

APPENDIX

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United States Court of Appeals
For the Eighth Circuit

No. 22-1528

United States of America

Plaintiff - Appellee

v.

Eric Lee Coleman

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Eastern

Submitted: January 11, 2023

Filed: February 27, 2023

Before GRUENDER, BENTON, and SHEPHERD, Circuit Judges.

GRUENDER, Circuit Judge.

Eric Lee Coleman pleaded guilty to two counts of distributing a controlled substance in violation of 21 U.S.C. §§ 841(b)(1)(A) and 841(b)(1)(B). The district court¹ concluded that Coleman qualified as a career offender under U.S.S.G § 4B1.1.

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.

APPENDIX A

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Coleman appeals, arguing that the district court erred by applying the career-offender guideline. We affirm.

I.

Coleman was indicted for one count of conspiracy to distribute a controlled substance, *see* § 846 (Count 1), and two counts of distribution of a controlled substance, *see* § 841(b)(1)(B) (Count 2) and § 841(b)(1)(A) (Count 3). Coleman pleaded guilty to Counts 2 and 3.

The presentence investigation report (“PSR”) concluded that Coleman qualified for the career-offender sentence enhancement. *See* § 4B1.1. A defendant qualifies for the enhancement if his present offense and at least two past offenses are felony convictions for a “crime of violence or a controlled substance offense.” § 4B1.1(a). The PSR identified three predicate offenses qualifying Coleman for the enhancement. First, Coleman was convicted in Illinois in 1994 for attempted murder in the first degree. Second, Coleman was convicted in Illinois in 1994 for aggravated vehicular hijacking. And third, Coleman was convicted in Iowa in 2018 for possession of methamphetamine with intent to deliver.

Coleman received concurrent 14-year sentences for his attempted murder and vehicular hijacking offenses on April 27, 1995. On that same day, Coleman also received a 4-year sentence for possession of contraband in a penal institution to run consecutively to the attempted murder and vehicular hijacking sentences. According to the PSR, Coleman was released on parole in February 2003, had his parole revoked on April 29, 2004, and was paroled again on July 1, 2004. The PSR and Coleman’s Offender Custody History form do not definitively state whether Coleman was serving his sentence for attempted murder, vehicular hijacking, or possession of contraband at the time he was paroled.² Coleman’s Offender Custody

²Coleman’s Offender Custody History Form was prepared by the Illinois Department of Corrections and lists each of Coleman’s Illinois offenses and the corresponding date of discharge.

History form states that Coleman completed his supervised release for the attempted murder and aggravated vehicular hijacking offenses in December 2005.

Coleman objected to the PSR, arguing that his attempted murder and vehicular hijacking offenses do not qualify as predicate offenses for the career-offender enhancement for two reasons. First, Coleman claimed that he was not imprisoned for attempted murder or vehicular hijacking within fifteen years of the time when the conduct underlying his present drug-distribution offenses began, as required by the guidelines. *See* §§ 4A1.2(e)(1), 4B1.2 cmt. n.3. Second, Coleman claimed that his Illinois attempted murder and vehicular hijacking convictions are not crimes of violence under § 4B1.2(a).

The district court overruled Coleman's objections. The district court found that Coleman's conduct underlying his present drug-distribution offense began by May 1, 2019 and that he was incarcerated for his attempted murder and vehicular hijacking offenses through July 1, 2004 (which is within fifteen years of May 1, 2019). The district court also concluded that Coleman's attempted murder and vehicular hijacking offenses were crimes of violence. The court thus determined that Coleman qualified as a career offender. With a criminal-history category of VI and a total offense level of 34, the court determined an advisory guidelines range of 262 to 327 months' imprisonment and imposed a within-guidelines sentence of 262 months' imprisonment. Coleman appeals.

II.

On appeal, Coleman argues that his attempted murder and vehicular hijacking offenses are not predicate offenses for the career-offender enhancement because they fall outside the fifteen-year limitations period and are not crimes of violence. "We review the district court's factual findings for clear error and its construction and application of the sentencing guidelines *de novo*." *United States v. Strong*, 773 F.3d 920, 925 (8th Cir. 2014).

A.

We first address Coleman’s argument that his attempted murder and vehicular hijacking offenses fall outside the fifteen-year limitations period. The parties dispute whether Coleman was paroled for those offenses in February 2003 and consequently whether his parole was revoked for those offenses in April 2004.

An adult defendant who commits an offense punishable by more than a year in prison qualifies for the career-offender guideline if (1) “the instant offense of conviction is a felony that is either a crime of violence or a controlled substance offense,” (2) “the defendant has at least two prior felony convictions of either a crime of violence or a controlled substance offense,” and (3) the prior convictions were imposed or the defendant was incarcerated (for those convictions) within fifteen years of the defendant beginning the conduct underlying his current offense. *See* §§ 4A1.2(e)(1), 4B1.1(a). The district court must find by a preponderance of the evidence facts relevant to the application of the sentencing guidelines. *United States v. Dock*, 967 F.3d 903, 904-05 (8th Cir. 2014).

Coleman disputes the district court’s finding that he was imprisoned for his attempted murder and vehicular hijacking convictions through July 2004, a finding necessary to its conclusion that Coleman was imprisoned for those offenses within fifteen years of his present offense. Coleman emphasizes that his 4-year sentence for possession of contraband in a penal institution was imposed on the same day he was sentenced for murder and vehicular hijacking and that it ran consecutively to those sentences. Coleman therefore argues that he likely completed his concurrent sentences for attempted murder and vehicular hijacking by the time he was released on parole in February 2003 and that he returned to prison from April 2004 to July 2004 for violating parole on his contraband conviction instead. Coleman also notes that he received two other 3-year sentences in August 1995 for possession of a controlled substance and violating parole and that the PSR did not indicate whether these sentences ran consecutively or concurrently to his attempted murder and

vehicular hijacking sentences. Coleman thus claims that he may have returned to prison to serve time for those convictions as well.

We disagree. According to Coleman's Offender Custody History form, the mandatory supervised release period for his attempted murder and vehicular hijacking convictions was discharged in December 2005. Coleman insinuates that this listed discharge date is wrong. But the discharge date for his attempted murder and vehicular hijacking convictions is entirely consistent with Illinois state practice. Illinois treats a defendant who receives consecutive sentences as serving a single term, with the mandatory supervised release period "corresponding to the most serious offense." *See People v. Jackson*, 897 N.E.2d 752, 755 (Ill. 2008). Because Coleman's attempted murder and vehicular hijacking convictions were the most serious of his convictions,³ a preponderance of the evidence demonstrates that his parole for his attempted murder and vehicular hijacking convictions was revoked in April 2004 and that he returned to prison to serve time for those offenses through July 2004. Therefore, the district court did not clearly err.

B.

We next address Coleman's argument that his attempted murder and vehicular hijacking convictions are not crimes of violence, starting with his attempted murder conviction.

We determine whether a crime of conviction is a crime of violence using the categorical approach. *United States v. Roblero-Ramirez*, 716 F.3d 1122, 1125 (8th

³730 Ill. Comp. Stat. § 5/5-8-1(d)(1) (1995) established a term of 3 years' mandatory supervised release for a Class X felony, which included aggravated vehicular hijacking and first-degree attempted murder. Coleman's possession-of-a-controlled-substance conviction was a Class 1 felony with a 1-year term of supervised release. *See* § 5/5-8-1(d)(2)(1995). Coleman's contraband conviction was a Class 3 felony with a 6-month term of supervised release. *See* § 5/5-8-1(d)(2) (1995).

Cir. 2013). “Under this approach, we look not to the facts of the particular prior case, but instead to whether the state statute defining the crime of conviction categorically fits within the generic federal definition of a corresponding crime of violence.” *Id.* (internal quotation marks omitted). When applying the categorical approach, we “focus solely on whether the elements of the crime of conviction sufficiently match the elements” of the generic offense. *Mathis v. United States*, 579 U.S. 500, 504 (2016).

The enumerated clause of § 4B1.2(a)(2) lists murder as a crime of violence. The commentary explains that attempt crimes corresponding to the offenses listed in the enumerated clause are also crimes of violence. § 4B1.2, cmt. n.1; *United States v. Mendoza-Figueroa*, 65 F.3d 691, 694 (8th Cir. 1995) (en banc) (holding that the commentary to § 4B1.2 is binding in construing the definitions of “crime of violence” and “controlled substance offense”). At the time of Coleman’s conviction, Illinois attempted murder contained the same elements as the generic federal offense, namely, intent to commit murder and a substantial step towards the commission of the murder. *See* 720 Ill. Comp. Stat. §§ 5/9-1(a), 5/8-4(a) (1994); *see also United States v. Young*, 613 F.3d 735, 742-43 (8th Cir. 2010). Nevertheless, Coleman argues that his attempted murder conviction does not fit within the definition of generic federal attempted murder. Specifically, he claims that the Illinois attempted murder statute in 1994 did not allow for an affirmative defense of abandonment but that the generic federal attempted murder offense does. According to Coleman, we should look to affirmative defenses when comparing the definitions of a federal generic offense with a state offense because affirmative defenses help demonstrate what conduct is prohibited (or permissible) under a statute. In support of his view, Coleman cites *United States v. Medina-Velencia*, a case in which we referred to a statutory affirmative defense when analyzing the scope of conduct prohibited by a state criminal statute as part of the categorical-approach analysis. *See* 538 F.3d 831, 835 (8th Cir. 2008).

Coleman’s argument is at odds with *Mathis*’s instruction that we must “focus solely on whether the elements of the crime of conviction sufficiently match the

elements” of the generic offense. 579 U.S. at 504. Coleman acknowledges *Mathis*’s directive but claims that the Supreme Court did not squarely hold that affirmative defenses are irrelevant to the categorical approach. That is true, but we view *Mathis* as necessarily preventing the consideration of affirmative defenses under the categorical approach. *Mathis* defined a crime’s elements as “the constituent parts of a crime’s legal definition—the things the prosecution must prove to sustain a conviction.” *Id.* And prosecutors need not prove an affirmative defense (or the absence thereof) to sustain a conviction. *See Smith v. United States*, 568 U.S. 106, 110 (2013) (“While the Government must prove beyond a reasonable doubt every fact necessary to constitute the crime with which the defendant is charged, proof of the nonexistence of all affirmative defenses has never been constitutionally required.”) (brackets, citation, and internal quotation marks omitted). We therefore agree with the Fifth Circuit that *Mathis* barred the argument that courts should consider affirmative defenses when applying the categorical approach because “it is black letter law that an affirmative defense (or the absence thereof) is not the same thing as an element of the crime.” *See United States v. Escalante*, 933 F.3d 395, 399 (5th Cir. 2019); *see also United States v. Velasquez-Bosque*, 601 F.3d 955, 963 (9th Cir. 2010) (stating that “[t]he availability of an affirmative defense is not relevant to the categorical analysis”); *Donawa v. United States Attorney General*, 735 F.3d 1275, 1282 (11th Cir. 2013) (“An affirmative defense generally does not create a separate element of the offense that the government is required to prove in order to obtain a conviction.”). Thus, *Mathis* forecloses Coleman’s argument.⁴

In sum, we find that Coleman’s attempted murder offense has the same elements as the generic federal offense and therefore is a crime of violence under § 4B1.2(a)(1). Coleman does not contest that his 2018 Iowa drug offense is a valid predicate offense for the imposition of the career-offender guideline. So, our determination that Coleman’s attempted murder conviction is a crime of violence

⁴Because we find that Coleman’s Illinois attempted murder conviction is a crime of violence under the guidelines’ enumerated clause, we need not consider whether it also qualifies as a crime of violence under the elements clause of § 4B1.2(a)(1).

gives Coleman two predicate offenses, and we need not consider the status of Coleman's vehicular hijacking offense in order to find that the career-offender enhancement under § 4B1(a)(1) applies.

III.

For the foregoing reasons, we affirm.

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

No: 22-1528

United States of America

Plaintiff - Appellee

v.

Eric Lee Coleman

Defendant - Appellant

Appeal from U.S. District Court for the Southern District of Iowa - Eastern
(3:20-cr-00111-SMR-1)

JUDGMENT

Before GRUENDER, BENTON and SHEPHERD, Circuit Judges.

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

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

February 27, 2023

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

/s/ Michael E. Gans

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA

v.

Eric Lee Coleman

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:20-CR-00111-001

USM Number: 27644-509

Terence L. McAtee
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) Two and Three of the Indictment filed on November 4, 2020.

☐ 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)	Distribution of at Least 5 Grams of Actual Methamphetamine	11/22/2019	Two
21 U.S.C. § 841(a)(1), 841(b)(1)(A)	Distribution of at Least 50 Grams of Actual Methamphetamine	12/6/2019	Three

☐ 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.

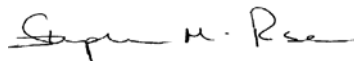
☐ The defendant has been found not guilty on count(s)

☒ Count(s) One ☒ 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 2, 2022

Date of Imposition of Judgment



Signature of Judge

Stephanie M. Rose, Chief U.S. District Judge

Name of Judge

Title of Judge

March 2, 2022

Date

APPENDIX B

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sent to client 3/2/22

DEFENDANT: Eric Lee Coleman
CASE NUMBER: 3:20-CR-00111-001

IMPRISONMENT

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

262 months as to each of Counts Two and Three of the Indictment filed on November 4, 2020, to be served concurrently.

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

That the defendant be placed at FCI Greenville, FCI Oxford, or FCI Pekin, if commensurate with his security and classification needs. The Court further recommends that the defendant be made eligible to participate in the 500-hour Residential Drug Abuse Treatment Program (RDAP). The Court further recommends that the defendant be allowed to participate in coursework in the areas of management and/or business.

☒ 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 _____ 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: Eric Lee Coleman
CASE NUMBER: 3:20-CR-00111-001

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SUPERVISED RELEASE

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

Five years as to each of Counts Two and Three of the Indictment filed on November 4, 2020, to be served concurrently.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in 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: Eric Lee Coleman
CASE NUMBER: 3:20-CR-00111-001

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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: Eric Lee Coleman
CASE NUMBER: 3:20-CR-00111-001

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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 must participate in a cognitive behavioral treatment program, which may include journaling and other curriculum requirements, as directed by the U.S. Probation Officer.

You shall not knowingly associate or communicate with any member of the Black Disciples or Folk Nation criminal street gang, or any other criminal street gang.

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.

DEFENDANT: Eric Lee Coleman
 CASE NUMBER: 3:20-CR-00111-001

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CRIMINAL MONETARY PENALTIES

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

- ☐ Pursuant to 18 U.S.C. § 3573, upon the motion of the government, the Court hereby remits the defendant's Special Penalty Assessment; the fee is waived and no payment is required.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 200.00	\$0.00	\$ 0.00	\$ 0.00	\$ 0.00

- ☐ 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.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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: Eric Lee Coleman
CASE NUMBER: 3:20-CR-00111-001

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, 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
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- ☐ 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 A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.