taken a reasoned approach to the force clause, recognizing that there is a distinction between crimes that require the use of force, and crimes that merely penalize the result of physical injury. In *United States v. Gomez*, 690 F.3d 194 (4th Cir. 2012), for example, the Fourth Circuit held that Maryland’s child abuse statute was not a crime of violence under the force clause because Maryland state courts applied that statute to instances of parents neglecting to care for children. *Id.* at 201. Because a failure to act plainly does not require the use of physical force, Maryland child abuse was not a crime of violence under the force clause.

At the time, the Fourth Circuit was satisfied with this approach because crimes that did not fall under the force clause could nonetheless qualify as a “crime of violence” under the residual clause. After this Court’s *Davis* decision, however, the Fourth Circuit has silently abandoned the approach taken by *Gomez*, and began taking an expansive interpretation of the force clause to include crimes that previously would not have qualified under the force clause.

In *United States v. Mathis*, the Fourth Circuit decided that murder under Virginia law is a crime of violence under the force clause. 932 F.3d at 265. In this apparent reversal from its previous position, the Fourth Circuit relied on this Court’s decision in *United States v. Castleman*, 572 U.S. 157 (2014), which held that the common law meaning of force applied to the meaning of force in the definition of a

“misdemeanor crime of domestic violence” under 18 U.S.C. § 922(g)(9), and that such definition includes crimes that involve the indirect application of force. *Id.* at 170.

The problem with relying on *Castleman* is two-fold. First, *Castleman* involved a different statute, and the *Castleman* decision expressly left open the question of whether a crime that results in “bodily injury” must involve the use of “violent force” for purposes of statutes like § 924(c). *See id.* at 1414 (expressly declining to decide whether physical injury necessitates “violent force, under *Johnson’s* definition of that phrase”).

Second, the *Castleman* court did not address whether crimes of omission, such as Virginia’s crime of murder, necessarily results from a use of violent force. Indeed, in *Castleman*, Justice Scalia in his concurrence argued for a broader interpretation than the majority, but nonetheless would have rejected a proposed definition that would have included “acts of omission.” *Id.* at 1421.

The Fourth Circuit’s unprecedented, expansive interpretation of the force clause is not only not mandated by this Court’s *Castleman* decision, but also creates a circuit split, as we discuss next.

II. The Fourth Circuit’s decision creates a circuit split with decisions from other courts of appeals.

The Fourth Circuit’s decision is in conflict with at least the Third Circuit. In *United States v. Mayo*, 901 F.3d 218 (3d Cir. 2018), the Third Circuit held that Pennsylvania aggravated assault does not qualify as a “violent felony” under the Armed Career Criminal Act—which has a definition of “violent felony” that is

substantively identical to the definition of “crime of violence” under § 924(c)—because it can be committed through acts of omission.

In reaching its decision, the Third Circuit preserved the distinction between “physical force” and “bodily injury.” *Id.* at 227 (“Mayo argues, and we must agree, that physical force and bodily injury are not the same thing.”) Relying on the fact that Pennsylvania courts have upheld aggravated assault convictions against defendants for “the deliberate failure to provide food or medical care,” *id.* at 228, the Third Circuit concluded that the statute does not qualify as a violent felony that requires a use of physical force. *Id.* at 229. The Third Circuit recognized this Court’s *Castleman* decision but correctly concluded that *Castleman* did not apply because it did not involve an act of omission. *Id.* at 230 (“we do not consider the reasoning in those cases to be persuasive, because they conflate an act of omission with the use of force, something that *Castleman*, even if it were pertinent, does not support.”)

The Fourth Circuit’s decision also appears to be in conflict with the Second and Ninth Circuits. In *Chrzanoski v. Ashcroft*, 327 F.3d 188 (2d Cir. 2003), the Second Circuit analyzed whether Third Degree Assault under Connecticut law constitutes a “crime of violence” under 18 U.S.C. § 16(a)—which is word for word identical to § 924(c)—and held that the statute does not qualify because “the intentional causation of injury does not necessarily involve the use of force.” *Id.* at 196.

Similarly, in *United States v. Trevino-Trevino*, 178 Fed. Appx. 701 (9th Cir. 2006), the Ninth Circuit has held that North Carolina involuntary manslaughter does not qualify as a crime of violence under the sentencing guidelines—which again has

a definition for crime of violence that is virtually identical to § 924(c)—because “a defendant can be convicted of the North Carolina offense for an omission” and “one cannot use, attempt to use or threaten to use force against another in failing to do something.” *Id.* at 703.

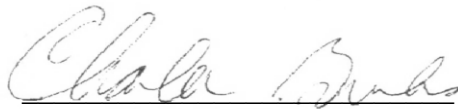
In sum, the Fourth Circuit’s expansive—and expanding—interpretation of the force clause is in conflict with published decisions from the Second and Third Circuits, as well as at least one unpublished decision from the Ninth Circuit. Because this conflict concerns a serious criminal statute that imposes severe penalties, this Court should grant certiorari to resolve the split and clarify the meaning of § 924(c)’s force clause.

CONCLUSION

For the foregoing reasons, the Petition for a Writ of Certiorari should be granted.

Date: February 10, 2020

Respectfully submitted,



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1a

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4390

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAIME ROSALES VILLEGAS, a/k/a Demente, a/k/a Lil Demente,

Defendant - Appellant.

No. 16-4526

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PEDRO ANTHONY ROMERO CRUZ, a/k/a Payaso,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern District of Virginia, at Alexandria. Gerald Bruce Lee, District Judge. (1:14-cr-00306-GBL-3; 1:14-cr-00306-GBL-1)

Submitted: August 29, 2019

Decided: September 23, 2019

Before KEENAN, HARRIS, and QUATTLEBAUM, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Gretchen L. Taylor, TAYLOR LAW COMPANY, Fairfax, Virginia; Charles Burnham, Ziran Zhang, BURNHAM & GOROKHOV PLLC, Washington, D.C., for Appellants. Dana J. Boente, United States Attorney, Tobias D. Tobler, Assistant United States Attorney, Julia K. Martinez, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jaime Rosales Villegas and Pedro Anthony Romero Cruz were convicted of conspiracy to commit murder in violation of Va. Code Ann. §§ 18.2-18, 18.2-32 (2014), in aid of a racketeering enterprise, in violation of 18 U.S.C. § 1959(a)(5) (2012), and possession of a short-barreled shotgun in furtherance of attempted murder and conspiracy to commit murder in aid of a racketeering enterprise and aiding and abetting such conduct, in violation of 18 U.S.C. §§ 924(c)(1)(A), (B)(i), 2 (2012). Villegas was also convicted of knowingly and intentionally attempting to commit murder in violation of Va. Code Ann. §§ 18.2-18, 18.2-32, in aid of a racketeering enterprise and aiding and abetting such conduct, in violation of 18 U.S.C. § 1959(a)(5), 2. Villegas and Cruz argue that the Virginia offense of attempted murder, Va. Code Ann. § 18.2-32, cannot be the underlying crime of violence to support the firearm conviction because it is not categorically a crime of violence under § 924(c)(3). We affirm.

An offense under § 924(c) arises when a defendant uses or carries a firearm during or in relation to a “crime of violence.” 18 U.S.C. § 924(c)(1)(A). Subsection (c)(3) defines the term “crime of violence” as a felony offense that:

- (A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- (B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

18 U.S.C. § 924(c)(3). Subsection (A) is referred to as the “force clause,” while subsection (B) is referred to as the “residual clause.” *United States v. Fuentes*, 805 F.3d 485, 498 (4th

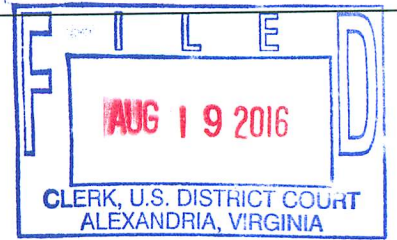
Cir. 2015). Because the Supreme Court recently deemed § 924(c)(3)'s residual clause unconstitutionally vague, *United States v. Davis*, 139 S. Ct. 2319, 2336 (2019), the only remaining issue is whether attempted murder under Virginia law constitutes a crime of violence under the force clause.

We recently answered this issue in the affirmative, holding that the offense of Virginia first-degree murder, Va. Code Ann. § 18.2-32, “qualifies categorically as a crime of violence under [§ 924(c)(3)’s] force clause.” *United States v. Mathis*, 932 F.3d 242, 265 (4th Cir. 2019).

Accordingly, we affirm the convictions. 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

UNITED STATES DISTRICT COURT
Eastern District of Virginia
Alexandria Division



UNITED STATES OF AMERICA
v.

Case Number: 1:14CR00306-001

PEDRO ANTHONY ROMERO CRUZ,
A/k/a "Payaso,"
Defendant.

USM Number: None provided
Defendant's Attorney: Charles Burnham, Esquire

JUDGMENT IN A CRIMINAL CASE

The defendant pleaded guilty to Count One (1) and Count Three (3) of the Third Superseding Indictment.

Accordingly, the defendant is adjudicated guilty of the following counts involving the indicated offenses.

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Offense Class</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. 1959(a)(5)	Conspiracy to commit murder in aid of racketeering	Felony	October 1, 2013	One (1)
18 U.S.C. 924(c)(1)(A)(B)(i), and 2	Possession of a firearm in furtherance of a crime of violence	Felony	October 1, 2013	Three (3)

As pronounced on August 19th, 2016, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to 18 U.S.C. 3553 and the Sentencing Reform Act of 1984.

It is ORDERED that the defendant shall 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.

Signed this 19th day of August, 2016.

/s/
Gerald Bruce Lee
United States District Judge

Defendant's Name: CRUZ, PEDRO ANTHONY ROMERO
Case Number: 1:14CR00306-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of ONE HUNDRED AND TWENTY (120) MONTHS as to Count One (1) and TWO HUNDRED AND FORTY (240) MONTHS as to Count Three (3), the sentence on Count Three (3) to be served consecutively to the sentence on Count One (1), for a total of THREE HUNDRED AND SIXTY (360) MONTHS.

The Court makes the following recommendations to the Bureau of Prisons:
None

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

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's Name: CRUZ, PEDRO ANTHONY ROMERO
Case Number: 1:14CR00306-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE (3) YEARS as to Count One (1), and FIVE (5) YEARS as to Count Three (3), with the sentence on Count Three (3) to run consecutively to the sentence on Count One (1), for a total supervised release term of EIGHT (8) YEARS.

The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of Supervised Release.

The defendant shall 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 periodic drug tests thereafter, as determined by the court.

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

If this judgment imposes a fine or restitution obligation, it is a condition of Supervised Release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

STANDARD CONDITIONS OF SUPERVISION

The defendant shall comply with the standard conditions that have been adopted by this court set forth below:

- 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 days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or any paraphernalia related to such 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 of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two 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 for a special agent of a law enforcement agency without the permission of the court;
- 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's Name: CRUZ, PEDRO ANTHONY ROMERO
Case Number: 1:14CR00306-001

SPECIAL CONDITIONS OF SUPERVISION

While on Supervised Release pursuant to this Judgment, the defendant shall also comply with the following additional special conditions:

1. Defendant shall not have any contact with gang members in or out of custody, and shall not frequent locations where criminal activity is known to take place and/or gang members are known to congregate.
2. Defendant shall abide by any curfews set by the Probation Office.
3. Defendant shall have no contact with witnesses or victims related to the instant offense.
4. Defendant shall cooperate fully with Immigration officials in connection with his removal.
5. Defendant shall not return to the United States without the express, advance permission of the United States Attorney General and the Secretary of the Department of Homeland Security.
6. If defendant ever returns to the United States with the written permission described above, he must report to Probation within FORTY-EIGHT (48) HOURS of arrival in the United States.

Defendant's Name: CRUZ, PEDRO ANTHONY ROMERO
Case Number: 1:14CR00306-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on Sheet 6.

	<u>Count</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
	One			
	(1)	\$100.00	\$0.00	\$0.00
	Three			
	(3)	\$100.00	\$0.00	\$0.00
TOTALS:		\$200.00	\$0.00	\$0.00

FINES

No fines have been imposed in this case.

RESTITUTION

Restitution has not been ordered in this case.

The Court does not impose any costs for prosecution, imprisonment

Defendant's Name: CRUZ, PEDRO ANTHONY ROMERO
Case Number: 1:14CR00306-001

SCHEDULE OF PAYMENTS

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

The special assessment shall be due in full immediately.

The defendant shall forfeit the defendant's interest in the following property to the United States:

Forfeiture has not been ordered in this case.

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. 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.

Nothing in the court's order shall prohibit the collection of any judgment, fine, or special assessment by the United States.

11a

FILED: November 12, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4390 (L)
(1:14-cr-00306-GBL-3)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JAIME ROSALES VILLEGAS, a/k/a Demente, a/k/a Lil Demente

Defendant - Appellant

No. 16-4526
(1:14-cr-00306-GBL-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

PEDRO ANTHONY ROMERO CRUZ, a/k/a Payaso

Defendant - Appellant

O R D E R

12a

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk