NOT RECOMMENDED FOR PUBLICATION

File Name: 21a0357n.06

Case No. 20-3310

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA, *Plaintiff-Appellee*, v. QIAN WILLIAMS, *Defendant-Appellant*.	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO

Before: BATCHELDER, WHITE, and DONALD, Circuit Judges.

ALICE M. BATCHELDER, Circuit Judge. Qian Williams appeals three rulings by the district court following his convictions by a jury for drug and firearm offenses. We AFFIRM.

I.

On August 17, 2017, a DEA Agent in a federal-state-local task force applied to a Hamilton County (Ohio) Municipal Court for a search warrant for two neighboring residential houses: 1412 Randomhill Road and 1416 Randomhill Road. The affidavit described the task force's evidence, including multiple large-scale controlled drug buys, that showed probable cause to believe that Qian Williams was a mid- to upper-level dealer of heroin and cocaine, using those houses. The court issued the warrant, and the task force executed the search and seized additional evidence.

On October 5, 2017, the task force obtained another warrant for the 1416 property, executed that warrant, and arrested Williams when he fled the rear of the property carrying drugs. The federal grand jury indicted Williams on eight counts related to heroin, cocaine, and guns.

On July 17, 2018, Williams moved to dismiss the indictment, claiming the warrants were invalid because "[f]ederal agents have no authority to execute a warrant issued by a Hamilton County judge." Following an evidentiary hearing on August 27, 2018, the court denied the motion, explaining that the warrant was obtained and executed by the federal-state-local task force which may lawfully execute a state-court-issued search warrant.

Williams moved the court to reconsider, arguing that the DEA Agent violated Federal Criminal Rule 41(b)(1), which allows a state court to issue a warrant to a federal agent when a federal magistrate judge is unavailable. Williams argued that, because the federal agent did not show that a federal magistrate judge was not "reasonably available" to issue the warrant, the state warrant was invalid. The court denied the motion, holding that a joint federal-state task force can use a state-court-issued search warrant based on a state-law crime. *See United States v. Rich*, 2017 WL 4707486, at *8 (E.D. Mich. Oct. 20, 2017); *United States v. Duval*, 742 F.3d 246, 254 (6th Cir. 2014); *United States v. Bennett*, 170 F.3d 632, 635 (6th Cir. 1999).

On October 24, 2018, Williams moved to dismiss under the Speedy Trial Act (STA), but the district court explained that the STA's 70-day rule is subject to excludable periods, such as for the court's consideration of motions, pre-trial proceedings, competency examinations, and other procedural matters. The court recounted the procedural history, determined that Williams had not shown 70 days of non-excluded delay, and denied the motion.

From September 11 to 18, 2019, the Government tried the case to a jury, which convicted Williams on all eight counts. The court sentenced Williams to 420 months in prison.

II.

Williams says the search warrant was invalid because a federal agent cannot obtain a warrant from a state court unless the agent shows that a federal magistrate judge was unavailable to issue it, and the agent here did not do so. The district court rejected this claim several times.

In an appeal of a denial of a motion to suppress evidence, we review the district court's factual findings for clear error and its legal conclusions de novo, viewing the evidence in the light most favorable to the government. *United States v. Snoddy*, 976 F.3d 630, 633 (6th Cir. 2020).

Criminal Rule 41(b)(1) allows a state court to issue a search warrant to a federal agent if a federal magistrate judge is unavailable. According to Williams, this means that a federal agent's "participation" requires that the warrant may be issued only by a federal court.

Williams is wrong. In a task-force investigation by state and federal authorities, the officers have the flexibility to seek a warrant from the state court based on state law violations, and the Federal Rules of Criminal Procedure do not apply. *Duval*, 742 F.3d at 254. In the warrant request here, the DEA Agent, joined by a Cincinnati Police Officer, claimed probable cause to believe that Williams was dealing heroin, in violation of O.R.C. §§ 2925.11 and 2925.03.

But, even if the task force had violated Rule 41, that would trigger the exclusionary rule only if "1) there was prejudice in the sense that the search might not have occurred or would not have been so intrusive if the Rule had been followed, or 2) there is evidence of intentional and deliberate disregard of a provision of [Rule 41]." *United States v. Hopper*, 58 F. App'x 619, 627 (6th Cir. 2003) (citing *United States v. Searp*, 586 F.2d 1117, 1125 (6th Cir. 1978)). Williams has not claimed any prejudice, in the district court or here, from the state-rather-than-federal warrant. He never claimed that a federal magistrate judge would have denied the warrant, that the scope of the search would have been different, or that the searches were unconstitutional. There is no reason to doubt that, had the officers applied to a federal magistrate judge, they would have obtained the same warrant, conducted the same searches, and seized the same evidence.

Moreover, Williams has no evidence that the officers intentionally or deliberately circumvented Rule 41(b)(1). The record shows that, when the officers sought the search warrants, there had been no decision as to whether to prosecute Williams at the state or federal level. In fact,

both officers testified that the decision to pursue any charges at all against Williams was not made until over a month later, when Williams stopped cooperating with law enforcement.

Finally, contrary to Williams's conclusory claim, a violation of Rule 41(b) does not render a state-issued search warrant void *ab inicio*. It merely raises the exclusionary rule, as just discussed. *See id.* That would also raise the good-faith exception, though we need not—and do not—consider that here. This claim has no merit.

III.

Williams appeals the district court's denial of his Speedy Trial Act (STA) claim. We review the court's legal rulings de novo and its factual findings for clear error. *United States v. Sobh*, 571 F.3d 600, 602 (6th Cir. 2009). We review the court's grant of an ends-of-justice continuance for an abuse of discretion. *United States v. White*, 920 F.3d 1109, 1112 (6th Cir. 2019).

The STA requires that trial begin within 70 days of indictment or arraignment, whichever is later. 18 U.S.C. § 3161(c)(1); *United States v. Marks*, 209 F.3d 577, 586 (6th Cir. 2000). But the STA's 70-day rule has excludable periods for—among other things—the consideration of motions, pre-trial proceedings, and competency examinations. § 3161(h).

Williams contends that 137 STA days passed between his arraignment and his trial, exceeding the STA's permissible 70 days and making his conviction invalid. His count of 137 days is based on certain assumptions and calculations, the most significant being 75 days from the court's denial of the last motions (June 28) to the court-ordered start of trial (September 9).

The court scheduled trial for September 9 with an express finding that the STA clock was tolled (negating those 75 days that Williams relies on) while the prosecution coordinated with the U.S. Marshal Service to have two incarcerated witnesses appear to testify. Williams argues that only one of the two actually testified and offered minimal and inconsequential testimony, so the delay was "inherently unreasonable" and, therefore, a violation of the STA.

On June 28, the district court explained that starting trial on September 9 would comply with the STA because the Marshals would need eight weeks to secure the presence of the two incarcerated witnesses. *See* § 3161(h)(3)(A) ("Any period of delay resulting from the absence or unavailability of . . . an essential witness."); *United States v. Patterson*, 277 F.3d 709, 710-12 (4th Cir. 2002). The court also imposed an ends-of-justice continuance until September 9. *See* § 3161(h)(7) ("the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial"). The court found that the delay was necessary to afford counsel time for effective trial preparation after the numerous outstanding motions had been decided, which would ensure fairness and prevent a miscarriage of justice. On appeal, Williams challenges the first reason (to obtain witnesses) but not the second (ends of justice). The Government contends that the second reason decides this appeal.

The Government also argues that Williams forfeited a challenge to the June 28 continuance because he did not move to dismiss *after* the court's ruling and prior to trial. The STA says that a defendant waives the STA claim if he does not move the trial court for dismissal prior to trial. § 1362(a)(2); *United States v. Sherer*, 770 F.3d 407, 411 (6th Cir. 2014) ("A court need only consider alleged delay which occurs prior to and including the date on which the motion [to dismiss] is made [and the] right to challenge any subsequent delay is waived unless the defendant brings a new motion to dismiss."). On June 24, 2019, the court scheduled trial for September 9. At the same hearing, Williams moved for STA dismissal as of that date, which the court denied orally and explained in more detail in the June 28 order. Williams never moved the court for STA dismissal after June 24, but the court's June 28 order noted William's continuing objection.

Even if Williams did not waive the STA claim, the court's ends-of-justice continuance was not an abuse of discretion. When a district court exercises its discretion to grant a continuance based on an ends-of-justice finding, the defendant must show actual prejudice to obtain a reversal

of a conviction under the STA. *United States v. Stewart*, 628 F.3d 246, 254 (6th Cir. 2010). Williams has not alleged or even alluded to any prejudice. This claim has no merit.

IV.

Williams appeals the district court's denial of his Criminal Rule 29 motion for acquittal based on insufficient evidence. We review de novo to determine "whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *United States v. Mathis*, 738 F.3d 719, 735 (6th Cir. 2013) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). "In making this determination, however, we may not reweigh the evidence, reevaluate the credibility of witnesses, or substitute our judgment for that of the jury." *Id.* (quotation marks and citation omitted).

In briefing this appeal, Williams's attorney has expressly accused (1) the task force agents of planting evidence and committing perjury, (2) the prosecutor of suborning perjury and committing fraud on the court, and (3) the district court judge of participating in this illegality. There is no dispute about the facts that underlie these accusations:

(1) A man named Crittenden, subject to the same investigation, had entered a guilty plea in a separate case prosecuted in federal court in Kentucky.

(2) A forfeiture charge in Crittenden's case listed six specific guns, asserting that they were seized during a search of Crittenden's residence in July 2017.

(3) Williams's indictment charged him with possessing those same six guns.

(4) The prosecution witnesses at Williams's trial testified that task force agents seized those guns from Williams's home during the August 2017 search.

Williams's attorney contends that these facts have only one explanation: the task force seized those guns from Crittenden in July, planted them at Williams's house, and lied about finding them at Williams's house in August. Moreover, he insists, the prosecutor must have known about and suborned this perjury, and the district court must have known and "acquiesced" to it.

At Williams's trial, multiple officers testified that they found those guns at Williams's home during the August 2017 search, and that Williams had admitted they were his. On cross-examination of the DEA Agent, the defense produced the forfeiture indictment from Crittenden's case, which listed those exact same six guns by description and serial number, as proof that those six guns were seized from Crittenden during the July 2017 search of his house. The DEA Agent testified that those guns must have been listed in Crittenden's forfeiture indictment by mistake, explaining that Crittenden was the task force's original target when the investigation began, so his case file was the main case file, and the guns were likely misfiled under that case file. The DEA Agent further explained that he had not been involved when the federal prosecutor in Kentucky prepared Crittenden's forfeiture indictment in January 2018 and, apparently, it was mistaken.

Because the jury convicted Williams as charged, we must conclude that the jury believed this explanation. "A trial witness's credibility [] is not relevant on review of a Rule 29 motion for judgment of acquittal." *United States v. Cordero*, 973 F.3d 603, 614 (6th Cir. 2020) (quotation marks omitted). "It was the jury's prerogative to believe what [the witness] had to say." *Id.*

V.

We AFFIRM the judgment of the district court.

No. 20-3310

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Aug 19, 2021
DEBORAH S. HUNT, Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

QIAN WILLIAMS,

Defendant-Appellant.

ORDER

BEFORE: BATCHELDER, WHITE, and DONALD, Circuit Judges.

The court received a petition for rehearing en banc. The original panel has reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the case. The petition then was circulated to the full court. No judge has requested a vote on the suggestion for rehearing en banc.

Therefore, the petition is denied.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk

AO 245B (Rev. 09/19) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

Southern District of Ohio

UNITED STATES OF AMERICA
v.
Qian Williams

JUDGMENT IN A CRIMINAL CASE

Case Number: 1:17cr117

USM Number: 77102-061

Richard Monahan, Esq.
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) after a plea of not guilty. 1 - 8 of the 2nd Superseding Indictment

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 USC 841(a)(1), (b)(1)(C) and 18 USC 2	Distribution of Heroin	10/5/2017	1-2

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

☑ Count(s) 1-7 of Ind & 1-8 of S. Ind ☐ 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.

3/9/2020
Date of Imposition of Judgment

Michael R. Barrett
Signature of Judge

Michael R. Barrett, United States District Judge
Name and Title of Judge

March 16, 2020
Date

DEFENDANT: Qian Williams
CASE NUMBER: 1:17cr117

ADDITIONAL COUNTS OF CONVICTION

Title & Section	Nature of Offense	Offense Ended	Count
21 USC 841(a)(1), (b)(1)(C) and 18 USC 2	Possession with Intent to Distribute One Kilogram or More of Heroin	10/5/2017	3
21 USC 841(a)(1), (b)(1)(C) and 18 USC 2	Possession with the Intent to Distribute Cocaine	10/5/2017	4
21 USC 856(a)(1) and 18 USC 2	Maintain a Premises for the Purpose of Unlawfully Manufacturing, Distributing or Using Heroin & Cocaine	10/5/2017	5
21 USC 841(a)(1), (b)(1)(B) and 18 USC 2	Possession with the Intent to Distribute One Hundred Grams or More of Heroin	10/5/2017	6
18 USC 922(g)(1), 924(a)(2) and 2	Felon in Possession of a Firearm	10/5/2017	7
18 USC 924(c)(1)(A)(i) and 2	Possession of a Firearm in Furtherance of a Drug Trafficking Crime	10/5/2017	8

DEFENDANT: Qian Williams
CASE NUMBER: 1:17cr117

IMPRISONMENT

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

Counts 1, 2, 4 & 5 - Two hundred forty (240) months; Count 7 - One hundred twenty (120) months consecutive to all other counts; Counts 3 & 6 - One hundred twenty (120) months to run concurrently with one another; Count 8 - Sixty (60) months to run consecutive to all other counts (total 420 months).

☑ The court makes the following recommendations to the Bureau of Prisons:
The defendant be permitted to participate in vocational programs. The defendant be placed in a BOP facility nearest Cincinnati, Ohio.

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

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Qian Williams
CASE NUMBER: 1:17cr117

SUPERVISED RELEASE

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

Counts 1, 2, 4, 5, 7 and 8 - three (3) years on each count; Counts 3 and 6 - five (5) years to run concurrently with one another (total 5 years supervision).

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
   - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☑ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Qian Williams
CASE NUMBER: 1:17cr117

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: Qian Williams
CASE NUMBER: 1:17cr117

ADDITIONAL SUPERVISED RELEASE TERMS

1.) The defendant shall, at the direction of the probation officer, participate in a program for substance abuse treatment, including a program for testing of drugs. The defendant shall pay a copay of not more than $25 per month based upon his ability to pay.

2.) The defendant shall, at the direction of the probation officer, participate in a program for mental health treatment. The defendant shall pay a copay of not more than $25 per month based on his ability to pay.

3.) The defendant shall participate in an employment readiness program, if not employed full-time, at the direction of the probation officer.

4.) The defendant shall, at the direction of the probation officer, participate in a Cognitive Behavioral Therapy Program (CBT). The defendant shall pay a copay of not more than $25 per month based upon his ability to pay.

DEFENDANT: Qian Williams
CASE NUMBER: 1:17cr117

CRIMINAL MONETARY PENALTIES

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

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 800.00	$	$	$	$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

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

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage

TOTALS	$ 0.00	$ 0.00

☐ 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:

* 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: Qian Williams
CASE NUMBER: 1:17cr117

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 $ 800.00 due immediately, balance due

☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☐ Special instructions regarding the payment of criminal monetary penalties:

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:
The Gov't has represented that the items listed in Forfeiture Allegations I & II of the 2nd Superseding Indictment have been administratively forfeited (Doc. 132). Accordingly, Forfeiture Allegations I & II are dismissed as moot.

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) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.