

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

BRETT ALLAN CORRIGAN, JR.,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

Dennis E. McKelvie
COUNSEL OF RECORD FOR PETITIONER

McKelvie Law Office
810 Fifth Ave, Suite 2
PO Box 213
Grinnell, IA 50112
Phone: (641)236-6631
Fax: (641) 236-8449
E-Mail: dsmckel@gmail.com

QUESTION PRESENTED FOR REVIEW

- I. WHETHER THE DISTRICT COURT'S FINDING THAT A WEAPON WAS CONNECTED TO THE DRUG OFFENSE UNDER §2D1.1(b)(1) WAS CLEAR ERROR.

United States v. Anderson, 618 F.3d 873 (8th Cir. 2010)

United States v. Shields, 44 F.3d 673 (8th Cir. 1995)

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

LIST OF ALL PROCEEDINGS

*United States v. Brett Allan Corrigan, Jr. No. 4:190cr-00018, Southern
District of Iowa, Judgment entered March 27, 2020*

United States v. Brett Allan Corrigan, Jr. No. 20-1682 (8th Cir. 07/27/2021)

TABLE OF CONTENTS

| | |
|---|----|
| QUESTION PRESENTED FOR REVIEW | I |
| I. WHETHER THE DISTRICT COURT'S FINDING THAT A WEAPON WAS CONNECTED TO THE DRUG OFFENSE UNDER §2D1.1(B)(1) WAS CLEAR ERROR..... | I |
| LIST OF PARTIES | 1 |
| LIST OF ALL PROCEEDINGS | 1 |
| TABLE OF AUTHORITIES | 3 |
| CITATION TO OPINION BELOW | 4 |
| JURISDICTIONAL STATEMENT | 4 |
| CONSTITUTIONAL AND STATUTORY PROVISIONS..... | 5 |
| STATEMENT OF THE CASE..... | 6 |
| REASONS FOR GRANTING THE PETITION..... | 7 |
| I. THE DISTRICT COURT'S FINDING THAT A WEAPON WAS CONNECTED TO THE DRUG OFFENSE UNDER §2D1.1(B)(1) WAS CLEAR ERROR..... | 8 |
| CONCLUSION..... | 11 |
| APPENDIX A..... | 13 |
| APPENDIX B..... | 14 |

TABLE OF AUTHORITIES

Cases

| | |
|---|-------|
| <i>Freeman v. United States</i> , No. 14-3436 (8 th Cir. June 1, 2015)..... | 6 |
| <i>U.S. v. Delgado-Paz</i> , 506 F.3d 652 (8th Cir. 2007) | 11 |
| <i>U.S. v. Hernandez</i> , 187 F.3d 806 (8th Cir. 1999) | 12 |
| <i>U.S. v. Matthews</i> , 5 F.3d 1161 (8th Cir. 1993) | 12 |
| <i>United States v. Anderson</i> , 618 F.3d 873, 879 (8th Cir. 2010) | i |
| <i>United States v. Atkins</i> , 250 F.3d 1203, 1214 (8th Cir. 2001) | 11 |
| <i>United States v. Burling</i> , 420 F.3d 745, 750 (8th Cir. 2005) | 11 |
| <i>United States v. Cameron Andrew Pete, Jr.</i> , No. 16-4152 (8 th Cir. 02/12/2018)... | 6, 15 |
| <i>United States v. Fladten</i> , 230 F.3d 1083, 1086 (8th Cir. 2000) | 11 |
| <i>United States v. Khang</i> , 904 F.2d 1219, 1224 (8 th Cir. 1990) | 12 |
| <i>United States v. Lopez</i> , 384 F.3d 937 (8th Cir. 2004) | 11 |
| <i>United States v. Payne</i> , 81 F.3d 759, 763 (8th Cir. 1996)..... | 11 |
| <i>United States v. Peroceski</i> , 520 F.3d 886, 889 (8th Cir. 2008) | 10 |
| <i>United States v. Shields</i> , 44 F.3d 673 (8th Cir. 1995)..... | i, 12 |
| <i>United States v. Turpin</i> , 920 F.2d 1377, 1386 (8 th Cir. 1990)..... | 13 |

Statutes

| | |
|----------------------------|---|
| 18 U.S.C. §922(g)(1) | 8 |
| 18 U.S.C. §922(g)(3) | 8 |
| 28 U.S.C. § 1254(1) | 6 |

CITATION TO OPINION BELOW

The Opinion of the United States Eighth Circuit Court of Appeals in the case of *United States v. Brett Allan Corrigan, Jr.* No. 20-1682 (8th Cir. 07/27/2021) is attached as Appendix A. The Judgment in a Criminal Case by the Honorable Judge Rebecca Goodgame Ebinger of the United States District Court for the Southern District of Iowa (03/27/2020) is attached as Appendix B.

JURISDICTIONAL STATEMENT

The Eight Circuit Court of Appeals entered its ruling and opinion affirming the ruling of the United States District Court for the Southern District of Iowa on July 27, 2021. This Court's jurisdiction is appropriate under 28 U.S.C. § 1254(1), Mr. Corrigan having asserted below and asserting in this Petition the deprivation of rights secured by the United States Constitution.

Jurisdiction of the United States Supreme Court is invoked under Supreme Court Rules 10 and 11 (hereinafter, "Rule 10" and "Rule 11"). Rule 10 provides that "a review on writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only when there are special and important reasons therefore." Jurisdiction of the United States Supreme Court is appropriate in this case pursuant to Rule 10(c) because the United States Court of Appeals has decided an important question of law that has not been, but should be, settled by this Court or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS

The issue presented by this appeal involves the due process constitutional provisions of the Sixth and Fourteenth Amendments to the United States Constitution:

Fifth Amendment:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Fourteenth Amendment:

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

Brett Allan Corrigan, Jr. was one of ten defendants named in a twenty-six count Third Superseding Indictment filed in the United States District Court for the Southern District of Iowa on May 14, 2019. (ECF 165).¹ Mr. Corrigan was charged only under count one: Conspiracy to Distribute at Least 100 Kilograms of a Mixture and Substance Containing Marijuana, a violation of 21 U.S.C. §841(a)(1), §841(b)(1)(B), and §846. *Id.* On November 8, 2019, Mr. Corrigan entered a plea of guilty, accepting responsibility for the charge. (ECF 471). On November 25, 2019, the magistrate court accepted the plea as voluntary and recommended that the District Court adjudicate Corrigan guilty on count one. (ECF 497).

Mr. Corrigan's sentencing hearing was held on March 27, 2020 before the Honorable Judge Rebecca Goodgame Ebinger. (ECF 648). The PSI placed Corrigan's offense level at 23 with a criminal history category of III. (ECF 633). The resulting guideline range was 57 to 71 months. *Id.* at 40. Because the charge of conviction carries a 5-year mandatory minimum sentence, the 60-month term was the minimum statutory sentence. *Id.*

At sentencing, and as detailed in his sentencing memorandum, Mr. Corrigan objected to a 2-level enhancement for possessing a dangerous weapon pursuant to U.S.S.G. §2D1.1(b)(1). (ECF 643). In addition, he asked that the Court consider granting him a downward variance for certain factors under §3553(a). *Id.* The Court heard testimony from ATF Special Agent Robert Carlson as well as legal argument

¹ "ECF" refers to the Electronic Case File and is followed by the document number.

from the parties. (Sentencing Tr. p. 13-23). While Corrigan did not object to the government's version of the facts surrounding the application of the 2-level enhancement for possessing a dangerous weapon, he objected to the legal application of the enhancement as to him for both procedural and policy reasons. *Id.* at 27-29. The Court ultimately sentenced Mr. Corrigan to 60-months imprisonment. (ECF 648).

Mr. Corrigan filed a timely Notice of Appeal on March 31, 2020. (ECF 658). On appeal Mr. Corrigan argued that the District Court erred by finding that a weapon was connected to the drug offense under §2d1.1(b)(1). While the application of the weapon enhancement may not affect the length of Corrigan's prison sentence, Corrigan still suffers from the collateral effects of a judicial ruling that he possessed a dangerous weapon.

In its ruling of July 27, 2021, the Eighth Circuit Court of Appeals affirmed the sentence imposed by the district court. Mr. Corrigan now timely petitions the United States Supreme Court for a Writ of Certiorari.

REASONS FOR GRANTING THE PETITION

- I. THE SUPREME COURT SHOULD REVIEW THIS MATTER IN ORDER TO DETERMINE WHETHER THE EIGHTH CIRCUIT DISREGARDED THE REQUIREMENT OF A NEXUS BETWEEN A DANGEROUS WEAPON AND THE CHARGED OFFENSE IN ORDER TO APPLY A SENTENCING ENHANCEMENT.

The ultimate question in this case is whether due process is violated when the court applies a sentencing enhancement under §2D1.1(b)(1) for a dangerous weapon that was not connected to the offense. Corrigan argues that his right to due process

was violated when the court improperly imposed a sentencing enhancement without finding that a dangerous weapon was actually connected to the offense at hand. This case is a good example of a lower court finding that the mere presence of a firearm is enough to apply the sentencing enhancement under the United States Sentencing Guidelines, when in fact no actual nexus was stated. A nexus is required under the guidelines, the case law, and as a function of due process of law. Not only is this a significant issue for Mr. Corrigan, but this is also a significant and important issue for other similarly situated defendants.

I. THE DISTRICT COURT'S FINDING THAT A WEAPON WAS CONNECTED TO THE DRUG OFFENSE UNDER §2D1.1(b)(1) WAS CLEAR ERROR.

The advisory Sentencing Guidelines provide for a two-level enhancement for drug offenses when “a dangerous weapon (including a firearm) was possessed.” U.S.S.G. § 2D1.1(b)(1). Application Note 3 to this enhancement states that “[t]he adjustment should be applied if the weapon was present, unless it is clearly improbable that the weapon was connected with the offense.” The government bears the burden of proving that an enhancement should apply to the defendant’s sentence. *United States v. Peroceski*, 520 F.3d 886, 889 (8th Cir. 2008). Thus, in the case of § 2D1.1(b)(1), the government must prove two things: (1) that a weapon was possessed, and (2) that it was not clearly improbable that the weapon was connected to the drug offense. *Anderson*, 618 F.3d at 880.

Although the government must prove that it was not clearly improbable that the weapon was connected to the drug activity, the appellate court has recognized the

enhancement “creates a very low bar for the government to hurdle.” *Id.* at 882. The government can satisfy its burden of proof by establishing that “a temporal and spatial relation existed between the weapon, the drug trafficking activity, and the defendant.” *United States v. Burling*, 420 F.3d 745, 750 (8th Cir. 2005) (quoting *United States v. Atkins*, 250 F.3d 1203, 1214 (8th Cir. 2001)); see also *United States v. Payne*, 81 F.3d 759, 763 (8th Cir. 1996) (applying the same test). The government does not have to produce evidence showing that the defendant “used or even touched a weapon.” *United States v. Fladten*, 230 F.3d 1083, 1086 (8th Cir. 2000) (per curiam). Instead, “evidence that the weapon was in the same location as drugs or drug paraphernalia usually suffices.” *Id.*

While the bar for the burden of proof may be low, it is not non-existent. There must still be a nexus between the crime and the weapon. The application of the enhancement in the caselaw provides a clearer view of how the enhancement is supposed to apply. Numerous cases exist in the 8th Circuit establishing that the enhancement is not automatic any time a weapon is present.

In *United States v. Delgado-Paz*, the Court found that a drug dealer’s possession of a firearm was not imputed to the defendant. In that case, the defendant worked for a drug dealer who sold drugs to a confidential informant. While there was ultimately a handgun present during a drug deal, the reviewing court ruled that the evidence presented at sentencing was insufficient to establish the required nexus. *U.S. v. Delgado-Paz*, 506 F.3d 652 (8th Cir. 2007). See also *United States v. Lopez*, 384 F.3d 937 (8th Cir. 2004) (knowledge of a co-defendant possessing a firearm cannot

be inferred based solely on the nature of drug dealing); *U.S. v. Hernandez*, 187 F.3d 806 (8th Cir. 1999) (government failed to prove that the gun discovered in defendant's truck was related to his criminal activity); *U.S. v. Matthews*, 5 F.3d 1161 (8th Cir. 1993) (the firearm's connection to the offenses was not readily apparent, and the district court made no finding as to whether the government had established the connection).

The facts in Corrigan's case are undisputed in that the evidence shows that Lampe had possession of both handguns. (See Sentencing Tr. p. 19-23). Lampe shot at least one of the guns in a SnapChat video and tried to sell both the handguns at some point. *Id.* The evidence further showed that Corrigan brought one of the handguns out of the apartment to Daughenbaugh, took the money for the sale of the gun, and showed Daughenbaugh how the gun worked. *Id.* Hence, Corrigan argues only that the district court clearly erred in finding that "it was not clearly improbable that the weapon was connected" to his marijuana offense.

The burden is on the government to establish the relationship between Corrigan's possession of a firearm and the offense which he has committed. *See United States v. Shields*, 44 F.3d 673 (8th Cir. 1995). An enhancement based on §2D1.1 is not justified absent some evidence of such a relationship. *Id.* In *United States v. Khang*, the Court held that a firearm's mere presence was not enough to mandate the enhancement where the government had conceded that the firearms had no relation to the illegal activity. *United States v. Khang*, 904 F.2d 1219, 1224 (8th Cir. 1990).

A similar situation exists in Corrigan's case. The handguns were associated with a co-defendant (Lampe). However, there is no evidence presented which would indicate that Corrigan used or possessed the weapon in furtherance of his own illegal activity. There must be a nexus between the weapon and the drug crime, not merely presence. *Id.* Mere presence of a weapon in a defendant's control does not establish the nexus. Presence of a dangerous weapon is required, but then a further connection must be made to prove that it is clearly improbable that the weapon was not used in connection with the crime. *See United States v. Turpin*, 920 F2d 1377, 1386 (8th Cir. 1990) ("Mere presence of the gun is not sufficient to justify sentencing enhancement.")

The trial court and the Eighth Circuit Court of Appeals disregarded the requirement of a nexus between the dangerous weapon and the charged offense, and in doing so, violated Corrigan's right to due process of law. Corrigan asserts that this is an important issue that not only affects him, but also affects all defendants sentenced in a similar fashion and who have their own rights to due process at stake.

CONCLUSION

For the foregoing reasons it is respectfully requested that the Supreme Court grant this Petition for Writ of Certiorari.

Respectfully submitted on October 25, 2021.

/s/ Dennis E. McKelvie

Dennis E. McKelvie
McKelvie Law Office
810- 5th Ave., Ste #2
P.O. Box 213
Grinnell, IA 50112
Phone: (641) 236-6631
Fax: (641) 236-8449
dsmckel@gmail.com
ATTORNEY FOR PETITIONER

APPENDIX A

Opinion of the United States Eighth Circuit Court of Appeals, *United States v. Brett Allan Corrigan, Jr.* No. 20-1682 (8th Cir. 07/27/2021).

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 20-1682

United States of America

Plaintiff - Appellee

v.

Brett Allan Corrigan, Jr.

Defendant - Appellant

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:19-cr-00018-RGE-11)

JUDGMENT

Before SMITH, Chief Judge, ARNOLD, and STRAS, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the appeal is dismissed in accordance with the opinion of this Court.

July 27, 2021

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

APPENDIX B

Judgment in a Criminal Case by the Honorable Judge Rebecca Goodgame
Ebinger of the United States District Court for the Southern District of Iowa
(03/27/2020).

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA

v.

BRETT ALLAN CORRIGAN JR.

JUDGMENT IN A CRIMINAL CASE

Case Number: 4:19-CR-00018-011

USM Number: 19313-030

Dennis E. McKelvie

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Third Superseding Indictment filed on May 14, 2019.

☐ 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:

| Title & Section | Nature of Offense | Offense Ended | Count |
|--|---|---------------|-------|
| 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 846 | Conspiracy to Distribute at Least 100 Kilograms of a Mixture or Substance Containing Marijuana | 11/20/2018 | One |

☐ See additional count(s) on page 2

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

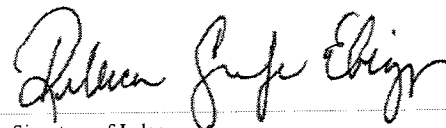
☐ The defendant has been found not guilty on count(s)

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

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

March 27, 2020

Date of Imposition of Judgment



Signature of Judge

Rebecca Goodgame Ebinger, U.S. District Judge

Name of Judge

Title of Judge

March 27, 2020

Date

DEFENDANT: BRETT ALLAN CORRIGAN JR.
CASE NUMBER: 4:19-CR-00018-011

IMPRISONMENT

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

60 months as to Count One of the Third Superseding Indictment filed on May 14, 2019.

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

That the defendant be placed in Sandstone, Minnesota, or to a facility as near to the State of Iowa as possible. Also, that the defendant be afforded the opportunity to participate in college courses, vocational training in welding or the construction trades, and the Residential Drug Abuse Treatment Program (RDAP).

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

☐ The defendant is remanded to the custody of the United States Marshal for surrender to the ICE detainer.

☐ 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 _____ 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 _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: BRETT ALLAN CORRIGAN JR.
CASE NUMBER: 4:19-CR-00018-011

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :
Four years as to Count One of the Third Superseding Indictment filed on May 14, 2019.

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 which 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: BRETT ALLAN CORRIGAN JR.
CASE NUMBER: 4:19-CR-00018-011

STANDARD CONDITIONS OF SUPERVISION

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

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

U.S. Probation Office Use Only

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

Defendant's Signature _____

Date _____

DEFENDANT: BRETT ALLAN CORRIGAN JR.
CASE NUMBER: 4:19-CR-00018-011

SPECIAL CONDITIONS OF SUPERVISION

You must participate in a program of testing and/or treatment for substance abuse, as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Office. At the direction of the probation office, you must receive a substance abuse evaluation and participate in inpatient and/or outpatient treatment, as recommended. Participation may also include compliance with a medication regimen. You will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment. You must not use alcohol and/or other intoxicants during the course of supervision.

You must not patronize business establishments where more than fifty percent of the revenue is derived from the sale of alcoholic beverages.

You will submit to a search of your person, property, residence, adjacent structures, office, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), and other electronic communications or data storage devices or media, conducted by a U.S. Probation Officer. Failure to submit to a search may be grounds for revocation. You must warn any other residents or occupants that the premises and/or vehicle may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that you have violated a condition of your release and/or that the area(s) or item(s) to be searched contain evidence of this violation or contain contraband. Any search must be conducted at a reasonable time and in a reasonable manner. This condition may be invoked with or without the assistance of law enforcement, including the U.S. Marshals Service.

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

- | | <u>Assessment</u> | <u>Restitution</u> | <u>Fine</u> | <u>AVAA Assessment*</u> | <u>JVTA Assessment**</u> |
|---------------|-------------------|--------------------|-------------|-------------------------|--------------------------|
| TOTALS | \$ 100.00 | \$0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |

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

[illegible]

TOTALS

- *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.

DEFENDANT: BRETT ALLAN CORRIGAN JR.
CASE NUMBER: 4:19-CR-00018-011

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 ☐ 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:
- All criminal monetary payments are to be made to the Clerk's Office, U.S. District Court, P.O. Box 9344, Des Moines, IA. 50306-9344.
- While on supervised release, you shall cooperate with the Probation Officer in developing a monthly payment plan consistent with a schedule of allowable expenses provided by the Probation Office.

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

| Case Number Defendant and Co-Defendant Names (including defendant number) | Total Amount | Joint and Several Amount | 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) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.