

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

TROY WEBB,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

PETITION FOR WRIT OF CERTIORARI
THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Respectfully submitted,

Steve Hershberger, Attorney at Law
Texas State Bar # 09543950
600 No. Marienfeld St., Ste 1035
432-570-4014

Attorney for Petitioner

QUESTION PRESENTED FOR REVIEW

Whether the District Court denied the Petitioner's constitutional right to a substantive due process under the Fifth Amendment by the lower court's construction of possession under 18 U.S.C. Sec. 922(g)(1), where the operative conduct is discarding a firearm.

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IN THE SUPREME COURT OF THE UNITED STATES

TROY WEBB,

Petitioner

v.

UNITED STATES OF AMERICA,

Respondent

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

TO THE HONORABLE JUSTICES OF THE UNITED STATES SUPREME COURT:

The Petitioner, TROY WEBB, Appellant in the United States Court of Appeals for the Fifth Circuit and the Defendant in Case No. MO-20-CR-65, submits this Petition for Writ of Certiorari and respectfully prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fifth Circuit entered on April 07, 2021.

OPINION BELOW

On April 07, 2021, the United States Court of Appeals for the Fifth Circuit entered its Opinion affirming the verdict guilty returned against Petitioner. A copy of the Opinion is attached as Appendix A.

The District Court's Criminal Judgment is attached as Appendix B.

JURISDICTION

Jurisdiction of this Court is invoked under Title 28, United States Code sec. 1254(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth Amendment to the United States Constitution states, in pertinent part to the Case *sub judice*:

No person...shall be deprived of life, liberty, or property, without due process of law...

STATEMENT OF THE CASE

The Government obtained a single-count indictment against Troy Webb; alleging he violated 18 U.S.C. Sec. 922(g)(1) on or about February 26, 2020 (ROA.20). The indictment alleged an offense under 18 U.S.C. Sec. 922(g)(1). Specifically, the indictment alleged that Webb, having been previously convicted of a felony, knowingly possessed a firearm, which was in or affecting commerce (ROA.20).

Petitioner entered a plea of “not guilty”.

The case was tried without a jury (ROA.68). After a bench trial on May 20, 2020, the Hon. David Counts, U.S. District Judge, Western District of Texas, found the Defendant guilty (ROA.55). Thereafter, on August 11, 2020, the District Judge sentenced Petitioner to 70 months incarceration, among other things (ROA.55).

Petitioner appealed to the United States Court of Appeals, for the Fifth Circuit. On or about April 07, 2021, the United States Court of Appeals affirmed the conviction of the District Court, the United States District Court for the Western District of Texas.

REASON FOR GRANTING THE WRIT

Webb, hereafter referred to as the “Petitioner” urges that this case comes within the orbit of Henderson v. United States, 575 U.S. ___, 135 S.Ct. 1780 (2015) and warrants reversal for acquittal.

The District Court erred, as a matter of law, by concluding the Petitioner, a passenger in a vehicle, possessed a firearm when he discarded a backpack, which was owned by the driver and contained a firearm, a shotgun therein. At the completion of the Government's case at trial, Petitioner moves for acquittal under Fed.R.Crim.P. 29. That motion for "instructed" verdict was denied by the District Court. Petitioner raised a sufficiency of the evidence point in the United States Court of Appeals, who likewise turned down Petitioner. Petitioner now seeks redress in the Supreme Court.

In general, litigants are entitled to a fair and impartial verdict based solely on the evidence adduced at trial. Jordan v. Massachusetts, 225 U.S. 167, 176 (1912); Smith v. Phillips, 455 U.S. 209, 217 (1982). Further, the United States Supreme Court has recognized that due process implies a tribunal both impartial and mentally competent to afford a hearing with a factfinder capable and willing to decide the case solely on the evidence before it. Tanner v. United States, 483 U.S. 107, 117 (1987).

The Government failed to prove, as a matter of law, that Petitioner possessed a firearm, on the ground that he discarded a container that contained the firearm. The container, a backpack, was owned by the driver, the shotgun inside was owned by the driver and further, Petitioner did not actually handle the subject firearm.

To obtain a conviction under 18 U.S.C. Sec. 922(g)(1), the Government must prove that

- (1) The defendant had previously been convicted of a felony;
- (2) the defendant knowingly possessed a firearm;
- (3) the firearm traveled in or affected interstate commerce; and
- (4) the defendant knew his status as a felon when he possessed the firearm.

Rehaif v. United States, 588 U.S. ____, 139 S.Ct. 219 (2019).

In this case, Petitioner was a passenger in a vehicle where the driver was fleeing from

police officers. During the flight, the driver directed Petitioner was directed to throw a backpack out of the vehicle. Inside the backpack was a shotgun, owned by the driver. Petitioner did not actually handle the shotgun, but only the backpack.

The Government can prove possession by showing that a defendant exercised either direct physical control over a thing, that is actual possession,; or dominion or control over the thing itself or the area in which it was found. United States v. DeLeon, 170 F.3d 494, 496 (5th Cir. 1999). A person is in constructive possession of an item, knowingly, when he holds the power and ability to exercise dominion and control over it. United States v. Massey, 687 F.2d 1348, 1354 (10th Cir. 1982). However, mere presence at the scene plus association with illegal possession is not enough to establish constructive possession. United States v. Wright, 24 F.3d 732, 735 (5th Cir. 1994); United States v. Birmley, 529 F.2d 103, 107 (6th Cir. 1976).

The United States Court of Appeals erred in affirming the conviction. The opinion omits a requirement that the Government prove a link of control between Petitioner, the firearm in the backpack and the discarding of the gun, per Henderson. As such, the Court of Appeals for the Fifth Circuit is contra to Henderson. Buttressing this argument are those convictions reversed where the Government insufficiently connected the Defendant to the weapon allegedly possessed. In United Stats v. Blue, 957 F.2d 106 (4th Cir. 1992), the court of appeals reversed a conviction where the evidence showed only that the gun Found in the car was under defendant's seat and no other evidence linked the gun to the defendant other than a police officer's testimony that he saw defendant's should dip down after stopping the car. In United States v. Beverly, 750 F.2d 34 (6th Cir. 1984), the court reversed the conviction due to insufficient evidence of possession despite the fact the gun with defendant's fingerprints was found in the wastebasket

located near the defendant. In United States v. Evans, 950 F.2d 187, 192 (5th Cir. 1991), the court of appeals held that evidence of knowledge was insufficient where the defendant drove a car that had been driven immediately before by other drug dealers, and the gun was found on the rear floorboard and the officer observed him lean onto the floorboard.

Thus, the Court of Appeals erred here by concluding the guilty finding was supported by substantial evidence. Gordon v. United States, 438 F.2d 858, 868, n. 30 (5th Cir. 1971), cert. denied 404 U.S. 828 (1971).

In sum, this is a circumstantial evidence case that fails on the evidentiary ground that the Government did not prove dominion or control over the subject firearm. Petitioner prays for Reversal of the conviction.

CONCLUSION

For the foregoing reasons, Petitioner respectfully submits that the Petition for Writ of Certiorari should be granted and prays that the Criminal Judgment be reversed, and the case be remanded to the United States District Court for the Western District of Texas for an entry of a judgment of acquittal. Petitioner further requests such other relief to which he is justly entitled to receive either in law or through equity.

PRAYER FOR RELIEF

Petitioner, TROY WEBB, requests that the Petition for Writ of Certiorari be granted for the reasons stated and that the conviction entered against him be vacated and this case remanded for the entry of a judgment of acquittal, and such other relief to which Petitioner would be entitled to receive in law or in equity.

Respectfully submitted,

Steve Hershberger, Attorney at Law
600 No. Marienfeld St., Ste. 1035
Midland, TX 79701
432-570-4014

By: _____
Steve Hershberger
Texas State Bar # 09543950

Attorney for Petitioner

APPENDIX A

(Opinion of the United States Court of Appeals, for the Fifth Circuit)

APPENDIX B

(Criminal Judgment, United States District Court for the Western District
of Texas, Midland Division)

Mailed to Client 4/8/21

\$1.51

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 7, 2021

Lyle W. Cayce
Clerk

No. 20-50703
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TROY WEBB,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7-20-CR-65-1

Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Defendant-Appellant Troy Webb was convicted after a bench trial of being a felon in possession of a firearm and was sentenced to 70 months in prison and three years of supervised release. On appeal, Webb contends that the evidence was insufficient to sustain his conviction. We focus on whether

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-50703

substantial evidence supports the district court's conclusion that the defendant is guilty beyond a reasonable doubt, viewing the evidence in the light most favorable to the Government and deferring to the district court's reasonable inferences. *United States v. Tovar*, 719 F.3d 376, 388 (5th Cir. 2013).

To obtain a conviction under 18 U.S.C. § 922(g)(1), the Government must prove that (1) the defendant previously had been convicted of a felony, (2) the defendant knowingly possessed a firearm, (3) the firearm traveled in or affected interstate commerce, and (4) the defendant knew his status as a felon when he possessed the firearm. *United States v. Ortiz*, 927 F.3d 868, 874 (5th Cir. 2019); *United States v. Guidry*, 406 F.3d 314, 318 (5th Cir. 2005); *see also United States v. Huntsberry*, 956 F.3d 270, 281 (5th Cir. 2020). Webb contests only whether there was sufficient evidence that he knowingly possessed a firearm. Webb does not contest his admission that he threw a bag with a shotgun out of a vehicle during a high speed chase and that he knew the bag contained a firearm. Webb's admission that he knowingly threw the bag containing the shotgun from the vehicle, which was corroborated by the arresting officer's testimony, is substantial evidence that he possessed the firearm. *See United States v. De Leon*, 170 F.3d 494, 496 (5th Cir. 1999); *United States v. Munoz*, 150 F.3d 401, 416 (5th Cir. 1998); *United States v. Mergerson*, 4 F.3d 337, 348 (5th Cir. 1993). The evidence was sufficient to justify the district court's conclusion that Webb was guilty beyond a reasonable doubt of possession of the firearm. *See Tovar*, 719 F.3d at 388.

AFFIRMED.

United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

April 07, 2021

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW

Regarding: Fifth Circuit Statement on Petitions for Rehearing
or Rehearing En Banc

No. 20-50703 USA v. Webb
USDC No. 7:20-CR-65-1

Enclosed is a copy of the court's decision. The court has entered judgment under **FED. R. APP. P. 36**. (However, the opinion may yet contain typographical or printing errors which are subject to correction.)

FED. R. APP. P. 39 through **41**, and **5TH CIR. R. 35**, **39**, and **41** govern costs, rehearings, and mandates. **5TH CIR. R. 35 and 40 require you to attach to your petition for panel rehearing or rehearing en banc an unmarked copy of the court's opinion or order.** Please read carefully the Internal Operating Procedures (IOP's) following **FED. R. APP. P. 40** and **5TH CIR. R. 35** for a discussion of when a rehearing may be appropriate, the legal standards applied and sanctions which may be imposed if you make a nonmeritorious petition for rehearing en banc.

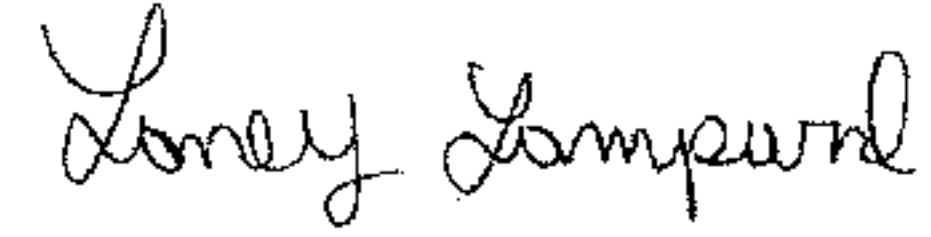
Direct Criminal Appeals. **5TH CIR. R. 41** provides that a motion for a stay of mandate under **FED. R. APP. P. 41** will not be granted simply upon request. The petition must set forth good cause for a stay or clearly demonstrate that a substantial question will be presented to the Supreme Court. Otherwise, this court may deny the motion and issue the mandate immediately.

Pro Se Cases. If you were unsuccessful in the district court and/or on appeal, and are considering filing a petition for certiorari in the United States Supreme Court, you do not need to file a motion for stay of mandate under **FED. R. APP. P. 41**. The issuance of the mandate does not affect the time, or your right, to file with the Supreme Court.

Court Appointed Counsel. Court appointed counsel is responsible for filing petition(s) for rehearing(s) (panel and/or en banc) and writ(s) of certiorari to the U.S. Supreme Court, unless relieved of your obligation by court order. If it is your intention to file a motion to withdraw as counsel, you should notify your client promptly, **and advise them of the time limits for filing for rehearing and certiorari.** Additionally, you **MUST** confirm that this information was given to your client, within the body of your motion to withdraw as counsel.

Sincerely,

LYLE W. CAYCE, Clerk

A handwritten signature in cursive script, appearing to read "Laney L. Lampard".

By: Laney L. Lampard, Deputy Clerk

Enclosure(s)

Mr. Joseph H. Gay Jr.
Mr. James Steven Hershberger

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

UNITED STATES OF AMERICA

v.

Case Number: 7:20-CR-00065(1) DC
USM Number: 46010-480

TROY WEBB

Alias(es):

AKA Troy Leonard Webb,;
Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, Troy Webb, was represented by Steve Hershberger.

The defendant was found guilty by a bench trial to Count(s) 1, of the Indictment on May 20, 2020. Accordingly, the defendant is adjudged guilty of such Count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count(s)</u>
18 U.S.C. § 922(g)(1), 18 U.S.C. § 924(a)(2)	Felon in Possession of a Firearm	February 9, 2020	1

As pronounced on August 11, 2020, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is further 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.

Signed this 14th day of August, 2020.



David Counts
United States District Judge

DEFENDANT: TROY WEBB
CASE NUMBER: 7:20-CR-00065(1) DC

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a term of **Seventy (70) months** with credit for time served while in custody for this federal offense pursuant to 18 U.S.C. § 3585(b).

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

That the defendant participate in the Bureau of Prisons' Drug Treatment Program while incarcerated.

That the defendant participate in the Bureau of Prisons' Job Training Program while incarcerated.

The defendant shall remain in custody pending service of sentence.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of the Judgment.

United States Marshal

DEFENDANT: TROY WEBB
CASE NUMBER: 7:20-CR-00065(1) DC

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **Three (3) years**.

While on supervised release, the defendant shall comply with the mandatory, standard and if applicable, the special conditions that have been adopted by this Court and shall comply with the following additional conditions:

The defendant shall submit his or her person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search shall be conducted at a reasonable time and in a reasonable manner.

The defendant shall participate in a sex offense-specific treatment program and submit to periodic polygraph testing at the discretion of the probation officer as a means to ensure compliance with the requirements of supervision or the treatment program. The defendant shall follow the rules and regulations of the program. The probation officer will supervise the defendant's participation in the program (provider, location, modality, duration, intensity, etc). The defendant shall pay the costs of the program if financially able.

The defendant shall participate in a mental health treatment program and follow the rules And regulations of that program. The probation officer, in consultation with the treatment provider, shall supervise participation in the program (provider, location, Charge(s) and conviction(s) the defendant. The defendant shall pay the cost of such treatment if Financially able.

The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant shall pay the costs of such treatment if financially able.

DEFENDANT: TROY WEBB
CASE NUMBER: 7:20-CR-00065(1) DC

CONDITIONS OF SUPERVISED RELEASE
(As Amended November 28, 2016)

It is ORDERED that the Conditions of Probation and Supervised Release applicable to each defendant committed to probation or supervised release in any division of the Western District of Texas, are adopted as follows:

Mandatory Conditions:

- [1] The defendant shall not commit another federal, state, or local crime during the term of supervision.
- [2] The defendant shall not unlawfully possess a controlled substance.
- [3] 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 on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court), but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.
- [4] The defendant shall cooperate in the collection of DNA as instructed by the probation officer, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).
- [5] If applicable, the defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et. seq.) as instructed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which the defendant resides, works, is a student, or was convicted of a qualifying offense.
- [6] If convicted of a domestic violence crime as defined in 18 U.S.C. § 3561(b), the defendant shall participate in an approved program for domestic violence.
- [7] If the judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.
- [8] The defendant shall pay the assessment imposed in accordance with 18 U.S.C. § 3013.
- [9] The defendant shall notify the court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution, fines or special assessments.

Standard Conditions:

- [1] The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- [2] After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.
- [3] The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.
- [4] The defendant shall answer truthfully the questions asked by the probation officer.

DEFENDANT: TROY WEBB
CASE NUMBER: 7:20-CR-00065(1) DC

- [5] The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall 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, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
- [6] The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that are observed in plain view.
- [7] The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or job responsibilities), the defendant shall 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, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
- [8] The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- [9] If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.
- [10] The defendant shall 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] The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- [12] If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.
- [13] The defendant shall follow the instructions of the probation officer related to the conditions of supervision.
- [14] If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.
- [15] If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall provide the probation officer access to any requested financial information.
- [16] If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the payment schedule.
- [17] If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally re-enter the United States. If the defendant is released from confinement or not deported, or lawfully re-enters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.

DEFENDANT: TROY WEBB
CASE NUMBER: 7:20-CR-00065(1) DC

CRIMINAL MONETARY PENALTIES/ SCHEDULE

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, 200 E. Wall St. Room 222, Midland, TX 79701.

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

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTAL:	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00

Special Assessment

It is ordered that the defendant shall pay to the United States a special assessment of **\$100.00**.

Fine

The fine is waived because of the defendant's inability to pay.

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 above. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

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.

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** 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.