

NO. _____

IN THE UNITED STATES SUPREME COURT

RONNIE R. LOVELL,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

PETITION APPENDIX

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File Name: 23a0083n.06

Case No. 20-6287

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

UNITED STATES OF AMERICA,)
)
 Plaintiff-Appellee,)
)
 v.)
)
 RONNIE R. LOVELL,)
)
 Defendant-Appellant.)

FILED
Feb 10, 2023
DEBORAH S. HUNT, Clerk

ON APPEAL FROM THE UNITED
STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF
TENNESSEE

OPINION

Before: CLAY, WHITE, and THAPAR, Circuit Judges.

THAPAR, Circuit Judge. Ronnie Lovell burglarized six different residences on six different days over the course of more than a month. He now claims the district court plainly erred in concluding these robberies occurred on different “occasions.” We affirm.

I.

Lovell pled guilty to being a felon in possession of ammunition in violation of 18 U.S.C. § 922(g)(1). At the time of his sentencing, that offense typically carried a maximum penalty of ten years’ imprisonment. *See* 18 U.S.C. § 924(a)(2) (2020) (amended 2022). But because Lovell had previously pled guilty to six aggravated burglaries under Tennessee law, the district court determined that the Armed Career Criminal Act’s (“ACCA”) fifteen-year mandatory minimum applied. *See* 18 U.S.C. § 924(e)(1). So the district court sentenced Lovell to fifteen years’ imprisonment.

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Lovell appealed, and while his appeal was pending, our circuit decided *United States v. Stitt*, 860 F.3d 854, 856 & 862 (6th Cir. 2017) (en banc), which held that Tennessee aggravated burglary wasn't a violent felony for ACCA purposes. In light of that case, we vacated Lovell's sentence and remanded. But before he was resentenced, the Supreme Court reversed *Stitt*, holding that Tennessee aggravated burglary *was* an ACCA violent felony. *United States v. Stitt*, 139 S. Ct. 399, 406–07 (2018). So at Lovell's resentencing, the district court again determined ACCA applied and reimposed a fifteen-year sentence. The court overruled Lovell's objections that Tennessee aggravated burglary still wasn't a violent felony and that an earlier version of the Sentencing Guidelines should be used. Lovell again appealed his sentence.

II.

Lovell now claims for the first time that his burglaries don't trigger ACCA because they didn't occur on different "occasions." *See* 18 U.S.C. § 924(e)(1). Alternatively, he argues that the Constitution bars the district court from finding the facts needed to make this determination. Since Lovell makes both arguments for the first time on appeal, we review for plain error. *United States v. Southers*, 866 F.3d 364, 366 (6th Cir. 2017). To succeed on plain-error review, Lovell has to prove three things: (1) there was an error (2) that was "clear or obvious" and (3) that affected his "substantial rights." *Puckett v. United States*, 556 U.S. 129, 135 (2009). If he does so, we have discretion to remedy the error, but only if the error "seriously affects the fairness, integrity or public reputation of judicial proceedings." *Id.* (cleaned up).

A.

ACCA's mandatory minimum only applies when a defendant committed three or more violent felonies on "occasions different from one another." *See* 18 U.S.C. § 924(e)(1). The Supreme Court has emphasized that, when deciding whether prior convictions were committed on

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the same “occasion,” we should rely on ordinary meaning and common sense. An occasion is a single “event, occurrence, happening, or episode.” *Wooden v. United States*, 142 S. Ct. 1063, 1069 (2022). The inquiry is meant to be “intuitive” rather than hyper-technical. And we consider the timing, location, character, and relationship of the offenses. *Id.* at 1071. Timing and location are particularly important, and a single factor can be dispositive in many cases. *Id.*

For instance, the Supreme Court in *Wooden* held that the defendant had committed his crimes on the same occasion because they all occurred on the same night, in the same building, as part of the same scheme. *Id.* Wooden had burglarized ten storage units at the same single-building facility, one after another, by breaking through the walls between the units. The Court said that unlike offenses that were committed “a day or more apart” or “at a significant distance,” Wooden’s offenses occurred on one occasion. *Id.* (citation omitted).

On the other hand, courts “nearly always treat[] offenses as occurring on separate occasions” when they’re separated by time or space. *Id.* Our circuit recently considered such a case. *See United States v. Williams*, 39 F.4th 342 (6th Cir. 2022). Williams had committed four robberies, at either three or four different locations. The first three occurred within a span of two weeks, and the next a month and a half later. The court concluded that “[g]iven the substantial gap in time between [the] offenses and some variety in locations, the offenses were committed on separate occasions.” *Id.* at 350. Our sister circuits have drawn similar conclusions in similar cases. *See, e.g., United States v. Riddle*, 47 F.3d 460, 462 (1st Cir. 1995) (per curiam) (concluding that five convictions “on four different dates involving five different locations and victims” were committed on different occasions); *see also Wooden*, 142 S. Ct. at 1071 (citing *Riddle* as a typical case).

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Like Williams, Lovell's crime spree spanned numerous locations over more than a month. On June 25, 2010, Lovell burglarized Gavin McGowan's home. Two weeks later, on July 7, he hit Robert Travis's home. Two weeks after that, on July 21, he burglarized Richard Beckley's home. On July 24, it was John Moore's home. Three days after that, on July 27, Lovell burglarized Julia Whipple's home. And on July 30, he recruited two others to come with him to Martin French's home, where he used a pry bar on two of the windows to break in to steal a TV. Most of these facts came from the informations that Lovell pled to. Five of the six informations were based on Lovell's own confessions. And Lovell presented no facts indicating either that these dates and locations were wrong or that the offenses should for some other reason be considered part of only one or two occasions.

To succeed on plain-error review, Lovell would have to show that in the face of the uncontested facts, the district court should have *sua sponte* concluded that his laundry list of offenses was all really part of only one or two events at only one or two locations and on only one or two dates. But Lovell has not shown, for instance, that Gavin McGowan, Robert Travis, Richard Beckley, John Moore, Julia Whipple, and Martin French actually all lived at the same address, or that when the Presentence Report ("PSR") said June 25, July 7, July 21, July 24, and July 27, it really meant to say July 30 five times over. Nor, of course, has Lovell shown that these conclusions were so "clear or obvious" that the district court was unreasonable not to draw them. *Puckett*, 556 U.S. at 135.

Instead, Lovell claims that two linguistic features of the PSR draw the temporal and spatial distance between the crimes into question. First, the PSR said that five of the six offenses occurred "on or about" the listed date. According to Lovell, "on or about June 25" could actually mean "on July 30," so the district court had no way of knowing when the offenses actually occurred. For

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that matter, all six could have occurred on the same date. But there are a few problems with this argument. For one thing, “on or about” isn’t an unusual formulation; the district court would have had no reason to *sua sponte* question the accuracy of the dates listed. And for another, the district court had an independent reason to think the dates listed were the correct ones: the “on or about” language came directly from the offenses’ informations, and the informations were based on Lovell’s confessions. So the dates in the PSR presumably came from Lovell’s own account of the crimes. It would have made little sense for the district court to conclude that the dates weren’t what the PSR said they were—and it surely didn’t err by failing to do so absent an objection from Lovell.

Lovell’s second argument fares no better. Setting his sights on the location factor of the *Wooden* test, he claims that it wasn’t clear enough for the PSR to list the various victims’ “habitations” as the locations of five of the offenses. “Habitation” can sometimes mean “apartment” or “hotel room,” so it’s conceivable, Lovell says, that the crimes occurred at only one or two buildings. But this line of reasoning fails for the same reasons his dates argument did. There was no reason for the district court to think that five different “habitations” were really only in one or two buildings, given the information in the record. And when he confessed to the crimes, Lovell took police officers to the various “locations” where they occurred, so they at least didn’t all occur at only one location. R. 24-1, Pg. ID 188. Again, Lovell can’t show that the district court erred, and he certainly didn’t show that it did so “clear[ly] or obvious[ly].” *Puckett*, 556 U.S. at 135.

Resisting this conclusion, Lovell looks to legislative history to claim that ACCA’s enhancement was only meant to apply to “recidivists.” In other words, he claims “occasions different from one another” really means occasions separated by arrests, prosecutions, and maybe

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jail time. But the occasions-different clause doesn't say anything about either recidivism or criminal-justice-system intervention. *See* 18 U.S.C. § 924(e)(1). And *Wooden*'s "multi-factor" test doesn't include intervening arrests. It asks courts only to determine whether the convictions satisfy the ordinary meaning of a single "occasion" by looking to facts underlying the convictions like location, timing, and whether the offenses were intertwined.¹ *Wooden*, 142 S. Ct. at 1070–71; *see also id.* at 1078–79 (Barrett, J., concurring) (warning courts not to read "buzzwords" like "recidivi[sm]" into ACCA based on legislative history (citation omitted)). Indeed, our own circuit in applying *Wooden* hasn't mentioned recidivism either. *See Williams*, 39 F.4th at 350–51. We can't add a requirement to the statute based on legislative history.

What's more, even if Lovell could show that the district court committed an error that was sufficiently clear or obvious, he hasn't satisfied the third prong of plain-error review, the substantial-rights prong. To do so, he would need to make a "showing on appeal that he would have presented evidence in the district court" that the burglaries actually occurred on only one or two occasions. *Greer v. United States*, 141 S. Ct. 2090, 2097 (2021). True, Lovell has said that on remand, he would "argue that his burglaries occurred close in time and place" and "put in[to] evidence facts indicating that they were intertwined." Reply Br. at 11. But he has given us no indication of what those arguments or that evidence would be. And merely rehearsing what he would have to show to reach a different result does not give rise to a "reasonable probability that the outcome would have been different" absent any error. *Greer*, 141 S. Ct. at 2097 (cleaned up).

In sum, Lovell hasn't shown that it was plain error for the district court to conclude his six prior burglary convictions occurred on "occasions different from one another."

¹ True, the *Wooden* Court said that in "hard cases," courts should "keep[] an eye" on ACCA's history and purpose in conducting this inquiry. *See Wooden*, 142 S. Ct. at 1071. But as explained above, this wasn't a "hard case"—Lovell burglarized six people in six places on six different days over the course of over a month.

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B.

Lovell argues in the alternative that the Constitution bars a sentencing judge from finding the facts needed to satisfy the occasions-different clause. Under *Apprendi v. New Jersey*, 530 U.S. 466 (2000), a judge may find the “fact of a prior conviction,” but all other “fact[s] that increase[] the penalty for a crime beyond the prescribed statutory maximum” must be included in the indictment and submitted to a jury. *Id.* at 490. This rule, Lovell contends, applies to the occasions-different inquiry, so the sentencing court erred by applying the enhancement even though the underlying facts weren’t included in the indictment or plea. But we’ve previously held that the facts governing the occasions-different inquiry are included in “the fact of a prior conviction,” so they fall into the *Apprendi* exception. *United States v. Burgin*, 388 F.3d 177, 186 (6th Cir. 2004). And we’ve since reaffirmed this rule. *United States v. Williams*, 39 F.4th 342, 351 (6th Cir. 2022); *cf. Wooden*, 142 S. Ct. at 1087 n.3 (noting that the Supreme Court hasn’t yet addressed this question). The district court didn’t err—let alone plainly so—by applying this settled rule.

* * *

We affirm.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 20-6287

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RONNIE R. LOVELL,

Defendant - Appellant.

FILED
Feb 10, 2023
DEBORAH S. HUNT, Clerk

Before: CLAY, WHITE, and THAPAR, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Eastern District of Tennessee at Knoxville.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION THEREOF, it is ORDERED that the judgment of the district court is
AFFIRMED.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE KNOXVILLE DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

(For Offenses committed on or after November 1, 1987)

v.

RONNIE R LOVELL
USM#47616-074Case Number: **3:14-CR-00055-LJM-HBG(1)****Jonathan A Moffatt**
Defendant's Attorney**THE DEFENDANT:**

- pleaded guilty to count(s): 1 of the Indictment
- pleaded nolo contendere to count(s) which was accepted by the court.
- was found guilty on count(s) after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section and Nature of Offense	Date Violation Concluded	Count
18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e) - Felon in Possession of Ammunition	8/16/13	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 and 18 U.S.C. 3553.

- The defendant has been found not guilty on count(s).
- All remaining count(s) as to this defendant are dismissed upon motion of the United States.

IT IS ORDERED that the defendant shall 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 shall notify the court and the United States attorney of any material change in the defendant's economic circumstances.

October 27, 2020
 Date of Imposition of Judgment

 s/Laurie J. Michelson
 Signature of Judicial Officer
Laurie J. Michelson, United States District Judge
 Name & Title of Judicial Officer

October 28, 2020
 Date

Petition Appendix 9a

DEFENDANT: RONNIE R LOVELL
CASE NUMBER: 3:14-CR-00055-LJM-HBG(1)

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IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **180 months.**

Pursuant to USSG §5Gl.3(b), this term consists of 180 months minus the four months (128 days) previously served in Knox County, Tennessee, Criminal Court Docket Number 102506. Pursuant to USSG §5G 1.3(b)(l), the Court shall adjust the sentence for any period of imprisonment already served on the undischarged term of imprisonment if the court determines that such period of imprisonment will not be credited to the federal sentence by the Bureau of Prisons.

The Court will recommend that this sentence run concurrently to the sentence being served in Knox County Criminal Court Docket Numbers 95540 and 95948, and concurrently to Knox County Criminal Court Docket Number I 02506, pursuant to USSG §5G 1.3. The Court notes that the defendant appears to have finished his state sentences in Knox County, Tennessee, Criminal Court Docket Numbers 95540, 95948, and 102506.

- The court makes the following recommendations to the Bureau of Prisons:
The Court will recommend that you receive 500 hours of substance abuse treatment from the Bureau of Prisons' Institution Residential Drug Abuse Treatment Program. It is further recommended that he be designated to BOP facility as geographically close to Knoxville, Tennessee as possible.
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
 - at a.m. p.m. on
 - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 - before 2 p.m. on .
 - as notified by the United States Marshal.
 - as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on
to ,
at ,
with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

Petition Appendix 10a

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **three (3) years.**

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 sentencing 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.

Petition Appendix 11a

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 mandatory, standard, and any special 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 _____

Petition Appendix 12a

DEFENDANT: RONNIE R LOVELL
CASE NUMBER: 3:14-CR-00055-LJM-HBG(1)

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SPECIAL CONDITIONS OF SUPERVISION

1. You shall participate in a program of testing and/or treatment for drug and/or alcohol abuse, as directed by the probation officer, until such time as you are released from the program by the probation officer.
2. You shall submit your person, property, house, residence, office, vehicle, papers, or [computers (as defined in 18 U.S.C. § 1030(e)(1)], to a search conducted by a United States Probation Officer or designee. Failure to submit to a search may be grounds for revocation of release. You shall warn any other occupants that the premises 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 supervision, and the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

Petition Appendix 13a

DEFENDANT: RONNIE R LOVELL
CASE NUMBER: 3:14-CR-00055-LJM-HBG(1)

Judgment - Page 6 of 7

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments sheet of this judgment.

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

The determination of restitution is deferred until An *Amended Judgment in a Criminal Case (AO245C)* 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.

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 under the Schedule of Payments sheet of this judgment 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:

<input type="checkbox"/> the interest requirement is waived for the	<input type="checkbox"/> fine	<input type="checkbox"/> restitution
<input type="checkbox"/> the interest requirement for the	<input type="checkbox"/> fine	<input type="checkbox"/> restitution is modified as follows:

* 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.

Petition Appendix 14a

DEFENDANT: RONNIE R LOVELL
CASE NUMBER: 3:14-CR-00055-LJM-HBG(1)

Judgment - Page 7 of 7

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 payments of **\$100.00** due immediately, balance due
 - not later than _____, or
 - in accordance with C, D, E, or F below; or
- B** Payment to begin immediately (may be combined with C, D, or F below); or
- C** Payment in equal *(e.g., weekly, monthly, quarterly)* installments of \$ _____ over a period of *(e.g., months or years)*, to commence *(e.g., 30 or 60 days)* after the date of this judgment; or
- D** Payment in equal *(e.g., weekly, monthly, quarterly)* installments of \$ _____ over a period of *(e.g., months or years)*, to commence *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or
- E** Payment during the term of supervised release will commence within *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to **U.S. District Court, 800 Market Street, Suite 130, Howard H. Baker, Jr. United States Courthouse, Knoxville, TN, 37902**. Payments shall be in the form of a check or a money order, made payable to U.S. District Court, with a notation of the case number including defendant number.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

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

Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- 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) fine principal, (5) fine interest, (6) community restitution, (7) JVTA Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

Petition Appendix 15a