

In the  
United States Court of Appeals  
For the Seventh Circuit

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Nos. 18-2634 & 18-3129

UNITED STATES OF AMERICA,

*Plaintiff-Appellee,*

*v.*

CHRISTOPHER DAVIS and MAURICE GREER,

*Defendants-Appellants.*

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Appeals from the United States District Court for the  
Southern District of Indiana, Indianapolis Division.  
No. 1:15-cr-00184-SEB-MJD — **Sarah Evans Barker**, *Judge.*

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ARGUED DECEMBER 3, 2019 — DECIDED MARCH 20, 2020

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Before WOOD, *Chief Judge*, and HAMILTON and SCUDDER,  
*Circuit Judges.*

WOOD, *Chief Judge.* Christopher Davis and Maurice Greer were charged with robbing two different Walmarts in Indiana over a four-month period. A jury convicted both of them, and they now challenge the sufficiency of the evidence underlying their convictions. Because a rational jury could have found each one guilty beyond a reasonable doubt, we affirm.

## I

According to the government's evidence at trial, Davis met Deidre Orkman, an assistant manager at an Indianapolis Walmart, in early 2015 while he was shopping at the store. The pair soon began dating. During the course of their relationship, Orkman often discussed her job with Davis, and she revealed to Davis what she knew about Walmart's policies and procedures for handling cash. Armed with this inside information, Davis hatched a plan to rob the Indianapolis Walmart with two of his cousins—Greer and Darryl Williams.

Before the first robbery, Orkman met with Davis and Greer to discuss logistics. She told Davis and Greer that a Sunday night or Monday morning would be the best time to rob the store because a large amount of cash from the weekend would remain on hand. Davis and Greer took Orkman's advice. On the morning of Monday, June 8, 2015, the two dropped Orkman off at the Indianapolis Walmart for her morning shift. Amanda Greene and Jana West were working alongside Orkman that morning at the store's customer service area.

Orkman, Greene, and West testified about the following events, most of which were also captured on security cameras. Greer, who had been lurking behind the sunglasses rack, entered the customer service area and pointed a gun at West and Orkman. They then proceeded to the cash room, and Greene (who was already in the cash room) and Orkman started loading cash into bags. West was crying and shaking in fear. Once the cash was in the bags, Greer used duct tape to restrain West, Greene, and Orkman. Greer then left the Walmart with the bags of cash and returned to the car where Davis was waiting. Hours later, Davis took photographs of a large amount of

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cash spread on a table, and Davis gave Orkman \$1,500 for her role in the robbery.

Apparently satisfied that the Indianapolis Walmart was a good target, Davis soon decided to rob it again. He discussed his plans with Williams (his cousin and Greer's brother) and Orkman. Orkman originally was "okay with it," but later told Davis that she wanted out. Davis informed Orkman that the robbers would kill her if she told anyone. Davis and Williams then moved forward with their plans for the second robbery.

Williams testified about the details of the second robbery. Orkman was working the overnight shift from August 27–28, 2015. Davis drove Williams to the Indianapolis Walmart and gave him a gun to use during the robbery. Williams entered the store and hid inside the restroom before calling Davis. Next, Davis called Orkman to see if she was working at the front of the store. Orkman testified that she received a phone call from Davis, who told her to "[g]et ready," which she understood to mean that the robbery was about to take place.

Williams left the bathroom, found Orkman, showed her the handgun, and demanded that Orkman take him to the cash room. Orkman testified that she thought she would be shot if she did not comply. Security video captured the following events. Just after midnight on August 28, Orkman and Williams entered the cash room, and Williams gathered cash from the counter. Orkman opened the safe and removed bundles of cash, which Williams placed into his bags. Williams then restrained Orkman's hands with zip ties and bound Orkman's mouth with duct tape. Williams walked out of the store and went to a nearby apartment parking lot where Davis was waiting.

Later that day, Davis paid \$8,000 in cash for a white Land Rover, which he purchased from a used car dealership. The car dealer testified that the cash was in low-denomination bills, principally \$5 and \$20. The Indianapolis Metropolitan Police Department ("IMPD") suspected that the June 8 and August 28 robberies were related, and Orkman was a person of interest because she had worked during both of the robberies even though they occurred during different shifts. While conducting surveillance on Orkman, an IMPD officer noticed Davis's Land Rover parked outside of Orkman's apartment. The officer learned that the Land Rover had been purchased on August 28—the same day as the second robbery—and obtained a court order to place a GPS tracking device on it.

Soon after, Davis began planning for yet another Walmart robbery, this time at a store in Kokomo, Indiana. Davis recruited his friend, Tyrone Townsell, by telling him about the June 8 robbery. Townsell testified about the following events. On the night of September 13, 2015, Davis and Greer picked up Townsell in Indianapolis, and the trio, with Davis driving the GPS-tracked Land Rover, drove north to Kokomo. Greer and Townsell entered the store around midnight but left after noticing that it was still full of customers. A few hours later, Greer and Townsell entered the store a second time, after 3:00 a.m. on September 14, while employees Lucy Bishop and Tom Johnson were working.

Bishop, Johnson, and Townsell added the following details, most of which were also captured on video. Greer held a gun up to Johnson, and after Bishop approached, Greer told Johnson and Bishop to stay quiet. Bishop unlocked the cash room, and Greer and Townsell followed the employees

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inside. Greer and Townsell ordered Johnson to open a safe and load cash into a suitcase inside a shopping cart; he complied. Greer also grabbed bundles of cash. Greer displayed the handgun to Johnson and Bishop and made them kneel in the back room, where he restrained them with duct tape and zip ties. Townsell carried the cash out of the store in the suitcase, with Greer following close behind. They returned to Davis's Land Rover and drove back to Indianapolis via back roads in the hope of avoiding any police officers. The trio went to Davis's apartment, and Greer took photographs of the cash sitting on the table in the apartment. The photographs were ultimately retrieved from Greer's phone.

The GPS tracking device allowed the IMPD to pinpoint the location of the Land Rover after the department received an alert about the Kokomo Walmart robbery. Officers arrested Davis, Greer, and Townsell during a traffic stop in Indianapolis. Inside Davis's Land Rover, law enforcement found a gun, two stashes of cash (\$23,862 and \$9,088) in a green bag in the cargo area, and \$17,020 in a bag on the front passenger floorboard. At the time of the arrest, Greer had \$8,205 in his pocket and Davis had \$1,958 in his.

The police also executed a search warrant for Davis's apartment. They found a bag of quarters stamped "Walmart 5804," which was the unique store number of the Indianapolis Walmart. Officers also found ammunition, additional cash, and the suitcase taken from the Kokomo Walmart; that suitcase still had the Walmart store tag attached to it. The FBI determined that the robbers had stolen, in total, about \$225,000 from the Walmart stores.

The government eventually obtained a third superseding indictment against Davis, Greer, Williams, Townsell, and

Orkman. With respect to Davis and Greer, the government charged the following:

| Count | Violated Statute – 18 U.S.C. | Robbery Date     | Robbery Location | Defendant    |
|-------|------------------------------|------------------|------------------|--------------|
| 1     | § 1951                       | 6/8/15           | Indianapolis     | Davis, Greer |
| 2     | § 924(c)                     | 6/8/15           | Indianapolis     | Davis, Greer |
| 3     | § 1951                       | 8/28/15          | Indianapolis     | Davis        |
| 4     | § 924(c)                     | 8/28/15          | Indianapolis     | Davis        |
| 5     | § 1951                       | 9/14/15          | Kokomo           | Davis, Greer |
| 6     | § 924(c)                     | 9/14/15          | Kokomo           | Davis, Greer |
| 7     | § 922(g)                     | 9/14/15          | Kokomo           | Greer        |
| 8     | § 1951(a)                    | 6/8/15 – 9/15/15 | Indiana          | Davis, Greer |

Davis and Greer proceeded to a jury trial, and the jury found each man guilty on all counts as charged. The district court denied Davis's and Greer's Rule 29 motions for judgment of acquittal, finding that sufficient evidence was presented at trial to sustain each of the charged offenses.

## II

We review a trial court's ruling on a Rule 29 motion *de novo*, asking only "whether evidence exists from which any rational trier of fact could have found the essential elements of a crime beyond a reasonable doubt." *United States v. Doody*, 600 F.3d 752, 754 (7th Cir. 2010). "Reversal under this

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standard is rare because we defer heavily to the jury's findings and review evidence in the light most favorable to the government." *United States v. Johnson*, 874 F.3d 990, 998 (7th Cir. 2017). We will reverse only when no rational trier of fact could have found the defendant guilty. *Id.*

## A

Davis contends that there was insufficient evidence for his convictions on Counts 1, 3, and 4. We start with Count 1, which charges Davis with interference with interstate commerce by robbery, in violation of 18 U.S.C. § 1951, in connection with the June 8 robbery of the Indianapolis Walmart. Davis argues that the evidence at trial failed to link him to the June 8 robbery. He asserts that the government did not offer any testimony from any witnesses of the robbery that established his presence at the Indianapolis Walmart on June 8. Moreover, he was never identified as a person who entered the Walmart and held up the employees in exchange for money.

Davis, however, was charged with all three Walmart robberies as an aider and abettor. See 18 U.S.C. § 2(a). Aiding and abetting requires that a person (1) act in furtherance of the offense (2) with the intent to help the offense's commission. *United States v. Rivera*, 901 F.3d 896, 901 (7th Cir. 2018). The government is not required to prove that the defendant assisted every element of the underlying offense. *United States v. Woods*, 148 F.3d 843, 850 (7th Cir. 1998). Instead, it must show only that the defendant "contributed at least one act of affirmative assistance." *Id.*

Although Davis might not have physically entered the Walmart during the robbery, the government provided ample

evidence that he affirmatively assisted in at least one way. Orkman testified that Davis was the getaway driver for the June 8 robbery, and Davis also drove Orkman and Greer to the store. When an armed robbery defendant acts with knowledge, “merely transporting the robber and the firearm to the scene of the crime amounts to facilitation sufficient to support the jury verdict.” *Id.* at 848.

Other evidence also supports the jury’s determination that Davis participated in robbing the Indianapolis Walmart on June 8. Location data from Davis’s phone placed him near the Indianapolis Walmart around the time of the robbery. Photographs were recovered from Davis’s phone, including some from June 8 depicting a large amount of cash spread on his living room table. Orkman testified that Davis gave her \$1,500 for her role in the June 8 robbery. Moreover, when Davis’s apartment was searched, the bag of quarters recovered was stamped “Walmart 5804,” which was the unique store number of the Indianapolis Walmart. Although the bag of quarters could have been stolen during the second Indianapolis Walmart robbery, the “jury did not need to look at the evidence for each robbery ‘in isolation from the others.’” *Rivera*, 901 F.3d at 901. It could consider evidence of Davis’s actions during the other robberies to infer reasonably that Davis participated in the June 8 robbery. *Id.* A reasonable jury could conclude, as this jury did, that Davis was guilty beyond a reasonable doubt on Count 1.

We now turn to Counts 3 and 4. Count 3 charged Davis with interference with interstate commerce by robbery, in violation of 18 U.S.C. § 1951. Count 4 charged Davis with using, carrying, or brandishing a firearm during a crime of violence,



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in violation of 18 U.S.C. § 924(c). Both counts refer to the August 28 robbery of the Indianapolis Walmart.

Davis's argument for Count 3 focuses on the statutory definition of robbery. Section 1951 defines robbery as "the unlawful taking or obtaining of personal property from the person or in the presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession ... ." 18 U.S.C. § 1951(b)(1). Davis argues that the government's evidence did not show that "actual or threatened force" was used during the August 28 robbery.

His argument rests on Orkman's advance knowledge of the robbery, because she was the only Walmart employee present at the time of the robbery. Davis claims that the video evidence shows Orkman looking relaxed as she helped Williams gather cash from the safe. Davis highlights that Williams was also relaxed, even setting down his gun as he was collecting and bundling the money. Because Orkman showed no fear during the robbery and Williams was relaxed, Davis argues, Orkman was a co-conspirator and the government did not provide sufficient evidence of "actual or threatened force" for the conviction on Count 3.

The jury, however, reasonably drew a different inference from Williams's and Orkman's testimony. Williams testified that when he pulled a gun on Orkman, it was a threat. Orkman also testified that she thought Williams would shoot her if she did not comply with his demands. In addition, before the August 28 robbery, Orkman told Davis that she no longer wanted to be involved in future robberies, and Davis told her that if she said anything, "they will kill you." This evidence

contradicts Davis's assertion that Orkman was a "relaxed" co-conspirator. Whether or not Orkman was a co-conspirator in the August 28 heist, there was ample testimony supporting a finding that she feared injury during the robbery and that her fear was reasonable. See *United States v. Mitov*, 460 F.3d 901, 907 (7th Cir. 2006) (stating that a fear of economic harm need only be reasonable for Hobbs Act extortion). We see no reason to disturb the jury's conclusion on Count 3.

Count 3 served as the predicate offense to convict Davis on Count 4. Davis argues that since there was insufficient evidence to sustain his Count 3 conviction, we should vacate his conviction on Count 4. Because we find that sufficient evidence supports Davis's conviction on Count 3, we also affirm the jury's verdict on Count 4.

#### B

We now turn to Greer. Greer argues that the government presented insufficient evidence for his convictions on Counts 1 and 5. Both counts charge Greer with interference with interstate commerce by robbery, in violation of 18 U.S.C. § 1951. Count 1 refers to the June 8 robbery of the Indianapolis Walmart, and Count 5 refers to the September 14 robbery of the Kokomo Walmart.

Greer contends that his brother, Williams, was responsible for both robberies. He claims that Williams was therefore motivated to blame anyone else and lied during his testimony. Because of the similarities in their height and complexion, Greer claims that he was an easy target for that blame. Moreover, Greer argues, Williams faced a life sentence if he failed to cooperate, so he could not be a reliable witness.

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Williams, however, was not the only witness to identify Greer. Greer's co-conspirators also testified against him. Orkman identified Greer as the gunman in the June 8 robbery, and Townsell identified Greer as the gunman in the September 14 robbery. Greer claims that his co-conspirators' identifications are also not persuasive because of their plea agreements, but Greer forgets about the Walmart employees who testified. Greene, an employee at the Indianapolis Walmart when it was robbed, testified that Greer was the gunman in the June 8 robbery, and Johnson, an employee at the Kokomo Walmart when it was robbed, testified that Greer was a robber in the September 14 robbery. "It is the jury's job, and not ours, to gauge the credibility of the witnesses and decide what inferences to draw from the evidence." *United States v. Stevenson*, 680 F.3d 854, 857 (7th Cir. 2012). "We do not second guess such determinations on appeal." *Id.* The jury believed that Greer, and not Williams, was the gunman in both robberies, and we will not question that decision.

Furthermore, the eyewitness identifications are not the only evidence supporting Greer's conviction. The jury saw the surveillance videos of the June 8 and September 14 robberies, and although details of the perpetrators' faces were not entirely clear, the jury was entitled to find that each video corroborated the identifications. In addition, for the September 14 robbery, location data from Greer's phone placed him in the vicinity of the Kokomo Walmart at the time of the crime. Greer also photographed large amounts of cash after the September 14 robbery, and these photographs were recovered from his phone. Moreover, when the Land Rover was stopped, Greer had \$8,205 in his pocket, and a bag of \$17,020 was at the floor of the front passenger seat where he had been sitting. Based on this corroborating evidence, the jury was

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entitled to conclude that Greer was guilty beyond a reasonable doubt on Counts 1 and 5.

We therefore AFFIRM the judgments of the district court.

## UNITED STATES DISTRICT COURT

Southern District of Indiana

UNITED STATES OF AMERICA

v.

CHRISTOPHER DAVIS

## JUDGMENT IN A CRIMINAL CASE

Case Number: 1:15CR00184-004

USM Number: 12947-028

Mario Garcia

Defendant's Attorney

## THE DEFENDANT:

- ☐ pleaded guilty to count(s)
- ☐ pleaded nolo contendere to count(s) which was accepted by the court.
- ☒ was found guilty on count(s) 1, 2, 3, 4, 5, 6, and 8 after a plea of not guilty

The defendant is adjudicated guilty of these offense(s):

| <u>Title &amp; Section</u>  | <u>Nature of Offense</u>                                | <u>Offense Ended</u> | <u>Count</u> |
|-----------------------------|---|----------------------|--------------|
| 18 U.S.C. §1951(a)          | Interference with Interstate Commerce by Robbery        | 06/08/2015           | 1            |
| 18 U.S.C. §924(c)(1)(A)(ii) | Use, Carry, Brandish a Firearm During Crime of Violence | 06/08/2015           | 2            |
| 18 U.S.C. §1951(a)          | Interference with Interstate Commerce by Robbery        | 08/28/2015           | 3            |
| 18 U.S.C. §924(c)(1)(C)     | Use, Carry, Brandish a Firearm During Crime of Violence | 08/28/2015           | 4            |
| 18 U.S.C. §1951(a)          | Interference with Interstate Commerce by Robbery        | 09/14/2015           | 5            |
| 18 U.S.C. §924(c)(1)(C)     | Use, Carry, Brandish a Firearm During Crime of Violence | 09/14/2015           | 6            |
| 18 U.S.C. §1951(a)          | Conspiracy to Interfere with Commerce by Robbery        | 09/15/2015           | 8            |

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) dismissed on the motion of the United States.

**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 shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

## A CERTIFIED TRUE COPY

Laura A. Briggs, Clerk  
U.S. District Court  
Southern District of Indiana



By Lana Horvath  
Deputy Clerk

July 17, 2018

Date of Imposition of Sentence:

SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

7/25/2018

Date

DEFENDANT: Christopher Davis  
CASE NUMBER: 1:15CR00184-004

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **Counts 1, 3, 5, and 8: 1 day per count, concurrent; Count 2: 84 months; Count 4: 300 months; Count 6: 300 months, consecutive for a total of 684 months and 1 day of imprisonment.**

☒ The Court makes the following recommendations to the Bureau of Prisons:  
**Placement at FCI Forrest City, Arkansas, or as close to home as possible.**

☒ 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

☐ 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 was delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

BY: \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Christopher Davis  
CASE NUMBER: 1:15CR00184-004

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **Counts 1, 3, 5, and 8: 3 years on each count; Counts 2, 4, and 6: 5 years on each count, to be served concurrently.**

### 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)*

If this judgment imposes a fine or 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 conditions listed below.

### CONDITIONS OF SUPERVISION

1. You shall report to the probation office in the judicial district to which you are released within 72 hours of release from the custody of the Bureau of Prisons.
2. You shall report to the probation officer in a manner and frequency directed by the court or probation officer.
3. You shall permit a probation officer to visit you at a reasonable time at home or another place where the officer may legitimately enter by right or consent, and shall permit confiscation of any contraband observed in plain view of the probation officer.
4. You shall not knowingly leave the judicial district without the permission of the court or probation officer.
5. You shall answer truthfully the inquiries by the probation officer, subject to your 5th Amendment privilege.
6. You shall not meet, communicate, or otherwise interact with a person you know to be engaged, or planning to be engaged, in criminal activity. You shall report any contact with persons you know to be convicted felons to your probation officer within 72 hours of the contact.
7. You shall reside at a location approved by the probation officer and shall notify the probation officer at least 72 hours prior to any planned change in place or circumstances of residence or employment (including, but not limited to, changes in who lives there, job positions, job responsibilities). When prior notification is not possible, you shall notify the probation officer within 72 hours of the change.
8. You shall not own, possess, or have access to a firearm, ammunition, destructive device or dangerous weapon.

DEFENDANT: Christopher Davis

CASE NUMBER: 1:15CR00184-004

9. You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.
10. You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.
11. As directed by the probation officer, you shall notify third parties who may be impacted by the nature of the conduct underlying your current or prior offense(s) of conviction and/or shall permit the probation officer to make such notifications and/or confirm your compliance with this requirement.
12. You shall make a good faith effort to follow instructions of the probation officer necessary to ensure compliance with the conditions of supervision.
13. You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment. Testing may include no more than 8 drug tests per month. You shall not attempt to obstruct or tamper with the testing methods.
14. You shall provide the probation officer access to any requested financial information and shall authorize the release of that information to the U.S. Attorney's Office for use in connection with the collection of any outstanding fines and/or restitution.
15. You shall not incur new credit charges, or open additional lines of credit without the approval of the probation officer.
16. You shall not engage in any meetings, communications, activities, or visits with any of the victim(s) involved in this case or members of the family of such victim(s) without prior approval from the court.
17. You shall submit to the search by the probation officer of your person, vehicle, office/business, residence, and property, including any computer systems and hardware or software systems, electronic devices, telephones, and Internet-enabled devices, including the data contained in any such items, whenever the probation officer has a reasonable suspicion that a violation of a condition of supervision or other unlawful conduct may have occurred or be underway involving you and that the area(s) to be searched may contain evidence of such violation or conduct. Other law enforcement may assist as necessary. You shall submit to the seizure of contraband found by the probation officer. You shall warn other occupants these locations may be subject to searches.
18. You shall pay the costs associated with the following imposed condition of supervised release, to the extent you are financially able to pay: substance abuse testing. The probation officer shall determine your ability to pay and any schedule of payment.

I understand that I and/or the probation officer may petition the Court to modify these conditions, and the final decision to modify these terms lies with the Court. If I believe these conditions are being enforced unreasonably, I may petition the Court for relief or clarification; however, I must comply with the directions of my probation officer unless or until the Court directs otherwise. Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the condition of supervision.



DEFENDANT: Christopher Davis

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These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed)

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Date

\_\_\_\_\_  
U.S. Probation Officer/Designated Witness

\_\_\_\_\_  
Date

DEFENDANT: Christopher Davis  
CASE NUMBER: 1:15CR00184-004

### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

|               | <u>Assessment</u> | <u>JVTA Assessment<sup>1</sup></u> | <u>Fine</u> | <u>Restitution</u> |
|---------------|-------------------|------------------------------------|-------------|--------------------|
| <b>TOTALS</b> | \$700.00          |                                    |             | \$138,066.02       |

- ☐ The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case (AO245C)* 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<sup>2</sup></u> | <u>Restitution Ordered</u> | <u>Priority or Percentage</u> |
|----------------------|-------------------------------|----------------------------|-------------------------------|
| Walmart Global       | \$138,066.02                  | \$138,066.02               |                               |
| <b>TOTALS</b>        | \$138,066.02                  | \$138,066.02               |                               |

- ☐ 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:

<sup>1</sup> Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

<sup>2</sup> 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.

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### 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 \$ \_\_\_\_\_ 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, ☒ F or ☒ G 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 ☒ If this case involves other defendants, each may be held jointly and severally liable for payment of all or part of the restitution ordered herein and the Court may order such payment in the future. The victims' recovery is limited to the amount of loss, and the defendant's liability for restitution ceases if and when the victims receive full restitution.
- G ☒ Special instructions regarding the payment of criminal monetary penalties:

**Any unpaid restitution balance during the term of supervision shall be paid at a rate of not less than 10 % of the defendant's gross monthly income.**

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.

| <u>Co-Defendant</u> | <u>Docket Number</u> | <u>Payee</u>   | <u>Joint and Several</u> |
|---------------------|----------------------|----------------|--------------------------|
| Darryl Williams     | 1:15CR00184-001      | Walmart Global | \$138,066.02             |
| Maurice Greer       | 1:15CR00184-002      | Walmart Global | \$138,066.02             |
| Tyrone Townsell     | 1:15CR00184-003      | Walmart Global | \$138,066.02             |

☐ 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:  
**A Rexio .38 caliber revolver, bearing serial number 068787, a Daisy Powerline 1700 air-rifle, assorted ammunition, and assorted gun accessories which were also located in his vehicle**