

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER 2019 TERM

JASON BONDS
Petitioner
v.
UNITED STATES OF AMERICA,
Respondent

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

APPENDIX A—Court of Appeals Opinion (Dec. 6, 2019)

18-3018
United States v. Bonds

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**
SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

**At a stated term of the United States Court of Appeals for the Second Circuit, held
at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New
York, on the 6th day of December, two thousand nineteen.**

PRESENT:

ROBERT A. KATZMANN,
Chief Judge,
GUIDO CALABRESI,
RAYMOND J. LOHIER, JR.,
Circuit Judges.

UNITED STATES OF AMERICA,

Appellee,

v.

No. 18-3018

JASON BONDS,

Defendant-Appellant.

For Defendant-Appellant Jason Bonds:

Steven L. Barth, Barclay T. Johnson, Assistant Federal Public Defenders, *for* Michael L. Desautels, Federal Public Defender, District of Vermont, Burlington, Vermont.

For Appellee the United States of America:

Barbara A. Masterson, Gregory L. Waples, Assistant United States Attorneys, *for* Christina E. Nolan, United States Attorney for the District of Vermont, Burlington, Vermont.

Appeal from a judgment of the United States District Court for the District of Vermont (Sessions, J.).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the district court is **AFFIRMED**.

Defendant-Appellant Jason Bonds appeals his October 2, 2018 sentence upon conviction after his plea of guilty to one count of possession of child pornography in violation of 18 U.S.C. § 2252(a)(4)(B). The district court sentenced Bonds to 45 months of imprisonment, to be followed by a five-year term of supervised release. Bonds challenges only one aspect of that sentence: a special condition of supervised release requiring that he submit to polygraph examinations at the direction of a probation officer. Because any refusal to do so could result in a revocation of supervised release and a return to prison, Bonds argues that the polygraph requirement violates his Fifth Amendment right against self-incrimination.

Bonds states that he has filed this appeal to preserve the issue for further review; citing our decisions in *United States v. Johnson*, 446 F.3d 272 (2d Cir. 2006), and *United States v. Boles*, 914 F.3d 95 (2d Cir. 2019), he concedes that binding circuit precedent forecloses his challenge. We agree. In the absence of any intervening Supreme Court decisions casting doubt on our prior rulings, *see Doscher v. Sea Port Grp. Secs., LLC*, 832 F.3d 372, 378 (2d Cir. 2016), we are bound to apply *Boles* and the cases preceding it, even over the objection that they were “wrongly decided,” *Kremer v. Chemical Constr. Corp.*, 623 F.2d 786, 788 (2d Cir. 1980). Bonds raises such an objection, but concedes that *Boles* controls our decision nonetheless. As we find no other basis for reversal, we **AFFIRM** the judgment of the district court.

FOR THE COURT:
Catherine O’Hagan Wolfe, Clerk


Catherine O'Hagan Wolfe

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APPENDIX B—District Court Decision
(sentencing transcript excerpts Oct. 1, 2018)

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA *
V. * Case No: 2:17-cr-40-1
JASON BONDS *

SENTENCING
OCTOBER 1, 2018
BURLINGTON, VERMONT

BEFORE:

THE HONORABLE WILLIAM K. SESSIONS III
District Judge

APPEARANCES:

Barbara A. Masterson, Esq., Assistant United States
Attorney, P.O. Box 570, Burlington, VT 05402-0570; Attorney
for the Plaintiff.

Steven L. Barth, Esq., Office of the Federal Public
Defender, 126 College Street, Burlington, VT 05401; Attorney
for the Defendant.

Court Reporter: JoAnn Q. Carson, RMR, CRR

CAPITOL COURT REPORTERS, INC.
P.O. BOX 329
BURLINGTON, VERMONT 05402-0329
(802/800) 863-6067
E-MAIL: Info@capitolcourtreporters.com

1 that there should be a carveout for the two sons. So I will
2 change that condition to reflect that carveout. So the final
3 thing is the polygraph.

4 MR. BARTH: Yes. So we feel -- I won't belabor the
5 point because the 2nd Circuit has ruled against me in the
6 Johnson case.

7 THE COURT: Right. You have raised a 10th Circuit
8 case which suggests that a coerced polygraph may violate the
9 right against self-incrimination. It's relying upon a 1984
10 Supreme Court case. Well the 1984 Supreme Court case was in
11 place in 2016 when the 2nd Circuit decided Johnson which said
12 polygraph tests were permissible. How do I not follow the 2nd
13 Circuit Johnson decision when I'm in the 2nd Circuit?

14 MR. BARTH: One, I think the 10th Circuit got it
15 right in the Minnesota case -- the Supreme Court case against
16 Minnesota v. Murphy was right on point. They said look in a
17 situation where it is a coercive situation where you're forced
18 to make a Hobson's choice that would be a problem, and the -- I
19 think it's the Meacham or Ackerman case upon which Johnson
20 relies seemingly ignores the Murphy case.

21 My answer to your specific question how do you ignore it,
22 I don't know that you ignore it, but you are under absolutely
23 no obligation to impose this condition just because the 2nd
24 Circuit has indicated that it is in some circumstances okay or
25 doesn't violate the law. There are many conditions that don't

1 -- that might not violate the law that the court might choose
2 is not appropriate in a particular case. Here I think it does
3 violate the law, but certainly the court in the 2nd Circuit
4 disagreed with my position several years ago, but the court is
5 under no obligation to put Mr. Bonds in that sort of Hobson's
6 choice where he has to choose between a particular set of
7 evils, and so we would ask the court to consider that and
8 exercise its discretion and cut the condition. We're not
9 asking that the entire condition be cut. That is I think an
10 offender -- rehabilitative sex offender treatment is
11 appropriate. I just don't like that if he refuses to do a
12 polygraph exam, which are notoriously inconsistent, that he
13 could be imprisoned for that.

14 THE COURT: All right. Okay. Does your client wish
15 to address the court before I get the government's response?

16 MR. BARTH: Yes. I think he wishes to make a few
17 comments. Of course I think the court probably has read his
18 letter.

19 THE COURT: Yes. All right, Mr. Bonds.

20 THE DEFENDANT: Your Honor, I have certainly had
21 quite some time to think about everything that has occurred by
22 my grotesque decision making and this is something that, you
23 know, I've been living with as I've been pretty much
24 segregating myself in my cell and I would -- apology is just
25 not enough. It's just not enough words, not enough even of a

1 THE COURT: Okay. All right. Want to respond, Mr.
2 Barth?

3 MR. BARTH: No, Your Honor. We stand by the
4 arguments we've previously made unless the court has any other
5 questions for counsel.

6 THE COURT: I don't. Okay. Would you stand please?
7 I have reviewed the presentence report. Reviewed the
8 sentencing memoranda, both the government and the defense.
9 Again there's a binding plea agreement in this case and I've
10 indicated that the court will accept the binding plea
11 agreement. The binding plea agreement requires that the
12 sentence be between 36 and 48 months -- including the 36 or the
13 48. The court has discretion in regard to other matters to be
14 ordered.

15 In regard to the conditions let me just address those at
16 this point. The third party risk condition that was objected
17 to by the defendant I really like the language that the
18 probation officer came up with in response to the objection in
19 the presentence report and I'll adopt that language. I feel
20 that the requirement that a person participate in polygraph
21 tests is fundamental to addressing issues regarding sexual
22 offenses. This is not like conditions that are imposed in
23 other kinds of cases. It is extraordinarily important, it
24 seems to me, that polygraphs be used to enforce the requirement
25 that a defendant not participate in any further abuses of the

1 computer systems, and that this is a fundamental condition to
2 assure that there won't be a continuing offense of possession
3 of child pornography or viewing of child pornography. So until
4 the 2nd Circuit decides otherwise, it seems to me that is a
5 condition which is needed and the court will impose that
6 condition. The association with minors condition will be
7 modified to carve out the defendant's two sons.

8 You know as I think about this I think the defense also
9 raised an objection to the employment notification. I looked
10 at the employment notification. The employment notification is
11 only to the use of computers. It's not to talk about this
12 particular offense. I don't know if the defense still has an
13 objection to that.

14 MR. BARTH: I do, Your Honor. I appreciate that.
15 Yes I did raise the employment notification and again that fits
16 squarely within our objection to the third party risk. I would
17 not object to the same language employed in the third party
18 risk condition being added to the employment condition. I
19 think that would go a long way as I've already said.

20 THE COURT: But in the employment condition it seems
21 to me that it's not as serious a notification. It's, after
22 all, just I'm on probation and I -- or I'm on supervised
23 release and I have restrictions on the use of computers.
24 That's it. There's nothing about the nature of the offense for
25 which the person is on supervision and it seems to me that it's

1 within -- to within the range that the parties have agreed to
2 is appropriate.

3 It is the sentence of the court the defendant be committed
4 to the custody of the Federal Bureau of Prisons for 45 months
5 to be followed by a five-year term of supervised release.
6 Conditions of supervised release are as follows. You must not
7 commit another federal, state, or local crime. You must not
8 lawfully possess a controlled substance. You must refrain from
9 any unlawful use of a controlled substance. You must submit to
10 one drug test within 15 days of release from imprisonment or
11 placement on probation, and at least two periodic drug tests
12 thereafter as determined by the court.

13 You must cooperate in the collection of DNA as directed by
14 the probation officer. You must comply with the requirements
15 of the Sex Offender Registration and Notification Act as
16 directed by the probation officer, the Bureau of Prisons, and
17 any state sex offender registration agency in the location
18 where you reside, work, are a student, or were convicted of a
19 qualifying offense. You must participate in an approved
20 program of sex offender evaluation and treatment which may
21 include polygraph examinations as directed by the probation
22 officer. Any refusal to submit to such assessment or test as
23 scheduled is a violation of the conditions of supervision. You
24 must be required to pay the costs of treatment as directed by
25 the probation officer. The court authorizes the probation

1 officer to release psychological reports and/or presentence
2 reports to the treatment agency for continuity of treatment.

3 You must provide the probation officer with access to any
4 requested records such as bills or invoices for credit cards,
5 telephone and wireless communication services, television
6 provider services and internet service providers. You must
7 provide the probation officer with a complete and current
8 inventory of the number of computers used, possessed, or in
9 your control along with a monthly log of computer access. You
10 must not use a computer device capable of internet access until
11 a computer use plan is developed and approved by your treatment
12 provider and/or probation officer. Such a plan at a minimum
13 must require you to submit a monthly record of internet use,
14 online screens, encryption methods and passwords utilized by
15 you. You must not access any computer device that utilizes any
16 encryption, anonymization, cleaning, or wiping software
17 programs. You must consent to third party disclosure to an
18 employer, potential employer, community service site, or other
19 interested party as determined by the probation officer of any
20 computer related restrictions that are imposed.

21 You must not possess images or videos depicting sexually
22 explicit conduct involving adults as defined in 2256(2) (A),
23 child pornography or visual text or text content involving
24 minors which has sexual, prurient, or violent interests as an
25 inherent purpose.

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FOR THE SECOND CIRCUIT

APPENDIX C—Oct. 2, 2018 Judgment of Conviction (2:17-cr-040 (D.Vt.))

UNITED STATES DISTRICT COURT

District of Vermont

UNITED STATES OF AMERICA) **JUDGMENT IN A CRIMINAL CASE**
 v.)
 JASON BONDS) Case Number: 2:17CR00040-1
) USM Number: 11879-082
) Steven L. Barth, AFPD
) Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1s of the Information

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 & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:2252(a)(4),(b)(2)	Possession of Child Pornography	12/5/2016	1s

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) 1 of underlying Indictment 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.

10/1/2018
Date of Imposition of Judgment

/s/ William K. Sessions III

Signature of Judge

William K. Sessions III, U.S. District Judge

Name and Title of Judge

10/1/2018
Date

DEFENDANT: JASON BONDS

CASE NUMBER: 2:17CR00040-1

IMPRISONMENT

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

45 months to be served concurrently to any sentence imposed in state court.

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

that the defendant be placed at FCI Danbury, CT.

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: JASON BONDS

CASE NUMBER: 2:17CR00040-1

SUPERVISED RELEASE

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

5 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: JASON BONDS
CASE NUMBER: 2:17CR00040-1

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, based on your criminal record, personal history or characteristics, that you pose a risk to another person (including an organization), the probation officer, with the prior approval of the Court, 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. (Modified at Sentencing Hearing 10/1/2018)**
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.

Defendant's Signature _____

Date _____

DEFENDANT: JASON BONDS
CASE NUMBER: 2:17CR00040-1

SPECIAL CONDITIONS OF SUPERVISION

- You must comply with the standard conditions of supervision recommended by the Sentencing Commission, as set forth in Part G of the presentence report with the exception of condition 1) as listed in subsection 111, page 20, of the presentence report. This condition is modified as follows and is also reflected on page 4 of this Judgment: If the probation officer determines, based on your criminal record, personal history or characteristics, that you pose a risk to another person (including an organization), the probation officer, with the prior approval of the Court, 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. 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.
- You must participate in an approved program of sex offender evaluation and treatment, which may include polygraph examinations, as directed by the probation officer. Any refusal to submit to such assessment or tests as scheduled is a violation of the conditions of supervision. You will be required to pay the cost of treatment as directed by the probation officer. The court authorizes the probation officer to release psychological reports and/or the presentence report to the treatment agency for continuity of treatment.
- You must provide the probation officer with access to any requested records, such as bills or invoices for credit cards, telephone and wireless communication services, television provider services, and Internet service providers.
- You must provide the probation officer with a complete and current inventory of the number of computers (as defined in 18 U.S.C. § 1030(e)(1)) used, possessed, or in your control along with a monthly log of computer access.
- You must not use a computer device (as defined in 18 U.S.C. § 1030(e)(1)) capable of Internet access until a Computer Use Plan is developed and approved by your treatment provider and/or probation officer. Such plan, at a minimum, must require you to submit a monthly record of Internet use, online screen names, encryption methods, and passwords utilized by you.
- You must not access any computer device (as defined in 18 U.S.C. § 1030(e)(1)) that utilizes any encryption, anonymization, “cleaning” or “wiping” software programs.
- You must consent to third-party disclosure to any employer, potential employer, community service site, or other interested party, as determined by the probation officer, of any computer-related restrictions that are imposed.
- You must not possess images or videos depicting sexually explicit conduct involving adults, as defined in 18 U.S.C. § 2256(2)(A); child pornography, as defined in 18 U.S.C. § 2256(8); or visual or text content involving minors which has sexual, prurient or violent interests as an inherent purpose.
- You must not associate or have contact, directly or through a third party, with persons under the age of 18, except in the presence of a responsible adult who is aware of the nature of your background, and who has been approved in advance by the probation officer. Such prohibited conduct shall include the use of electronic communication, telephone, or written correspondence. This condition shall not apply in regard to your association with your own children.
- You must avoid and are prohibited from being in any areas or locations where children are likely to congregate, such as schools, daycare facilities, playgrounds, theme parks, arcades, unless prior approval has been obtained from the probation office.
- You must allow, at the direction of the probation officer and at your expense, the installation of monitoring hardware or software to monitor your use of computer systems, internet-capable devices and/or similar electronic devices under your control.
- You must not have contact, directly or through a third party, with the victim(s) in this case. Such prohibited conduct shall include the use of electronic communication, telephone, or written correspondence.
- You must submit your person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions. Such searches may include the removal of such items for the purpose of conducting a more thorough inspection. You shall inform other residents of this condition. Failure to submit to a search may be grounds for revocation.
- You must participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether you have reverted to the use of drugs or alcohol. You shall contribute to the cost of services rendered in an amount to be determined by the probation officer based on ability to pay or the availability of third party payment. You must refrain from the use of alcohol and other intoxicants during and after treatment.

DEFENDANT: JASON BONDS
CASE NUMBER: 2:17CR00040-

CRIMINAL MONETARY PENALTIES

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

Assessment **JVTA Assessment*** **Fine** **Restitution**
TOTALS \$ 100.00 \$ 5,000.00 (waived) \$ \$

- The determination of restitution is deferred until 12/31/2018. 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.

- 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: JASON BONDS
CASE NUMBER: 2:17CR00040-1

SCHEDULE OF PAYMENTS

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

- A Lump sum payment of \$ 100.00 due immediately, balance due
 not later than _____, or
 in accordance with C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (*e.g., weekly, monthly, quarterly*) installments of \$ _____ over a period of _____ (*e.g., months or years*), to commence _____ (*e.g., 30 or 60 days*) after the date of this judgment; or
- D Payment in equal _____ (*e.g., weekly, monthly, quarterly*) installments of \$ _____ over a period of _____ (*e.g., months or years*), to commence _____ (*e.g., 30 or 60 days*) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (*e.g., 30 or 60 days*) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

The defendant has demonstrated an inability to pay a fine or the JVTA special assessment. Hence, all fines and the JVTA special assessment are waived. Determination of any restitution order is continued for 90 days upon motion by the government.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of 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.

- Joint and Several

Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- The defendant shall pay the cost of prosecution.
 The defendant shall pay the following court cost(s):
 The defendant shall forfeit the defendant's interest in the following property to the United States:

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) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.