A P P E N D I X

APPENDIX

A-1

[DO NOT PUBLISH]

In the United States Court of Appeals

For the Eleventh Circuit

No. 22-10166

Non-Argument Calendar

AL DOUGLAS WORDLY,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket Nos. 1:20-cv-22499-FAM,
1:01-cr-00396-FAM-3

Before WILSON, ROSENBAUM, and LUCK, Circuit Judges.

PER CURIAM:

Al Wordly, a counseled federal prisoner serving 660 months for federal drug, gun, and robbery crimes, appeals the district court's denial of his motion to vacate under 28 U.S.C. § 2255. As relevant here, Wordly was convicted of conspiracy to possess a firearm in furtherance of a crime of violence or drug-trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A) and (o). After the Supreme Court's decision in *United States v. Davis*, 139 S. Ct. 2319 (2019), which made it more difficult for offenses to qualify as valid § 924(c) predicate offenses, we authorized Wordly to file a second or successive § 2255 motion challenging this conviction. We noted, however, that "other defenses might bar or defeat Wordly's *Davis* claim." The district court denied the claim after concluding that it was procedurally defaulted, though the court granted a certificate of appealability. On appeal, Wordly argues that the *Davis* error is jurisdictional and not subject to procedural default, that he established cause and prejudice to excuse his failure to raise the claim on direct appeal, and that he falls within an exception for actual innocence. After careful review, we affirm.

I.

In 1997, Wordly was involved with a group of conspirators who planned and undertook a series of three, armed-invasion robberies of drug dealers' stash houses. *See In re Cannon*, 931 F.3d

1236, 1238 (11th Cir. 2019) (addressing codefendant Ulysses Cannon's case arising from the same underlying facts). They targeted these homes because they were likely to contain large quantities of cash and drugs, which the conspirators intended to distribute after stealing. During the robberies, the conspirators, while armed, forced their way into the homes, tied up and pistol-whipped the occupants, ransacked the homes, and took cash, jewelry, vehicles, and drugs, including marijuana or cocaine. *Id.* Wordly participated in the first two robberies, on June 20 and August 1 of 1997, respectively, but not the final one on September 23, 1997.

In 2001, a federal grand returned a superseding indictment against Wordly and his coconspirators. Wordly was charged with three overlapping conspiracies: conspiracy to possess with intent to distribute marijuana and cocaine, *see* 21 U.S.C. § 841(a)(1), (b)(1)(A) (Count 1); conspiracy to commit Hobbs Act robbery, *see* 18 U.S.C. § 1951(a) (Count 2); and conspiracy to use and carry a firearm during and in relation to, and to possess a firearm in furtherance of, a crime of violence and drug-trafficking crime, *see id.* § 924(c)(1)(A) and (o) (Count 3). He also faced substantive charges for his participation in the two robberies. For the June 20 robbery, he was charged with attempt to possess with intent to distribute cocaine, *see* 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846 (Count 4); Hobbs Act robbery, *see* 18 U.S.C. § 1951(a)(1) (Count 5); and possession of a firearm in furtherance of a crime of violence and drug-trafficking crime, *see id.* § 924(c)(1)(A) (Count 6). Similarly, for the August 1 robbery, he was charged with attempt to possess with

intent to distribute cocaine, *see* 21 U.S.C. §§ 841(a)(1), (b)(1)(C), and 846 (Count 7); attempted Hobbs Act robbery, *see* 18 U.S.C. § 1951(a) (Count 8); and another substantive § 924(c)(1)(A) violation (Count 9). Six other counts were brought solely against his codefendants (Counts 10–15). The indictment listed each of the offenses in Counts 1, 2, 4, 5, 7, 8, 10, 11, 12, and 13 as predicate crime-of-violence or drug-trafficking offenses for Count 3.

At trial, the jury returned a general verdict of guilty on all counts and did not specify which counts it found were predicates for Count 3. The district court granted a judgment of acquittal on the substantive Hobbs Act offenses—Counts 5, 8, and 11—for lack of proof of a nexus to interstate commerce. It then sentenced Wordly to 660 months' imprisonment, consisting of 360 months for Counts 1 and 4 and 240 months for Counts 2, 3, and 7, to be served concurrently with each other; 60 months for Count 6, consecutive to the terms for Counts 1, 2, 3, 4, and 7; and 240 months for Count 9, consecutive to the term for Count 6.

In 2003, we upheld Wordly's convictions and sentence on direct appeal. At that time, he did not raise any vagueness challenge to his convictions. Then, in 2005, the district court denied Wordly's motion to vacate under 28 U.S.C. § 2255 on the merits. Both the district court and this Court denied a COA, so Wordly's appeal was dismissed. *See* 28 U.S.C. § 2253(c).

In the wake of the Supreme Court's decision in *Davis*, we granted Wordly's application for permission to file a second or

successive § 2255 motion, and the district court appointed counsel.[1] We noted, however, that "other defenses might bar or defeat Wordly's *Davis* claim."

By way of brief background, § 924(c) makes it a crime to possess a firearm in furtherance of a crime of violence or drug-trafficking crime. 18 U.S.C. § 924(c)(1)(A); *see also id.* § 924(o) (making it a crime "to conspire to commit an offense" under § 924(c)). The statute defines the term "crime of violence" in two ways, known as the elements clause and the residual clause. 18 U.S.C. § 924(c)(3). In *Davis*, the Supreme Court held that the residual clause in § 924(c)(3)(B) was unconstitutionally vague. *See Davis,* 139 S. Ct. at 2326–27, 2336. We subsequently concluded that conspiracy to commit Hobbs Act robbery does not categorically qualify as a crime of violence under the elements clause in § 924(c)(3)(A), and thus, would qualify as a predicate offense under only the unconstitutional residual clause. *Brown v. United States*, 942 F.3d 1069, 1075–76 (11th Cir. 2019).

In his § 2255 motion, Wordly argued that his § 924(o) conviction on Count 3 was invalid because the jury returned a general verdict, so it could have based his conviction on a predicate offense—namely, conspiracy to commit Hobbs Act robbery in Count 2—that was not a crime of violence after *Davis*. The government

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[1] Meanwhile, Wordly also moved for leave to file a successive § 2255 motion in 2016, a simultaneous successive § 2255 motion in the district court, and for leave to file a successive § 2255 motion in 2017, all of which were denied.

responded that Wordly's claim was procedurally barred because he did not raise it at sentencing or on direct appeal and that, in any event, his conviction was still supported by valid predicates unaffected by *Davis*. The district court held the case in abeyance pending our resolution of appeals involving the same or similar issues.

Once the pending appeals were decided, the district court reopened the case, and the magistrate judge prepared a report recommending denial of the § 2255 motion. Over Wordly's objections, the court adopted the magistrate judge's conclusion that the *Davis* claim was procedurally defaulted under our recent decision in *Granda v. United States*, 990 F.3d 1272 (11th Cir. 2021). The court found that the error was not jurisdictional and that Wordly had not established cause to excuse the default or actual prejudice. The court also reasoned that Wordly's claim failed on the merits because there was no indication the jury relied solely on the invalid predicate offense instead of the other valid predicates. Nevertheless, the court granted a COA, and this appeal followed.

II.

In reviewing the denial of a § 2255 motion, we review legal conclusions de novo and underlying factual findings for clear error. *Spencer v. United States*, 773 F.3d 1132, 1137 (11th Cir. 2014) (en banc). Whether procedural default bars a § 2255 movant's claim is a mixed question of law and fact that we review de novo. *Granda*, 990 F.3d at 1286.

III.

Motions to vacate an illegal sentence under § 2255 are subject to the doctrine of procedural default. *Id.* at 1280. That doctrine bars a defendant from obtaining postconviction relief based on an argument that he could have raised earlier. *McKay v. United States*, 657 F.3d 1190, 1196 (11th Cir. 2011). And it applies here because Wordly did not raise a vagueness argument on direct appeal. *See id.* But Wordly can overcome the bar by establishing cause and prejudice, or he can avoid the bar by establishing that the alleged error is jurisdictional, *United States v. Bane*, 948 F.3d 1290, 1294 (11th Cir. 2020), or that he is actually innocent, *McKay*, 657 F.3d at 1196–97.

Wordly makes all three arguments. He maintains that the *Davis* error in his case is jurisdictional and cannot be waived. He also contends that, even if not jurisdictional, he established cause and prejudice. Finally, he asserts the actual-innocence exception applies. We consider each issue in turn.

A.

Defects in subject-matter jurisdiction—*i.e.*, a "court's power to hear a case"—are never "forfeited or waived," and they "require correction regardless of whether the error was raised in district court." *United States v. Cotton*, 535 U.S. 625, 630 (2002). "A jurisdictional defect is one that strips the court of its power to act and makes its judgment void." *McCoy v. United States*, 266 F.3d 1245, 1249 (11th Cir. 2001) (cleaned up).

District courts have power to adjudicate "all offenses against the laws of the United States." 18 U.S.C. § 3231. An indictment that "charges the defendant with violating a valid federal statute as enacted in the United States Code" is sufficient to invoke the court's jurisdiction under § 3231. *United States v. Brown*, 752 F.3d 1344, 1354 (11th Cir. 2014). But "when the indictment itself fails to charge a crime, the district court lacks jurisdiction." *United States v. Moore*, 954 F.3d 1322, 1334 (11th Cir. 2020). An indictment "fail[s] to charge a legitimate offense" if a defendant could not lawfully be convicted no matter how validly his factual guilt is established. *See United States v. Saac*, 632 F.3d 1203, 1208 (11th Cir. 2011) ("A defendant's claim that the indictment failed to charge a legitimate offense is jurisdictional and is not waived upon pleading guilty."); *United States v. Peter*, 310 F.3d 709, 713 (11th Cir. 2002) ("[A] district court is without jurisdiction to accept a guilty plea to a 'non-offense.'").

Here, the district court properly found that the *Davis* error was not jurisdictional. *Davis* and *Brown* together make clear that Wordly's conviction for Hobbs Act conspiracy in Count 2 does not qualify as a "crime of violence" for purposes of § 924(c). *See Davis*, 139 S. Ct. at 2336; *Brown*, 942 F.3d at 1075–76. So he could not lawfully have been convicted of conspiring to possess a firearm in furtherance of that offense under § 924(o) in Count 3. And if that were the sole predicate offense supporting his § 924(o) offense, this would be a different case. *See United States v. St. Hubert*, 909 F.3d 335, 338, 341–45 (11th Cir. 2019) (holding that a similar claim was

jurisdictional where the defendant challenged the validity of all predicate offenses), *abrogated on other grounds by Davis*, 139 S. Ct. at 2336, *and United States v. Taylor*, 142 S. Ct. 2015, 2021, 2025–26 (2022); *Peter*, 310 F.3d at 714 (describing as jurisdictional a claim that "the indictment consisted *only* of specific conduct that, as a matter of law, was outside the sweep of the charging statute" (emphasis added)).

But the § 924(o) count in Wordly's indictment alleged both the invalid Hobbs Act conspiracy predicate and undisputedly valid drug-trafficking predicates. And § 924(o) requires only one predicate that qualifies as a crime of violence or a drug-trafficking crime. *See Granda*, 990 F.3d at 1288–89 (explaining that a § 924(o) conviction is "legally valid" if supported by at least one valid predicate, notwithstanding the presence of invalid predicates). Because Wordly could lawfully have been convicted on Count 3 based on one of several valid predicates, as we explain in more detail below, his conduct was within the scope of § 924(o), and the indictment properly invoked the district court's jurisdiction. *See Brown*, 752 F.3d 1354; *Peter*, 310 F.3d at 714.

B.

As to the issue of cause and prejudice, *Granda* controls this appeal. Like the movant in *Granda*, Wordly raised a procedurally defaulted challenge to the validity of a § 924(o) conviction based on *Davis*. *See* 990 F.3d at 1281–83. As in *Granda*, his indictment alleged other predicates as support for that conviction, including undisputedly valid drug-trafficking crimes. *Id.* at 1284–85. And like

in *Granda*, the jury returned a general guilty verdict after being instructed that a conviction under § 924(o) could be based on any one or more predicate offenses. *See id.* at 1285.

In *Granda*, we concluded that the defendant's *Davis* claim was not sufficiently novel to establish cause. *Id.* at 1286–87. We explained that while *Davis* announced a new constitutional rule of retroactive application, it was not a "sufficiently clear break with the past" that an attorney representing Granda "would not reasonably have had the tools" necessary to present the claim before *Davis*. *Id.* (quotation marks omitted). We found that the case law at the time of Granda's appeal "confirm[ed] that he did not then lack the 'building blocks of' a due process vagueness challenge to the § 924(c) residual clause." *Id.* at 1287–88 (citing cases going back to 1986 that demonstrated litigants had been raising vagueness challenges to other parts of § 924(c) "for years"). Thus, we ruled that Granda's *Davis* claim was available in 2009 when he filed his direct appeal. *Id.*

Next, we concluded that, even assuming Granda's *Davis* claim was novel, he was not actually prejudiced because he could not show "a substantial likelihood" that "the jury relied only on" the invalid predicate to convict him. *Id.* at 1288. We explained that it was "not enough for Granda to show that the jury may have relied on the Count 3 Hobbs Act conspiracy conviction as the predicate." *Id.* That's because "reliance on any of [the other valid predicates] would have provided a wholly independent, sufficient, and legally valid basis to convict." *Id.* So, we stated, "[i]f the absence

of the invalid Count 3 predicate would not likely have changed the jury's decision to convict, Granda ha[d] not suffered actual prejudice." *Id.*

We ruled that Granda could not establish actual prejudice because "the alternative predicate offenses [we]re inextricably intertwined—each arose from the same plan and attempt to commit armed robbery of a tractor-trailer full of cocaine." *Id.* at 1291. Because the jury unanimously found Granda guilty of all the valid predicates, which "rested on the same operative facts and the same set of events" as the invalid predicate, we concluded that no reasonable jury could have found that he conspired to possess the firearm in furtherance of the robbery conspiracy without also finding he conspired to possess the firearm in furtherance of the drug-trafficking predicates. *Id.* at 1289–90. "The tightly bound factual relationship of the predicate offenses," in other words, prevented Granda from showing a "substantial likelihood that the jury relied solely" on the invalid predicate. *Id.* at 1291.

Wordly concedes that his argument that he demonstrated cause for procedural default is foreclosed by *Granda*, and he raises this issue solely to preserve it for further review. *Granda* is binding on us as a panel, *see United States v. Vega-Castillo*, 540 F.3d 1235, 1236 (11th Cir. 2008), so we affirm the court's ruling on the issue of cause without further discussion.

As to prejudice, Wordly attempts to distinguish *Granda*, which he maintains was wrongly decided, on the ground that his sentences were structured to run consecutively, while Granda's ran

concurrently. And he asserts that, "*[d]ue to his unlawful § 924(o) conviction*, [he] received a prison sentence longer than the one he would have otherwise received," which constitutes actual prejudice. Appellant's Initial Br. at 18 (emphasis added).

But that argument simply skips the critical step: whether his § 924(o) conviction was unlawful. It is "not enough for [Wordly] to show that the jury may have relied on the Count [2] Hobbs Act conspiracy conviction as the predicate for his Count [3] § 924(o) conviction." *Granda*, 990 F.3d at 1288. Rather, to establish actual prejudice, Wordly had to show "a substantial likelihood" that "the jury relied only on" the invalid predicate to convict him. *Id.* He has made no attempt to do so on appeal, and so has abandoned the issue. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014) (issues not briefed on appeal are deemed abandoned).

Nor do we see anything that would meaningfully distinguish this case from *Granda*. Like in *Granda*, all the predicate offenses here arose out of the same scheme and attempts to commit armed robbery of drug dealers' stash houses and to later distribute the fruits of their crimes. *See Granda*, 990 F.3d at 1289–91 (arising from "the same plan and attempt to commit armed robbery of a tractor-trailer full of cocaine"); *see also Parker v. United States*, 993 F.3d 1257, 1263 (11th Cir. 2021) (finding *Granda* to be "materially indistinguishable" as applied to predicate offenses arising from the same "plan to rob at gunpoint a stash house that held at least 15 kilograms of cocaine"). And the jury unanimously found Wordly

guilty of each and every predicate offense. Based on the evidence presented at trial, "no reasonable jury could have found that [Wordly] conspired to, and did, use and carry a firearm in furtherance of his conspiracy to rob the house[s] (the invalid predicate) without also finding at the same time that he did so in furtherance of his conspiracy and attempt to obtain the cocaine in the same house[s] (both valid predicates)." *Parker*, 993 F.3d at 1263. Because it is "undeniable on this record" that the "valid drug trafficking predicates [were] inextricably intertwined with the invalid Hobbs Act conspiracy predicate," Wordly cannot show a substantial likelihood that the jury relied solely on the invalid predicate. *See id.* at 1263–64.

For these reasons, Wordly has not established cause and prejudice to excuse the procedural default of his *Davis* claim.

C.

Finally, Wordly's argument that actual innocence excuses his procedural default also fails. We have held that the "actual innocence exception" requires a showing of "factual innocence" of the crime that serves as the predicate offense. *McKay*, 657 F.3d at 1199. But we do not "extend the actual innocence of sentence exception to claims of legal innocence of a predicate offense justifying an enhanced sentence." *Id.* Rather, "[t]o demonstrate actual innocence of the § 924(o) offense, [Wordly] would have to show that no reasonable juror would have concluded he conspired to possess a firearm in furtherance of any of the valid predicate offenses." *Granda*, 990 F.3d at 1292. Wordly makes no argument that he is

factually innocent of the valid predicate offenses, and the argument he does make is foreclosed by *McKay*. So he does not fall within the exception for actual innocence. *See id.*

IV.

For these reasons, we hold that procedural default bars Wordly's *Davis* claim because the asserted error was not jurisdictional, and Wordly cannot show cause, prejudice, or actual innocence to overcome that bar.

AFFIRMED.

A-2

5/6/02

United States District Court

Southern District of Florida

MIAMI DIVISION

UNITED STATES OF AMERICA

v.

AL DOUGLAS WORDLY

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 01CR396-03(s)

Counsel For Defendant: Thomas F. Almon
Counsel For The United States: Cristina V. Ruiz
Court Reporter: Francine Salopek

The defendant pleaded guilty to Count(s) 1,2,3,4,6,7,9 of the Indictment.
ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

TITLE/SECTION NUMBER	NATURE OF OFFENSE	DATE OFFENSE CONCLUDED	COUNT
21 U.S.C. §§ 846, 841(b)(1)(A)(ii) and 841(b)(1)(D)	Conspiracy to possess with intent to distribute marijuana and cocaine	04/26/01	1
18 U.S.C. § 1951(a)	Interference with commerce by threat/violence	04/26/01	2
18 U.S.C. § 924(o)	Violent crime/drugs/machine gun where death occurs	04/26/01	3
21 U.S.C. §§ 846 and 841(b)(1)(A)(ii)	Conspiracy to possess with intent to distribute cocaine	04/26/01	4
18 U.S.C. §§ 924(c)(1)(A)(i),(A)(ii)	Conspiracy to commit a violent crime/drugs/machine gun	04/26/01	6
21 U.S.C. §§ 846 and 841(b)(1)(c)	Conspiracy to possess with intent to distribute cocaine	04/26/01	7
18 U.S.C. § 924(c)(1)(A)(i),(A)(ii) and 2	Conspiracy to commit a violent crime/drugs/machine gun	04/26/01	9

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

IT IS FURTHER 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 United States attorney of any material change in the defendant's economic circumstances.

DEFENDANT: AL DOUGLAS WORDLY
CASE NUMBER: 01CR396-03(s)

Defendant's Soc. Sec. No. 261-49-7482
Defendant's Date of Birth: 05/25/71
Deft's U.S. Marshal No.: 61021-004

Defendant's Mailing Address:
22335 S.W. 118th Place
Miami, Florida 33170

Defendant's Residence Address:
22335 S.W. 118th Place
Miami, Florida 33170

Date of Imposition of Sentence:
October 25, 2002

Adalberto Jordan
ADALBERTO JORDAN
United States District Judge

October 28, 2002

DEFENDANT: AL DOUGLAS WORDLY
CASE NUMBER: 01CR396-03(s)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **660 months, consisting of terms of 360 months as to counts one and four, and 240 months as to counts two, three and seven, to run concurrently with each other; 60 months as to count six, to run consecutively to counts one, two, three, four and seven, and 240 months as to count nine, to run consecutively to count six.**

The Court makes the following recommendations to the Bureau of Prisons:

Facility in south Florida, or if not available, a facility in the state of Florida

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

RETURN

I have executed this judgment as follows:

_____

_____

_____

_____

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By:_____
Deputy U.S. Marshal

DEFENDANT: AL DOUGLAS WORDLY
CASE NUMBER: 01CR396-03(s)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **5 years as to counts one and four, and three years as to counts two, three, six, seven and nine, all counts to run concurrently with each other.**

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

The defendant shall not commit another federal, state or local crime.
The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter.

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

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer **at least ten (10) days prior** to any change in residence or employment;
7. The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. The defendant shall notify the probation officer within **seventy-two (72) hours** of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: AL DOUGLAS WORDLY
CASE NUMBER: 01CR396-03(s)

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional conditions of supervised release:

DEFENDANT: AL DOUGLAS WORDLY
CASE NUMBER: 01CR396-03(s)

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in the Schedule of Payments.

Total Assessment	Total Fine	Total Restitution
$700.00		$4,000.00

The defendant shall 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 in full prior to the United States receiving payment.

Name of Payee	Total Amount of Loss	Amount of Restitution Ordered	Priority Order or Percentage of Payment
Odaysis Gordon		$4,000.00	

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

DEFENDANT: AL DOUGLAS WORDLY
CASE NUMBER: 01CR396-03(s)

SCHEDULE OF PAYMENTS

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

A. Lump sum payment of **$700.00** due immediately.

Special instructions regarding the payment of criminal monetary penalties:

During the period of incarceration, payment for restitution shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay $25 per quarter toward the financial obligations imposed in this order. These payments do not prelude the government from using other assets or income of the defendant to satisfy the restitution obligations. Should the defendant be released from incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be 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, unless otherwise directed by the court, the probation officer, or the United States attorney.

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

The assessment/fine/restitution is payable to the U.S. COURTS and is to be addressed to:

U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
301 N. MIAMI AVENUE, ROOM 150
MIAMI, FLORIDA 33128

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

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.

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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division
Case Number: 20-22499-CIV-MORENO
(01-00396-CR-ROSENBERG)

AL DOUGLASS WORDLY,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

_____/

FINAL JUDGMENT[1]

Pursuant to Federal Rules of Civil Procedure 58 and 54, and in accordance with the Court's denial of Motion to Vacate Pursuant to 28 U.S.C. § 2255 (D.E. 6), final judgment is entered in favor of Respondent. It is

ADJUDGED that all pending motions in this case are DENIED AS MOOT in light of this Court's Order Adopting the Report and Recommendation.

DONE AND ORDERED in Chambers at Miami, Florida, this 14 of January 2022.

Federico A. Moreno

_____
FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

United States Magistrate Judge Lisette M. Reid

Counsel of Record

[1] The Court docketed a Final Judgment on November 15, 2021, on the same day as the Court denied the Motion to Vacate. The November 15, 2021 Final Judgment inadvertently omitted the undersigned's signature.