

A P P E N D I X

APPENDIX

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2022 WL 225411

Only the Westlaw citation is currently available.
United States Court of Appeals, Eleventh Circuit.

UNITED STATES of America, Plaintiff-Appellee,

v.

Sonny Austin **RAMDEO**, Defendant-Appellant.

No.

21

-

10836

Non-Argument Calendar

Filed: 01/26/2022

Appeal from the United States District Court for the Southern District of Florida, D.C. Docket No. 9:12-cr-80226-KAM-1

Attorneys and Law Firms

U.S. Attorney Service, Monica Kristine Castro, Emily M. Smachetti, U.S. Attorney's Office, Miami, FL, for Plaintiff-Appellee.

Margaret Y. Foldes, Bernardo Lopez, Federal Public Defender's Office, Fort Lauderdale, FL, Michael Caruso, Federal Public Defender, Federal Public Defender's Office, Miami, FL, Michael Tyler Ross, The Law Office of Michael Ross, LLC, Marietta, GA, for Defendant-Appellant.

Before JORDAN, ROSENBAUM, and GRANT, Circuit Judges.

Opinion

PER CURIAM:

*1 **Sonny Ramdeo** appeals the district court's order denying his motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). He argues that we incorrectly decided *United States v. Bryant*, 996 F.3d 1243, 1251-52 (11th Cir. 2021) (holding that district courts presented with compassionate release motions are bound by the Sentencing Commission's policy statement in U.S.S.G. 1B1.13 defining "extraordinary and compelling reasons"), *cert. denied*, No. 20-1732 (U.S.

Dec. 6, 2021), and that *Bryant* does not apply to his motion for compassionate release. Additionally, he contends that his medical conditions of morbid obesity, latent tuberculosis, and chronic bronchitis are extraordinary and compelling reasons that make him eligible for compassionate release in light of the COVID-19 pandemic, and that the district court abused its discretion by focusing the majority of its analysis on the seriousness of his crimes and the portion of his sentence that he had already served.

I

Under the prior panel precedent rule, we are bound by prior published decisions that have not been overruled by the Supreme Court or by us sitting *en banc*. See, e.g., *United States v. Romo-Villalobos*, 674 F.3d 1246, 1251-52 (11th Cir. 2012). In *Bryant*, we held that the Sentencing Commission's definition of "extraordinary and compelling reasons" that permit reduction of an incarcerated defendant's sentence are binding upon courts presented with motions under 18 U.S.C. § 3582(c)(1)(A). *Bryant*, 996 F.3d at 1251-52. We explained that Application Note 1(D), which allows the Director of the BOP to determine extraordinary and compelling reasons to reduce a defendant's sentence that fall outside the scope of the reasons in subdivisions (A) through (C), does not conflict with § 3582(c)(1)(A). *Id.* at 1263. We therefore concluded that while defendants may file § 3582(c)(1)(A) motions, district courts must still follow the extraordinary and compelling reasons set out by the BOP and may not independently determine what may constitute extraordinary and compelling reasons for reducing a defendant's sentence. *Id.* at 1264.

Mr. Ramdeo argues that we incorrectly decided *Bryant*, and notes that eight of our sister circuits disagree with our position. Whatever the merits of that argument, *Bryant* applies to Mr. Ramdeo's motion for compassionate release and constitutes binding precedent for us as a later panel. We note, as well, that the Supreme Court has denied certiorari in *Bryant*. In sum, the district court did not err when it applied § 1B1.13.

II

We review *de novo* a district court's determination about a defendant's eligibility for an 18 U.S.C. § 3582(c) sentence reduction. *Bryant*, 996 F.3d at 1251. However, we review a district court's denial of a prisoner's 18 U.S.C. § 3582(c)(1)(A) motion under an abuse of discretion standard. *United States v. Harris*, 989 F.3d 908, 911 (11th Cir. 2021). A district court abuses its discretion if it applies an incorrect legal standard, follows improper procedures in making the determination, or makes findings of fact that are clearly erroneous. *Id.* A district court commits a clear error of judgment when it considers the proper factors but balances them unreasonably. *United States v. Irey*, 612 F.3d 1160, 1189 (11th Cir. 2010) (en banc).

*2 District courts lack the inherent authority to modify a term of imprisonment but may do so to the extent that a statute expressly permits. 18 U.S.C. § 3582(c)(1)(B). In the context of compassionate release, the district court must consider the factors in 18 U.S.C. § 3553(a) if it finds that extraordinary and compelling reasons warrant a reduction in a defendant's sentence. *Id.* § 3582(c)(1)(A)(i).

Among other factors, § 3553(a) requires that the sentence imposed reflect the seriousness of the offense and provide adequate deterrence to criminal conduct. Where a consideration of the § 3553(a) factors is mandatory, the weight given to each factor is at the district court's discretion, and not all factors need be expressly discussed. *United States v. Kuhlman*, 711 F.3d 1321, 1326-27 (11th Cir. 2013).

As relevant here, § 3582(c)(1)(A) requires that any reduction be consistent with applicable policy statements issued by the Sentencing Commission. As discussed earlier, § 1B1.3 of the Sentencing Guidelines provides the applicable policy statement for § 3582(c)(1)(A), and states that extraordinary and compelling reasons exist if (among other things) the defendant is suffering from a terminal illness or a serious physical or medical condition that substantially diminishes his ability to provide self-care within the environment of prison and from which he is not expected to recover. *Id.*, comment. n.1(A). The policy statement in U.S.S.G. § 1B1.3 applies to all motions filed under § 3582(c)(1)(A), including those filed by prisoners, and thus, district courts may not reduce a sentence under § 3582(c)(1)(A) unless a reduction would be consistent with § 1B1.3. *Bryant*, 996 F.3d at 1262.¹

¹ The policy statement also requires that the defendant not be a danger to others or to the community, see § 1B1.3(2), but that requirement is not at issue here.

In *United States v. Cook*, 998 F.3d 1180 (11th Cir. 2021), we explained that an order granting or denying compassionate release under § 3582(c)(1)(A) based on the § 3553(a) factors must indicate that the district court has considered all applicable factors, in addition to whether a reduction or release would be consistent with U.S.S.G. § 1B1.3. *Id.* at 1184-85. Accordingly, a district court abuses its discretion when it decides a motion under 18 U.S.C. § 3582(c)(1)(A)(i) based on the § 3553(a) factors without providing enough analysis for meaningful appellate review, including what factors it relied upon, although it need not exhaustively analyze every factor in its order. *Id.*

Because all necessary conditions---support in the § 3553(a) factors, extraordinary and compelling reasons, and adherence to U.S.S.G. § 1B1.3's policy statement---must be satisfied, the absence of one condition forecloses a sentence reduction. *United States v. Tinker*, 14 F.4th 1234, 1237-38, 1240 (11th Cir. 2021). Thus, if the district court finds that one of the compassionate release conditions was not satisfied, it is not an abuse of discretion for it to skip assessment of another condition. *Id.* Furthermore, nothing on the face of § 3582(c)(1)(A) requires a court to conduct the compassionate release analysis in any particular order. *Id.* at 1237.

The district court concluded that Mr. Ramdeo's medical conditions—obesity (with a BMI of 42.7), hypertension, prediabetes, latent TB, chronic bronchitis, daily struggles with coughing, and anxiety—and the risk of contracting COVID did not constitute extraordinary and compelling reasons for a sentence reduction. The court cited to § 1B1.3 of the Sentencing Guidelines and explained that the policy statement limited extraordinary and compelling reasons to situations where medical conditions were terminal or diminished the defendant's ability to provide self-care.

*3 Given our decision in *Bryant*, we cannot say that the district court abused its discretion. We accept that Ramdeo's medical conditions are serious, but even taken collectively they did not diminish his ability to provide self-care while incarcerated as required by the Sentencing

Commission's policy statement. See  § 1B1.13, comment. n.1(A). The conditions therefore did not constitute extraordinary and compelling reasons for a sentence reduction.²

² Because we affirm the district court's determination that Mr. Ramdeo did not show extraordinary and compelling reasons for a sentence reduction, we need not address his argument that the district court misapplied the  § 3553(a) sentencing factors. See *Tinker*, 14 F.4th at 1237-38.

III

We affirm the denial of Mr. Ramdeo's motion for compassionate release.

AFFIRMED.

All Citations

Not Reported in Fed. Rptr., 2022 WL 225411

A-2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-80226-CR-MARRA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SONNY AUSTIN RAMDEO,

Defendant.

ORDER DENYING MOTION TO RECONSIDER COMPASSIONATE RELEASE

THIS CAUSE is before the Court upon Defendant's Motion to Reconsider Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A) [DE 377]. This Court having reviewed the pertinent portions of the record and being duly advised in the premises, it is hereby

ORDERED AND ADJUDGED that the Motion is DENIED. This is Defendant's third motion seeking the same relief. In the present motion, Defendant has not presented any new grounds which would justify a change in the Court's prior ruling. The grounds asserted by Defendant are that COVID-19 is present in the prison where he is incarcerated and his medical condition of obesity, prediabetic, chronic bronchitis, latent TB, anxiety and hypertension. The Court continues to find that he has not presented sufficient grounds to conclude that there are "extraordinary and compelling reasons" to reduce his sentence. Additionally, as the Court found in its prior order, after considering the statutory factors in 18 U.S.C. Section 3553(a), in particular, the seriousness of the offense, the need to provide just punishment, the need to provide specific and general deterrence, a reduction in his sentence is not warranted and the

Court exercises its discretion to deny the relief requested.

DONE AND ORDERED in West Palm Beach, Florida this 10th day of February, 2021.



KENNETH A. MARRA
United States District Judge

Copies provided to:

All counsel

A-3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-80226-CR-MARRA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SONNY AUSTIN RAMDEO,

Defendant.

_____ /

ORDER DENYING MOTION FOR REDUCTION OF SENTENCE

THIS CAUSE is before the Court upon Defendant's Renewed Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i)(ii) and 1B1.13 USSG [DE 370] and Motion to Supplement Compassionate Release Reply and Renewed Motion for Compassionate Release [DE 371]. This Court having reviewed the pertinent portions of the record and being duly advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

This is Defendant's second motion seeking the same relief. Defendant filed his first motion on May 21, 2020 [DE 360], which the Court denied. [DE 366]. In the present motion, Defendant does not present any new information to the Court which would alter its initial ruling. Defendant reasserts the grounds he set forth in his original motion, namely, that he is in a prison facility where inmates have contracted COVID-19 and reasserts his medical conditions of obesity, prediabetic, chronic bronchitis, latent TB and anxiety.¹ The only new information

¹ The United States, in its response, attached a Summary of Defendant's medical history within the BOP. He was treated for Latent Tuberculosis Infection ("LTBI"). [DE 364-3 at 2]. Defendant does not have tuberculosis. He also has acute apical periodontitis of pulpal origin, which is an inflammatory lesion in the periodontal tissue derived from an infected root canal system of the teeth. [DE 343-3 at 1]. Defendant also has dental caries, which are damaged

provided by Defendant is that he is taking Buspirone for his anxiety disorder and Duloxetine for pain related to a rod in his leg. The Court notes that Defendant was convicted of Wire Fraud and Money Laundering in violation of 18 U.S.C. § 1343 and 18 U.S.C. 1956(a)(1)(B)(i) and is serving a 240 month sentence of imprisonment. [DE 268]. He has served less than one-half of the sentence of imprisonment, and he is 43 years of age.

As the Court indicated in its prior order, in considering a motion under Section 3582(c)(1), the Court must follow the policy statement of the United States Sentencing Commission relative to implementation of the First Step Act. The relevant policy statements are found in Section 1B1.13 of the Sentencing Guidelines, Application Note 1. Under that Application Note, in order for a medical condition to constitute an “extraordinary and compelling” reason to reduce a defendant’s sentence, the defendant must be “*suffering* from a serious physical or medical condition . . . that substantially diminishes the ability of the defendant to provide self-care within the environment of a correctional facility and from which he or she is not expected to recover.” *Id.* 1(A)(ii)(I) (emphasis added). Being in a correctional facility where people are infected with the COVID-19 virus does not meet that criteria. Nor do Defendant’s other medical conditions either individually or in combination with each other render him unable to provide self-care within the environment of a correctional facility from which he is not expected to recover. The fact that Defendant is taking medications for physical conditions that are wholly unrelated to disease processes and COVID-19 does not buttress Defendant’s case. Additionally, Defendant is not of an age that would render him highly susceptible to the virus.

areas in the teeth that develop into tiny holes. *Id.* Defendant has general anxiety disorder, alcohol use disorder, he is prediabetic and he is obese. *Id.* Chronic bronchitis is not mentioned anywhere in the summary of Defendant’s medical record. The record is relatively current, since the most recent entry in the record was on February 18, 2020. *Id.*

Furthermore, in considering the statutory factors set forth in 18 U.S.C. § 3553(a), the Court finds that based on the seriousness of the conduct of the underlying offense, and the fact that he has served less than one-half of the sentence of imprisonment imposed on him, Defendant's release from custody would not be consistent with § 3553(a) because it would not reflect the seriousness of the offense, provide just punishment or provide adequate individual or general deterrence. Thus, a combination of the factors asserted by Defendant for the granting of his motion are insufficient to meet the "extraordinary and compelling" reasons for reducing his sentence.

In view of the foregoing, Defendant's Motions are DENIED.

DONE AND ORDERED in West Palm Beach, Florida this 17th day of August, 2020.



KENNETH A. MARRA
United States District Judge

Copies provided to:

All counsel

A-4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 12-80226-CR-MARRA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SONNY AUSTIN RAMDEO,

Defendant.

_____ /

ORDER DENYING MOTION FOR REDUCTION OF SENTENCE

THIS CAUSE is before the Court upon Defendant's Emergency Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A)(i)(ii) and 1B1.13 USSG or Order to Show Cause [DE 360] and Motion for Status and Scheduling Order on Motion for Compassionate Release [DE 365]. This Court having reviewed the pertinent portions of the record and being duly advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

Defendant filed the present motion seeking "compassionate release" from custody of the Bureau of Prisons ("BOP") pursuant to 18 U.S.C. § 3582(c)(1). That statute permits a district court to reduce a defendant's sentence for "extraordinary or compelling" reasons. The only grounds asserted by Defendant in support of his motion are that he is in a prison facility where inmates have contracted COVID-19 and his medical conditions of obesity, prediabetic, chronic bronchitis, latent TB and anxiety.¹ The Court notes that Defendant was convicted of Wire

¹ The United States, in its response, attached a Summary of Defendant's medical history within the BOP. He was treated for Latent Tuberculosis Infection ("LTBI"). [DE 364-3 at 2]. Defendant does not have tuberculosis. He also has acute apical periodontitis of pulpal origin, which is an inflammatory lesion in the periodontal tissue derived from an infected root canal system of the teeth. [DE 343-3 at 1]. Defendant also has dental caries, which are damaged

Fraud and Money Laundering in violation of 18 U.S.C. § 1343 and 18 U.S.C. 1956(a)(1)(B)(i) and is serving a 240 month sentence of imprisonment. [DE 268]. He has served less than one-half of the sentence of imprisonment, and he is 43 years of age.

In considering a motion under Section 3582(c)(1), the Court must follow the policy statement of the United States Sentencing Commission relative to implementation of the First Step Act. The relevant policy statements are found in Section 1B1.13 of the Sentencing Guidelines, Application Note 1. Under that Application Note, in order for a medical condition to constitute an “extraordinary and compelling” reason to reduce a defendant’s sentence, the defendant must be “*suffering* from a serious physical or medical condition . . . that substantially diminishes the ability of the defendant to provide self-care within the environment of a correctional facility and from which he or she is not expected to recover.” *Id.* 1(A)(ii)(I) (emphasis added). Being in a correctional facility where people are infected with the COVID-19 virus does not meet that criteria. Nor do Defendant’s other medical conditions either individually or in combination with each other render him unable to provide self-care within the environment of a correctional facility from which he is not expected to recover. Additionally, Defendant is not of an age that would render him highly susceptible to the virus.

Furthermore, in considering the statutory factors set forth in 18 U.S.C. § 3553(a), the Court finds that based on the seriousness of the conduct of the underlying offense, and the fact that he has served less than one-half of the sentence of imprisonment imposed on him, Defendant’s release from custody would not be consistent with § 3553(a) because it would not reflect the seriousness of the offense, provide just punishment or provide adequate individual or

areas in the teeth that develop into tiny holes. *Id.* Defendant has general anxiety disorder, alcohol use disorder, he is prediabetic and he is obese. *Id.* Chronic bronchitis is not mentioned anywhere in the summary of Defendant’s medical record. The record is relatively current, since the most recent entry in the record was on February 18, 2020. *Id.*

general deterrence. Thus, a combination of the factors asserted by Defendant for the granting of his motion are insufficient to meet the “extraordinary and compelling” reasons for his immediate release.

In view of the foregoing, Defendant’s Motion is DENIED.

DONE AND ORDERED in West Palm Beach, Florida this 23rd day of June, 2020.



KENNETH A. MARRA
United States District Judge

Copies provided to:

All counsel

A-5

UNITED STATES DISTRICT COURT
Southern District of Florida
West Palm Beach Division

UNITED STATES OF AMERICA
v.
SONNY AUSTIN RAMDEO

JUDGMENT IN A CRIMINAL CASE

Case Number: **12-80226-CR-MARRA-1**
USM Number: **80568-053**

Counsel For Defendant: **David Pleasanton, Esq.**
Counsel For The United States: **Ellen Cohen, AUSA**
Court Reporter: **Diane Miller**

The defendant pleaded guilty to Counts One and Four of the Superseding Indictment on October 1, 2013.

The defendant is adjudicated guilty of these offenses:

<u>TITLE & SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. § 1343	Wire fraud	12/08/2011	One
18 U.S.C. § 1956(a)(1)(B)(i)	Money laundering	12/29/2011	Four

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

All remaining counts are dismissed on the motion of the government.

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.

Date of Imposition of Sentence: **7/9/2015**



Kenneth A. Marra
United States District Judge

Date: July 10, 2015

DEFENDANT: SONNY AUSTIN RAMDEO

CASE NUMBER: 12-80226-CR-MARRA-1

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **240 months as to Counts One and Four of the Superseding Indictment, to be served concurrently.**

The court makes the following recommendations to the Bureau of Prisons: The defendant be designated to Coleman, Florida.

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

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

DEFENDANT: SONNY AUSTIN RAMDEO

CASE NUMBER: 12-80226-CR-MARRA-1

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **Three (3) years as to Counts One and Four of the Superseding Indictment, to run concurrently.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. 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 from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

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 standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first fifteen days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: SONNY AUSTIN RAMDEO

CASE NUMBER: 12-80226-CR-MARRA-1

SPECIAL CONDITIONS OF SUPERVISION

Financial Disclosure Requirement - The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

Permissible Search - The defendant shall submit to a search of his/her person or property conducted in a reasonable manner and at a reasonable time by the U.S. Probation Officer.

Substance Abuse Treatment - The defendant shall participate in an approved treatment program for drug and/or alcohol abuse and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

DEFENDANT: SONNY AUSTIN RAMDEO

CASE NUMBER: 12-80226-CR-MARRA-1

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$200.00	\$0.00	\$21,442,173.00

The defendant must make restitution (including community restitution) to the attached list of 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*</u>	<u>RESTITUTION ORDERED</u>	<u>PRIORITY OR PERCENTAGE</u>
To victim as listed in presentence report	\$21,442,173.00	\$21,442,173.00	

Restitution with Imprisonment - It is further ordered that the defendant shall pay restitution in the amount of \$21,442,173.00. During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay a minimum of \$25.00 per quarter toward the financial obligations imposed in this order. Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.

* 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.

**Assessment due immediately unless otherwise ordered by the Court.

DEFENDANT: SONNY AUSTIN RAMDEO

CASE NUMBER: 12-80226-CR-MARRA-1

SCHEDULE OF PAYMENTS

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

A. Lump sum payment of \$200.00 due immediately.

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

This assessment/fine/restitution is payable to the CLERK, UNITED STATES COURTS and is to be addressed to:

U.S. CLERK'S OFFICE

ATTN: FINANCIAL SECTION

400 NORTH MIAMI AVENUE, ROOM 08N09

MIAMI, FLORIDA 33128-7716

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

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