

APPENDICES

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APPENDIX

8th Circuit Court of Appeals – *United States v. Travis Werkmeister* – 21-2690

A – Mandate (Apr. 4, 2023)

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

No: 21-2690

United States of America

Appellee

v.

Travis Charles Werkmeister, also known as Cheese

Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Eastern
(6:20-cr-02034-CJW-5)

MANDATE

In accordance with the opinion and judgment of March 14, 2023, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

April 04, 2023

Clerk, U.S. Court of Appeals, Eighth Circuit

Appendix A

APPENDIX

8th Circuit Court of Appeals – *United States v. Travis Werkmeister* – 21-2690

B – Judgment (Mar. 14, 2023)

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

No: 21-2690

United States of America

Plaintiff - Appellee

v.

Travis Charles Werkmeister, also known as Cheese

Defendant - Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Eastern
(6:20-cr-02034-CJW-5)

JUDGMENT

Before COLLOTON, KELLY, and KOBES, 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 judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

March 14, 2023

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

Appendix B

/s/ Michael E. Gans

APPENDIX

8th Circuit Court of Appeals – *United States v. Travis Werkmeister* – 21-2690

C – Opinion Affirming Judgment (Mar. 14, 2023)

United States Court of Appeals
For the Eighth Circuit

No. 21-2690

United States of America,

Plaintiff - Appellee,

v.

Travis Charles Werkmeister, also known as Cheese,

Defendant - Appellant.

No. 21-3709

United States of America,

Plaintiff - Appellee,

v.

Rogelio Lemus Hernandez,

Defendant - Appellant.

No. 21-3752

United States of America,

Plaintiff - Appellee,

v.

Appendix C

5 of 16

Bobby Dean Robey, also known as Bobbey Dean Robey,

Defendant - Appellant.

No. 21-3753

United States of America,

Plaintiff - Appellee,

v.

Breanna Garcia,

Defendant - Appellant.

No. 21-3924

United States of America,

Plaintiff - Appellee,

v.

Jack Andrew Mazariegos-Galicia,

Defendant - Appellant.

Appeals from United States District Court
for the Northern District of Iowa - Eastern

Submitted: October 17, 2022

Filed: March 14, 2023

Before COLLOTON, KELLY, and KOBES, Circuit Judges.

COLLOTON, Circuit Judge.

These consolidated appeals arise from a multi-defendant criminal case involving a conspiracy to distribute methamphetamine. All five appellants pleaded guilty to a conspiracy charge, and the district court* sentenced them to various terms of imprisonment. The appeals concern only the sentences imposed, and we conclude that there was no error.

I.

The conspiracy involved the distribution of methamphetamine in Iowa that was supplied by one Mario Hernandez. In 2016, Hernandez was deported from the United States to Mexico. From 2018 to 2020, he was a supplier of methamphetamine in the conspiracy charged in this case. He often coordinated drug transactions with members of the conspiracy using a Mexico-based phone number, and investigators believed that he resided in Mexico throughout the conspiracy. During the conspiracy, investigators seized significant amounts of methamphetamine from the conspirators in Iowa.

*The Honorable C.J. Williams, United States District Judge for the Northern District of Iowa.

In 2018, Travis Werkmeister began selling methamphetamine in Waterloo, Iowa, with Mario Hernandez as his supplier. Werkmeister's live-in girlfriend, Breanna Garcia, assisted him with various tasks, including selling methamphetamine and collecting money when Werkmeister was unavailable.

Bobby Robey played an intermediary role between Mario Hernandez and Werkmeister. Robey and Mario Hernandez coordinated the transportation of methamphetamine from southern Texas to Robey's home in Roland, Iowa. Robey then drove from Roland to Waterloo to distribute the methamphetamine to Werkmeister and other conspirators who resold it.

Rogelio Lemus Hernandez and Jack Mazariegos-Galicia transported methamphetamine from Texas to Iowa and collected drug proceeds from other conspirators on behalf of Mario Hernandez. They made approximately eight to ten trips to drop off methamphetamine with Werkmeister in Waterloo in exchange for money.

A grand jury charged the five appellants with conspiracy to distribute 500 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(A). Each appellant pleaded guilty and was sentenced to terms of imprisonment as follows: Werkmeister, 346 months; Rogelio Lemus Hernandez, 192 months; Robey, 270 months; Garcia, 120 months; Mazariegos-Galicia, 151 months.

II.

Werkmeister, Robey, Lemus Hernandez, and Mazariegos-Galicia challenge the district court's imposition of a two-level increase under the sentencing guidelines for importation of methamphetamine. The guidelines require a two-level increase if "the offense involved the importation of . . . methamphetamine." USSG § 2D1.1(b)(5).

The district court found that the offense involved the importation of methamphetamine from Mexico. For Werkmeister, Robey, and Lemus Hernandez, the district court imposed the two-level increase after finding that the defendants knew the methamphetamine was imported from Mexico. The district court did not make a finding about Mazariegos-Galicia's knowledge, but concluded that if the offense involved importation, then the guideline applies whether or not the defendant knew about the importation. We review the district court's factual findings for clear error and its interpretation of the guidelines *de novo*. *United States v. Zech*, 553 F.3d 663, 666 (8th Cir. 2009) (per curiam).

Robey argues first that the district court clearly erred in finding that the conspiracy offense involved the importation of methamphetamine. He suggests that the conspiracy involved only the transportation of drugs from Texas to Iowa for distribution, and that a broker who was not involved in the conspiracy was responsible for importing the drugs from Mexico to Texas.

We conclude that the district court did not clearly err in finding that the conspiracy involved the importation of methamphetamine from Mexico. Because the offense involved large quantities of methamphetamine with a high level of purity, the court reasonably inferred that the drugs were coming directly from a "super lab" that produces methamphetamine. The court cited testimony from the government's lead investigative agent that super labs are located in Mexico, and that there are no known super labs in Texas or elsewhere in the United States. Mario Hernandez, the principal source of supply for the distributors in Iowa, had significant ties to Mexico: he had been deported to Mexico, and he used a Mexican phone number. The agent testified, without objection, that investigators identified a broker who was believed responsible for bringing methamphetamine from Mexico to Mario Hernandez in Texas. The court did not clearly err in finding that this broker was an unindicted member of the charged conspiracy with Mario Hernandez and the other conspirators in Iowa.

Even with a finding that the offense involved importation, the four defendants argue that the district court erred in applying the increase to them. Mazariegos-Galacia argues that the court erred in concluding that the guideline does not require knowledge of importation. The other three offenders challenge the district court's finding that they knew the methamphetamine was imported from Mexico.

The guideline provides for an increase if “the offense involved the importation of amphetamine or methamphetamine or the manufacture of amphetamine or methamphetamine from listed chemicals *that the defendant knew were imported unlawfully*.” USSG § 2D1.1(b)(5) (emphasis added). The defendants argue that the word “knew” modifies the fact of importation. Applying basic rules of grammar, however, we conclude that the qualifying phrase—“that the defendant knew were imported unlawfully”—applies only to the importation of “listed chemicals” that are used to manufacture drugs. The word “were” is plural, and the drug types in the first clause are stated in the singular. Grammar does not allow an interpretation that says the offense involved the importation of *methamphetamine* that the defendant *knew were* imported. *United States v. Serfass*, 684 F.3d 548, 551 (5th Cir. 2012). The word “unlawfully” also would be redundant and unnecessary if it referred to the importation of methamphetamine, but it acquires meaning when applied to the importation of listed chemicals, some of which may be imported lawfully in certain circumstances. *See* 21 U.S.C. § 952(d). Accordingly, the increase applies whether or not a defendant knew that the offense involved importation of methamphetamine. For this reason, the district court correctly applied the increase to all four defendants, and it is unnecessary to consider whether the evidence supported a finding that three of them knew about the importation of drugs.

III.

Werkmeister also argues that the evidence was insufficient to support a finding that he played an aggravating role in the offense. The district court applied a three-

level increase on the ground that Werkmeister was a manager or supervisor in criminal activity that involved five or more persons. *See* USSG § 3B1.1(b).

The court found that Werkmeister held a supervisory role with respect to one Eric Melhus, and that he recruited a Jaime Becker into the conspiracy. The court cited evidence that Werkmeister gave direction to Melhus about who would be making deliveries to a storage shed that Melhus rented, and that Werkmeister specified the price and quantity of methamphetamine that Melhus should provide to customers. The court also found that Melhus contacted Werkmeister on another occasion to request instructions, and that Werkmeister gave him directions on how to proceed with activities of the drug organization. On that basis, the court found that Werkmeister was “giving direction to another member of the conspiracy,” and that he played a “management role” in the conspiracy. The court also found that Werkmeister recruited Becker into the drug organization.

These findings are not clearly erroneous. The court relied on portions of the presentence report regarding Melhus to which Werkmeister did not object, so testimony on that issue was not necessary. Fed. R. Crim. P. 32(i)(3)(A). Becker testified that after her boyfriend went to jail for selling drugs, Werkmeister contacted her by telephone and said that she could work for him in the drug organization by selling methamphetamine. The court properly found that Werkmeister recruited Becker, because she testified that after her boyfriend went to jail, she “picked up his part” in the drug business when Werkmeister called her. Evidence that a defendant directed the criminal activities of another conspirator on one occasion, or that the defendant recruited a member into the conspiracy, is sufficient to support a finding of aggravating role in the offense. *See United States v. Bolden*, 622 F.3d 988, 991 (8th Cir. 2010) (*per curiam*).

Werkmeister next argues that his sentence is unreasonable due to a disparity between his sentence and that of co-conspirator Jorge Martinez-Garcia. The court sentenced Werkmeister to 346 months' imprisonment while Martinez-Garcia was sentenced to 135 months' imprisonment. We have considered alleged unwarranted disparity in sentencing between co-conspirators only in circumstances not present here—an “extreme disparity” in sentencing and “a consolidated appeal involving both conspirators that permitted a remand for resentencing of both parties.” *United States v. Fry*, 792 F.3d 884, 892-93 (8th Cir. 2015); *see United States v. Lazenby*, 439 F.3d 928, 934 (8th Cir. 2006). Otherwise, “[w]hen a single defendant asserts on appeal that a similarly situated co-conspirator was sentenced differently, and both sentences are within the range of reasonableness, there is no principled basis for an appellate court to say which defendant received the ‘appropriate’ sentence.” *Fry*, 792 F.3d at 893. In any event, Werkmeister and Martinez-Garcia were not similarly situated, so the alleged disparity is not unwarranted. Werkmeister was responsible for substantially more methamphetamine, played a larger role in the conspiracy, and presented a more serious criminal history. The court did not abuse its discretion in selecting the sentence.

IV.

Robey challenges the district court's determination of his criminal history category under the sentencing guidelines. The court found that because Robey was a career offender under USSG § 4B1.1(a), his criminal history category was VI. Robey argues that the court should have placed him in category III based on a total of three criminal history points.

The applicable guideline provision states:

(b) Except as provided in subsection (c), if the offense level for a career offender from the table in this subsection is greater than the offense

level otherwise applicable, the offense level from the table in this subsection shall apply. *A career offender's criminal history category in every case under this subsection shall be Category VI.*

USSG § 4B1.1(b) (emphasis added). The offense level for Robey from the table in § 4B1.1(b) was 37. In Robey's case, however, the base level offense under § 2D1.1 based on his drug trafficking offense was 38, so the court applied the higher offense level of 38. Robey argues that because the court did not apply the offense level under the table in § 4B1.1(b), the entirety of § 4B1.1(b) is inapplicable, so the direction to apply criminal history category VI does not govern.

We reject this interpretation of the career offender guideline. Section 4B1.1(b) states that “[a] career offender’s criminal history category in every case *under this subsection* shall be Category VI.” USSG § 4B1.1(b) (emphasis added). Robey suggests that where the “otherwise applicable” offense level applies to a defendant, the case no longer arises “under this subsection,” and the court must determine the criminal history category independently. As we understand the provision, however, a case falls “under” subsection (b) whenever a defendant is a career offender under subsection (a), § 4B1.1(a). Subsection (b) then directs the court how to determine the offense level. Sometimes the offense level will be determined by the table in the subsection; sometimes it will be derived from another offense guideline in Chapter 2. But either way, subsection 4B1.1(b) directs the court how to determine the offense level, and *the case* is thus one “under” that subsection. Because an offender’s criminal history category is category VI “in every case under this subsection,” the district court properly classified Robey in category VI. *See United States v. Gordon*, 838 F.3d 597, 603 (5th Cir. 2016).

V.

Garcia argues that the district court erred in not considering a sentence below the statutory minimum of 120 months' imprisonment based on 18 U.S.C. § 3553(f). That section provides that a district court may impose a sentence "without regard to any statutory minimum sentence," if the court finds five elements at sentencing, including that:

(1) the defendant does not have—

(A) more than 4 criminal history points, excluding any criminal history points resulting from a 1-point offense, as determined under the sentencing guidelines;

(B) a prior 3-point offense, as determined under the sentencing guidelines; and

(C) a prior 2-point violent offense, as determined under the sentencing guidelines.

18 U.S.C. § 3553(f)(1). A defendant must meet the conditions in all three subsections to satisfy § 3553(f)(1). *United States v. Pulsifer*, 39 F.4th 1018, 1022 (8th Cir. 2022), *cert. granted*, 2023 WL 2227657 (U.S. Feb. 27, 2023) (No. 22-340).

The district court found that Garcia had nine criminal history points, excluding all criminal history points resulting from a one-point offense. She also had a prior three-point offense. Therefore, she was ineligible under both subsections (A) and (B). Garcia suggests that she did not have a three-point offense under subsection (B), because the court scored three points for a theft offense that would have counted for only one point if she had not sustained a revocation of probation for that offense. *See* USSG §§ 4A1.1(a), 4A1.2(k). We see no merit to that argument, because the theft conviction was properly scored as a three-point offense. But Garcia also does not

dispute that she scored more than four criminal history points under subsection (A), even if the theft offense were not counted.

Garcia contends that the district court nonetheless erred by concluding that it could not “depart downward” and deem her eligible under § 3553(f) even though she did not meet the criteria under that subsection. She argues that the record supported a downward departure under USSG § 4A1.3(b)(1) because her placement in criminal history category VI over-represented the seriousness of her criminal history. She then reasons that because criminal history categories are based on criminal history points, a departure that reduces her criminal history category necessarily treats her as though she scored fewer criminal history points. On that basis, she contends that the district court could have deemed that she met the criteria under § 3553(f)(1) by treating her as though she did not have either a prior three-point offense under subsection (B) or more than four criminal history points under subsection (A).

This argument improperly conflates the district court’s authority to depart below the advisory sentence recommended under the sentencing guidelines and the court’s authority to sentence below a statutory minimum based on § 3553(f). That the district court may sentence a defendant under the guidelines as though she were placed in a lower criminal history category does not allow the court to avoid the statutory requirements of § 3553(f)(1). The court has no “departure” authority to ignore the strictures of § 3553(f)(1), and the Sentencing Commission does not have authority to modify the requirements imposed by Congress. The district court thus did not err in finding that Garcia was ineligible for relief under § 3553(f).

Garcia also disputes the district court’s imposition of a special condition of supervised release that prohibits her from using alcohol and from entering any establishment that holds itself out to be a bar or tavern. We review the imposition of special conditions of supervised release under a deferential abuse-of-discretion standard. *United States v. Clower*, 54 F.4th 1024, 1028 (8th Cir. 2022). Special

conditions of supervised release must be “reasonably related” to the factors set forth in 18 U.S.C. §§ 3553(a)(1) and (a)(2)(B)-(D), and must not impose a “greater deprivation of liberty than is reasonably necessary” to serve the purposes of sentencing. 18 U.S.C. § 3583(d).

Where a defendant exhibits problems with substance abuse, a district court generally acts within its discretion by imposing a prohibition on the use of alcohol and the entry into alcohol-oriented establishments. *United States v. Forde*, 664 F.3d 1219, 1222-23 (8th Cir. 2012). Even where a defendant’s history involves abuse of drugs rather than alcohol, we have said that a district court may recognize the threat of cross-addiction and respond by imposing a ban on alcohol use. *Id.* at 1224; see *United States v. Bell*, 915 F.3d 574, 577 (8th Cir. 2019).

In this case, the record establishes that Garcia suffers from a history of substance abuse. She engaged in underage drinking of alcohol at the age of sixteen. When she was twenty-two years old in 2009, she was arrested for attempting to steal three bottles of liquor from a local grocery store. In 2018, she was arrested for driving while intoxicated with a blood alcohol concentration almost twice the legal limit. Garcia used marijuana regularly from 2003 through 2020, and she used methamphetamine during those same years with intermittent periods of sobriety. She was treated for substance abuse in 2008 and 2012, and she informed the court in this case that she needed more substance abuse treatment. In light of Garcia’s history, the district court did not abuse its discretion by imposing the special condition of supervised release relating to alcohol.

* * *

The judgments of the district court are affirmed.

APPENDIX

8th Circuit Court of Appeals – *United States v. Travis Werkmeister* – 21-2690

D – Order Appointing Criminal Justice Act Counsel (July 8, 2021)

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

No: 21-2690

United States of America

Appellee

v.

Travis Charles Werkmeister, also known as Cheese

Appellant

Appeal from U.S. District Court for the Northern District of Iowa - Eastern
(6:20-cr-02034-CJW-5)

ORDER

Attorney Rockne Ole Cole is hereby appointed to represent appellant in this appeal under the Criminal Justice Act. Information regarding the CJA appointment and vouchering process in eVoucher will be emailed to counsel shortly.

July 29, 2021

Order Entered under Rule 27A(a):
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

Appendix D

APPENDIX

**District Court in the Northern District of Iowa – United States v. Travis
Werkmeister, No. 6:20-CR-2034-CJW-MAR**

E – Notice of Appeal (July 27, 2021)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)
) CASE NO.6:20-CR-02034-CJW-MAR
)
Plaintiff,)
)
TRAVIS WERKMEISTER,)
)
Defendant.)

DEFENDANT'S NOTICE OF APPEAL

Pursuant to Fed. R. App. Proc. 4 (b) (1) (A), Defendant, through counsel, files his Notice of Appeal from each and every adverse ruling entered herein, including the July 19, 2021 Sentencing (Docket 487) entered on and Judgment (Docket 490) entered on July 21, 2021. **Defendant was previously found to be in forma pauperis and had appointed counsel under the Criminal Justice Act.**

RESPECTFULLY SUBMITTED,

/s/ Rockne Cole

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2021, I electronically filed the foregoing with the

Clerk of the Court using the ECF system which will send notification of such filing to the parties or attorneys of record.

/s/ Rockne Cole

APPENDIX

**District Court in the Northern District of Iowa – United States v. Travis
Werkmeister, No. 6:20-CR-2034-CJW-MAR**

F – Judgment (July 21, 2021)

UNITED STATES DISTRICT COURT

Northern District of Iowa

UNITED STATES OF AMERICA

v.

TRAVIS CHARLES WERKMEISTER

) JUDGMENT IN A CRIMINAL CASE

)

) Case Number: 0862 6:20CR02034-005

)

) USM Number: 18478-029

)

Rockne Cole

Defendant's Attorney

☒ ORIGINAL JUDGMENT☐ AMENDED JUDGMENT

Date of Most Recent Judgment:

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Superseding Indictment filed on October 21, 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:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), and 846	Conspiracy to Distribute 500 Grams or More of a Mixture or Substance Containing a Detectable Amount of Methamphetamine and 50 Grams of Actual (Pure) Methamphetamine	July 2020	1

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.

C.J. Williams
United States District Court Judge

Name and Title of Judge

July 19, 2021

Date of Imposition of Judgment



Signature of Judge

July 21, 2021

Date

DEFENDANT: **TRAVIS CHARLES WERKMEISTER**
CASE NUMBER: **0862 6:20CR02034-005**

PROBATION

☐ The defendant is hereby sentenced to probation for a term of:

IMPRISONMENT

☒ The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **346 months on Count 1 of the Superseding Indictment. It is ordered that the term of imprisonment for the instant offense be served consecutively to any term of imprisonment that may be imposed for the cases set forth in paragraph 69 of the presentence report (Black Hawk County, Iowa, Case No. SRCR234539) and paragraph 70 of the presentence report (Tama County, Iowa, Case No. FECR016546), pursuant to 18 U.S.C. § 3584.**

☒ The court makes the following recommendations to the Federal Bureau of Prisons:
It is recommended that the defendant be designated to a Bureau of Prisons facility as close to the defendant's family as possible, commensurate with the defendant's security and custody classification needs.

It is recommended that the defendant participate in the Bureau of Prisons' 500-Hour Comprehensive Residential Drug Abuse Treatment Program or an alternate substance abuse treatment program.

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

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

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

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

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the United States 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

DEFENDANT: **TRAVIS CHARLES WERKMEISTER**
CASE NUMBER: **0862 6:20CR02034-005**

SUPERVISED RELEASE

- ☒ Upon release from imprisonment, the defendant will be on supervised release for a term of:
5 years on Count 1 of the Superseding Indictment.

MANDATORY CONDITIONS OF SUPERVISION

- 1) The defendant must not commit another federal, state, or local crime.
- 2) The defendant must not unlawfully possess a controlled substance.
- 3) The defendant must refrain from any unlawful use of a controlled substance.
The defendant 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 the defendant poses a low risk of future controlled substance abuse. *(Check, if applicable.)*
- 4) ☒ The defendant must cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- 5) ☐ The defendant 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 the defendant resides, works, and/or is a student, and/or was convicted of a qualifying offense. *(Check, if applicable.)*
- 6) ☐ The defendant must participate in an approved program for domestic violence. *(Check, if applicable.)*

The defendant 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: **TRAVIS CHARLES WERKMEISTER**
CASE NUMBER: **0862 6:20CR02034-005**

STANDARD CONDITIONS OF SUPERVISION

As part of the defendant's supervision, the defendant must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for the defendant's 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 the defendant's conduct and condition.

- 1) The defendant must report to the probation office in the federal judicial district where the defendant is authorized to reside within 72 hours of the time the defendant was sentenced and/or released from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when the defendant must report to the probation officer, and the defendant must report to the probation officer as instructed. The defendant must also appear in court as required.
- 3) The defendant must not knowingly leave the federal judicial district where the defendant is authorized to reside without first getting permission from the court or the probation officer.
- 4) The defendant must answer truthfully the questions asked by the defendant's probation officer.
- 5) The defendant must live at a place approved by the probation officer. If the defendant plans to change where the defendant lives or anything about the defendant's living arrangements (such as the people the defendant lives with), the defendant 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, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) The defendant must allow the probation officer to visit the defendant at any time at the defendant's home or elsewhere, and the defendant must permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.
- 7) The defendant must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment, the defendant must try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about the defendant's work (such as the defendant's position or the defendant's job responsibilities), the defendant 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, the defendant must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) The defendant must not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If the defendant is arrested or questioned by a law enforcement officer, the defendant must notify the probation officer within 72 hours.
- 10) The defendant 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) The defendant 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) As directed by the probation officer, the defendant must notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and must permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 13) The defendant must follow the instructions of the probation officer related to the conditions of supervision.

DEFENDANT: **TRAVIS CHARLES WERKMEISTER**
CASE NUMBER: **0862 6:20CR02034-005**

SPECIAL CONDITIONS OF SUPERVISION

The defendant must comply with the following special conditions as ordered by the Court and implemented by the United States Probation Office:

1. **The defendant must submit the defendant's person, property, house, residence, vehicle, papers, computers [as defined in 18 U.S.C. § 1030(e)(1)], other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. The defendant must warn any other occupants that the premises may be subject to searches pursuant to this condition. The United States Probation Office may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.**
2. **The defendant must participate in an evaluation for anger management and/or domestic violence. The defendant must complete any recommended treatment program, and follow the rules and regulations of the treatment program.**
3. **The defendant must participate in a substance abuse evaluation. The defendant must complete any recommended treatment program, which may include a cognitive behavioral group, and follow the rules and regulations of the treatment program. The defendant must participate in a program of testing for substance abuse. The defendant must not attempt to obstruct or tamper with the testing methods.**
4. **The defendant must not use or possess alcohol. The defendant is prohibited from entering any establishment that holds itself out to the public to be a bar or tavern without the prior permission of the United States Probation Office.**
5. **If not employed at a lawful type of employment as deemed appropriate by the United States Probation Office, the defendant must participate in employment workshops and report, as directed, to the United States Probation Office to provide verification of daily job search results or other employment related activities. In the event the defendant fails to secure employment, participate in the employment workshops, or provide verification of daily job search results, the defendant may be required to perform up to 20 hours of community service per week until employed.**

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them. Upon a finding of a violation of supervision, I understand the Court may: (1) revoke supervision; (2) extend the term of supervision; and/or (3) modify the condition of supervision.

Defendant

Date

United States Probation Officer/Designated Witness

Date

Judgment 6 of 7

DEFENDANT: **TRAVIS CHARLES WERKMEISTER**
CASE NUMBER: **0862 6:20CR02034-005**

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>AVAA Assessment¹</u>	<u>JVTA Assessment²</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100	\$ 0	\$ 0	\$ 0	\$ 0

☐ 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 Loss³</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS \$ _____ \$ _____

☐ 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:

¹Amy, Vicky, and Any Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

²Justice for Victims of Trafficking Act of 2015, 18 U.S.C. § 3014.

³Findings 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: **TRAVIS CHARLES WERKMEISTER**
CASE NUMBER: **0862 6:20CR02034-005**

SCHEDULE OF PAYMENTS

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

- A** ☒ \$ 100 due immediately;
- ☐ 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 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 will receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
- Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant must pay the cost of prosecution.
- ☐ The defendant must pay the following court cost(s):
- ☒ The defendant must forfeit the defendant's interest in the following property to the United States:
As set forth in the Preliminary Order of Forfeiture filed on July 7, 2021, Document No. 458.

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.

APPENDIX

Relevant Guideline Provision

G – U.S.S.G. § 2D1.1 (b) (5)

U.S.S.G. § 2D1.1 (b) (5)

I. U.S.S.G. § 2D1.1 (b) (5) – Unlawful importation enhancement

(b) Specific Offense Characteristics

(5) If (A) the offense involved the importation of amphetamine or methamphetamine or the manufacture of amphetamine or methamphetamine from listed chemicals that the defendant knew were imported unlawfully, and (B) the defendant is not subject to an adjustment under §3B1.2 (Mitigating Role), increase by 2 levels.