

No. \_\_\_\_\_

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IN THE

**Supreme Court of the United States**

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DEONTE MARQUES CURRY,  
*Petitioner.*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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**On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Fourth Circuit**

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**APPENDIX**

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**UNPUBLISHED**

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

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**No. 21-4457**

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UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

DEONTE MARQUES CURRY,

Defendant – Appellant.

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**No. 21-4713**

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UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

DEONTE MARQUES CURRY,

Defendant – Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at  
Charlotte. Robert J. Conrad, Jr., District Judge. (3:20-cr-00126-RJC-DSC-1)

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Argued: May 5, 2023

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Decided: September 11, 2023

Before AGEE and WYNN, Circuit Judges, and Henry E. HUDSON, Senior United States District Judge for the Eastern District of Virginia, sitting by designation.

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Affirmed by unpublished per curiam opinion.

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**ARGUED:** Melissa Susanne Baldwin, FEDERAL DEFENDERS OF WESTERN NORTH CAROLINA, INC., Charlotte, North Carolina, for Appellant. Julia Kay Wood, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee. **ON BRIEF:** John G. Baker, Federal Public Defender, FEDERAL DEFENDERS OF WESTERN NORTH CAROLINA, INC., Charlotte, North Carolina, for Appellant. Dena J. King, United States Attorney, Anthony J. Enright, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

The Mandatory Victims Restitution Act (“MVRA” or “Act”) requires district courts to order defendants to make restitution to the victims of certain offenses. 18 U.S.C. § 3663A(a)(1). The Act allows courts to hold restitution open for 90 days after sentencing; however, both the Supreme Court and this Court have held that a district court may order restitution beyond the statute’s 90 days. *See Dolan v. United States*, 560 U.S. 605, 608 (2010); *United States v. Johnson*, 400 F.3d 187, 199 (4th Cir. 2005).

Deonte Marques Curry pleaded guilty to multiple Hobbs Act offenses. At sentencing, the district court deferred its determination of restitution until November 9, 2021—90 days later—stating that failing a determination by that date the “restitution amount becomes \$0.00 without further order from the Court.” J.A. 69. On November 9, 2021, the government moved for a final determination of restitution under the Act, requesting \$366,913.90 to cover the expenses of three victims. Also on that day, the court informed Curry that his responses to the government’s motion were due by November 16. Curry did not respond. On December 7, 118 days after sentencing, the court ordered that the judgment be amended to include a “final restitution figure of \$366,913.90.” J.A. 76. Without objection, the court entered an amended judgment on December 8, 2021. J.A. 76, 82.

On appeal, Curry contends the amended judgment should be vacated with instructions to reinstate the \$0 restitution amount because the district court lacked the authority to amend that judgment. He also asserts that the court improperly calculated his sentence. Finding no plain error, we affirm.

## I.

In March of 2020, Curry and another male attempted to execute an armed robbery of a restaurant in Charlotte, North Carolina. The men entered a side door of the business, and Curry ordered an employee to “get on the ground.” J.A. 92. Curry carried a loaded 9mm pistol equipped with an extended magazine that he had purchased the day before.

Curry opened the kitchen door, pointed his pistol at the restaurant’s owner, T.C., demanded T.C.’s wallet, and threatened to kill him. The owner’s sister, M.C., attacked Curry to defend her brother. Curry fired his pistol several times, striking M.C. in her chest, stomach, arm, and hand. When police arrived, Curry told them that he and his coconspirator planned to rob the restaurant together.

M.C. was seriously injured. She spent over 21 days in the hospital and underwent surgeries on her pancreas, kidney, arm, and stomach. Physicians removed her spleen.

Curry pleaded guilty to two offenses under the Hobbs Act, 18 U.S.C. § 1951. The probation office prepared a presentence report concluding, among other things, that Curry’s offenses received a base offense level of 20 under the “Robbery” guideline, U.S.S.G. § 2B3.1(a). The report included a recommended 7-level upward adjustment under § 2B3.1(b)(2)(A) because “a firearm was discharged.” J.A. 96. The report also recommended implementing § 2B3.1(b)(3)(C), which allows for an additional 6-level upward adjustment, because a “robbery victim sustained [a] permanent or life-threatening bodily injury.” J.A. 96. But because § 2B3.1(b)(3)(C) specifies that the “cumulative adjustments” under § 2B3.1(b)(2) and (3) “shall not exceed 11 levels” and Curry received the 7-level adjustment for his firearm discharge, he received only a 4-level upward

adjustment under § 2B3.1(b)(3)(C). Curry also earned a 3-level downward adjustment for acceptance of responsibility.

The report explained that M.C. had contacted the probation office and was in the “process of completing a victim impact statement as well as gathering restitution information.” J.A. 95. The report further stated that restitution information “will be forwarded to the Court upon receipt” and under the MVRA, “restitution shall be ordered.” J.A. 103.

Based on the advisory guidelines, the report determined that 78–97 months was the appropriate guidelines range. Curry did not file an objection to the report, both parties agreed that the guidelines were properly calculated, and the court adopted the report without objection.

At a sentencing hearing, Curry asked for a sentence of 78 months. For its part, the government requested an upward variant sentence of 194 months, arguing that a guideline sentence inadequately reflected the serious nature of Curry’s inhumane, violent act. It showed the court the video footage of the armed robbery and introduced M.C.’s medical records that described her injuries in detail. Additionally, M.C. addressed the court and stated that her “whole body hurts every day.” J.A. 49. She also said that her fiancé, with whom she was “planning on having a child one day,” left her “because of all this,” and, as a result, the opportunity to have children was “taken away from [her].” J.A. 50. Through a victim impact statement, M.C.’s mother, who was also at the restaurant during the robbery,

similarly stated that “M.C. and her fiancé . . . were working to have [a] baby, [but] now that can’t be anymore, so because of the incident she [can’t] be a mother.” J.A. 256.<sup>1</sup>

Additionally, the government asked the court to leave the restitution amount open so it could collect and verify information from the victims. Curry did not object to this request.

When imposing its sentence, the court explained that an upward variance was appropriate because of, among numerous other factors, the violent nature of the crime and the severity of the victim’s injuries. Specifically, the court considered how M.C. was shot four times, had to have her spleen removed, and underwent surgery on multiple organs. It also concluded “that she still has a bullet in her stomach” and there was “testimony that [Curry’s conduct] has had lifelong impacts, she hurts every day, she is frightened every day, [and has] issues related to childbearing,” all of which amount to “an extreme injury to the victim.” J.A. 55.

The court noted that it had two options that it could use as a guide for a possible upward variance. First, the court could consider what Curry’s sentence would have been if the court cross-referenced the attempted murder guidelines because Curry threatened to kill the victims and discharged his weapon. Or, second, it could consider “giving the full adjustment for the discharge of the firearm” and “the permanent injuries sustained by the victim” under § 2B3.1(b), which the guidelines limited to an 11-level upward adjustment,

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<sup>1</sup> There was no record evidence that M.C. suffered a physical injury to any part of her reproductive system.



as previously explained. J.A. 56. The court chose the latter option, departed two levels, and imposed a sentence of 120 months on each count, to be served concurrently. It explained that the sentence was sufficient but not greater than necessary to “accomplish the 3553(a) factors,” which it described on the record. J.A. 57. The court also noted that it considered the serious nature of the offense, the “life-altering injuries” the victim suffered, Curry’s callous disregard for life, and his lack of a criminal history.

Finally, the court stated that it would “hold open the issue of restitution in order to make a reasoned decision with respect to medical bills and other costs associated with the offense conduct.” J.A. 59.

Thereafter, Curry objected that “any reference to attempted murder or murder cross-reference would be a departure versus a variance.” J.A. 59–60. Curry did not dispute any of the underlying facts mentioned by the court, did not indicate that he changed his earlier-stated position that the court’s guidelines determination was correct, and did not say anything about restitution or the court’s decision to defer its final determination of it.

The court entered its initial judgment on August 25, 2021 (the “August judgment”). Because the court was waiting for restitution information, the judgment stated that the restitution amount Curry shall pay is “\$TBD” and “[t]he determination of restitution is deferred until 11/9/2021”—90 days after the hearing. J.A. 69. It noted that “[u]pon such a determination an *Amended Judgment in a Criminal Case (AO 245C)* will be entered. Failing such a determination by 11/9/2021, restitution amount becomes \$0.00 without further order from the Court.” J.A. 69.

On November 9, 90 days after Curry’s sentencing, the government moved for a final determination of restitution under the MVRA. The motion requested a total of \$366,913.90 for the three victims’ expenses and cited four exhibits and over 100 pages of statements and supporting documents. The government also filed a motion to seal the exhibits supporting its restitution request. That same day, the court informed Curry that his response to the government’s motion was due by November 16. The next day, the district court granted the government’s motion to seal and the government filed its restitution exhibits. Curry never responded or objected to the timing of the government’s motion, did not request a restitution hearing, and did not dispute the amount of restitution the government requested.

On December 7, 118 days after sentencing, the court ordered that the judgment be amended to include a “final restitution figure of \$366,913.90.” J.A. 76.<sup>2</sup> The court found that the government timely proposed a list of victims and losses and that the list was supported by a preponderance of the evidence. Without any objection, the court entered an amended judgment the next day.

Curry appeals, bringing 2 challenges to the district court’s decisions. He first argues that the district court lacked statutory authority to modify the \$0 restitution amount specified in the August judgment. Then, Curry asserts that the district court abused its discretion by relying on clearly erroneous factual findings when sentencing him.

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<sup>2</sup> The court issued both an order, J.A. 76–77, and an accompanying amended judgment, J.A. 78–81.

We have jurisdiction under 28 U.S.C. § 1291.

## II.

Because Curry raised no objections below, we review for plain error only. *Greer v. United States*, 141 S. Ct. 2090, 2096 (2021). Under plain error review, Curry is entitled to relief only if he can

satisfy three threshold requirements. *First*, there must be an error. *Second*, the error must be plain. *Third*, the error must affect substantial rights, which generally means that there must be a reasonable probability that, but for the error, the outcome of the proceeding would have been different. If those three requirements are met, an appellate court may grant relief if it concludes that the error has a serious effect on the fairness, integrity or public reputation of judicial proceedings.

*Id.* at 2096–97 (internal quotation marks and citations omitted). Curry bears the burden of persuasion at each step of the inquiry, and “[s]atisfying all four prongs of the plain-error test ‘is difficult.’” *Id.* at 2097 (quoting *Puckett v. United States*, 556 U.S. 129, 135 (2009)).

## III.

We turn first to the restitution question. Curry posits that the district court made three errors in ordering the \$366,913.90 restitution amount. First, Curry contends that the district court plainly erred when it modified the restitution amount because it did so without statutory authority. Second, he argues that even if the district court did have the authority to modify restitution, it nevertheless violated Curry’s procedural rights because he was not adequately notified that the judge was contemplating modifying the initial restitution judgment. Third, Curry suggests that the district court also violated Federal Rule of Criminal Procedure 32 by failing to allow him to comment on matters related to sentencing.

He asserts that his substantial rights were affected in that but for these errors, he would have been sentenced to a \$0, rather than \$366,913.90, restitution amount.

The government responds that the August judgment is not a “final judgment” of restitution under 18 U.S.C. § 3664(o) because it did not “impose an order of restitution,” as defined by 18 U.S.C. § 3663A(b). And even if it were a final judgment, the government maintains that the district court had the authority to amend it under § 3664(d)(5). It also asserts that Curry was provided a full and fair opportunity to respond to the government’s request for a restitution determination, but Curry failed to utilize that opportunity through no fault of the district court. Essentially, the government disagrees with Curry at every step of the plain-error path. In its view, there was no error at all, let alone plain error, and Curry cannot show his substantial rights were affected.

We address the merits of each argument in turn and then consider whether, even if there was plain error, that error affected Curry’s substantial rights.

A.

We first consider whether there was error and, if so, whether the error was plain. “Deviation from a legal rule is ‘error’ unless the rule has been waived.” *United States v. Olano*, 507 U.S. 725, 732–33 (1993). An error is “plain” if the error is “clear” or “obvious.” *Id.* at 733.

Beginning with Curry’s assertion that the district court did not have the authority to amend the \$0 restitution determination, we conclude that the district court did not plainly err. The MVRA provides that a district court “shall order . . . that the defendant make restitution to the victim of the offense” in addition to any other penalty authorized by law.

18 U.S.C. § 3663A(a)(1). Generally, the probation office includes information sufficient to fashion a restitution order in the presentence report. *Id.* § 3664(a). But,

[i]f the victim’s losses are not ascertainable by the date that is 10 days prior to sentencing, the attorney for the Government or the probation officer shall so inform the court, and the court shall set a date for the final determination of the victim’s losses, not to exceed 90 days after sentencing.

*Id.* § 3664(d)(5). The district court relied on this provision to postpone imposing restitution until November 9, 90 days after sentencing. However, the district court ultimately determined restitution after the 90-day deadline passed.

Importantly, missing the deadline alone would not be a dispositive issue because in *Dolan v. United States*, the Supreme Court concluded “that a sentencing court that misses the 90-day deadline nonetheless retains the power to order restitution—at least where, as here, the sentencing court made clear before the deadline’s expiration that it would order restitution, leaving open (for more than 90 days) only the amount.” 560 U.S. at 608. “The fact that the sentencing court misses the statute’s 90-day deadline, *even through its own fault or that of the Government*, does not deprive the court of the power to order restitution.” *Id.* at 610 (emphasis added). The Supreme Court reasoned that the purpose of the MVRA is to impose restitution on defendants and to ensure that victims of a crime receive full restitution. *Id.* at 612. And to deprive the sentencing court of the power to order restitution after the 90-day deadline would harm the victims of the crime who likely bear no responsibility for the delay. *Id.* at 613. In *Dolan*, though, the sentencing court did not order any other amount of restitution or otherwise include a default restitution amount that would take effect if restitution were not determined by a certain date.

Consistent with the Supreme Court’s holding in *Dolan*, this Court has similarly concluded that district courts may enter restitution orders more than 90 days after sentencing provided that the delay does not prejudice the defendant. *Johnson*, 400 F.3d at 199. This is because “[t]he purpose behind the statutory ninety-day limit on the determination of victims’ losses is not to protect defendants from drawn-out sentencing proceedings or to establish finality; rather, it is to protect crime victims from the willful dissipation of defendants’ assets.” *Id.* (bracket omitted) (quoting *United States v. Zakhary*, 357 F.3d 186, 191 (2d Cir. 2004)). “[A]bsent a defendant’s clear showing that his substantial rights have been prejudiced by a § 3664(d)(5) delay, it would in fact, defeat the statutory purpose to allow a defendant to invoke this provision in order to avoid paying restitution to the victims of his crime.” *Id.* (quoting *Zakhary*, 357 F.3d at 192–93).

Thus, that the district court missed the 90-day deadline due to the delay of the government is not outcome determinative. Instead, the difficulty here arises because the district court’s August judgment appeared to indicate that restitution would become \$0 if a different amount was not determined by November 9. As previously noted, at sentencing, the district court stated that it would hold restitution open “to make a reasoned decision with respect to medical bills and other costs.” J.A. 59. The August judgment further provided that the amount of restitution the defendant shall pay was “\$TBD,” and stated that “[f]ailing such a determination by 11/9/2021, restitution amount becomes \$0.00 without further order from the Court.” J.A. 69. A determination was not made by November 9. Instead, on November 9, the government moved for a final determination

and, 28 days later, the court amended the judgment to include a “final restitution figure of \$366,913.90.” J.A. 76.

These circumstances are slightly different than those in *Dolan* and *Johnson* because in those cases the district court plainly held open the determination of restitution. In other words, the district courts in those cases did not have restitution orders with alternate or default provisions in place. Here, arguably, the district court had ordered that the restitution amount was \$0, and its later \$366,913.90 restitution determination amended that prior \$0 restitution order.

That December 8, 2021 amendment brings about a distinct issue not present in *Dolan* and *Johnson* because § 3664(o) of the MVRA states that “[a] sentence that imposes an order of restitution is a final judgment.” That provision then lists four specific ways in which that final judgment can be corrected, modified, amended, or adjusted. 18 U.S.C. § 3664(o).<sup>3</sup> One of the ways it can be “amended” is through § 3664(d)(5)—the subsection referenced above which allows the district court to defer a restitution determination for

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<sup>3</sup> The circuits are split on whether § 3664(o)’s list is exhaustive or it allows a district court to amend a restitution order in other circumstances. *Compare United States v. Puentes*, 803 F.3d 597, 599 (11th Cir. 2015) (concluding that § 3663(o) “provides an exhaustive list of the ways in which a mandatory restitution order can be modified”); *United States v. Wyss*, 744 F.3d 1214, 1218–20 (10th Cir. 2014) (same), *with United States v. Phillips*, 9 F.4th 382, 384–85 (6th Cir. 2021) (determining that § 3664(o) is “a list of possibilities” and not an exclusive list). This Court has not specifically joined the debate, though there is some language that suggests the Court believes § 3664(o)’s list is exhaustive. *See United States v. Grant*, 715 F.3d 552, 557–58 (4th Cir. 2013) (stating that the Court was “extremely skeptical” that other exceptions existed “[i]n the face of § 3664(o)’s seemingly comprehensive language”). Nonetheless, we need not answer that question today because, as will be discussed, even if § 3664(o)’s list is exhaustive, the district court relied on one of its enumerated amendment options.

90 days in certain circumstances. *Id.* § 3664(o)(1)(C). The question here becomes whether this difference—that the restitution amount was no longer left open and had to be amended—makes *Dolan* inapplicable and therefore left the district court without authority to amend Curry’s restitution amount.

Ultimately, we need not decide whether *Dolan* applies to this scenario; it is enough for our purposes that it is not clearly obvious that *Dolan* is inapplicable. *Olano*, 507 U.S. at 734 (“‘Plain’ is synonymous with ‘clear’ or, equivalently, ‘obvious.’”). To be sure, in making its decision in *Dolan*, the Supreme Court relied on the fact that the defendant had notice that he would be required to pay some amount and all that was left to be determined was the amount of restitution. In fact, it specifically noted that the district court continued to have authority to amend the restitution amount after the 90-day deadline “at least where . . . the sentencing court made clear prior to the deadline’s expiration that it would order restitution, leaving open (for more than ninety days) only the amount.” *Dolan*, 507 U.S. at 607. And here, the district court arguably did not leave the restitution amount open because on November 9, the restitution amount defaulted to \$0.

But, like *Dolan*, this case involves a situation in which the district court properly deferred determination of restitution under subsection (d)(5) and various circumstances prevented the accurate determination from taking place until after the deadline. *See id.* at 611 (“The fact that a sentencing court misses the statute’s 90-day deadline, even through its own fault or that of the Government, does not deprive the court of the power to order restitution.”).



Moreover, much of *Dolan*'s reasoning applies with equal force to this case. For example, Curry was on notice that the district court would order restitution. While it's true that a final determination was not made by November 9, 2021, the government did move for a final determination on that day and the district court informed Curry that he had until November 16, 2021, to respond. The district court also granted the government's motion to seal the exhibits supporting its motion. This should have indicated to Curry that the district court was considering amending the restitution determination.

Additionally, to deprive the sentencing court of the power to amend its restitution order here would harm the victims of crime "who likely bear no responsibility for the deadline's being missed and who the statute seeks to benefit." *Dolan*, 560 U.S. at 613–14. This is especially true here because had the government filed its motion earlier, there would be no question that the district court has the authority to amend its judgment to reflect the correct amount of restitution by November 9.

Finally, the MVRA's text "places primary weight upon, and emphasizes the importance of, imposing restitution upon those convicted of certain federal crimes." *Id.* at 612. The MVRA even states that restitution "shall" be ordered. *Id.* (citing 18 U.S.C. § 3664(f)(1)(A)).

Each of these reasons supports the conclusion that although an alternate default \$0 restitution determination may have been ordered as of November 9, the district court had the power to amend that determination outside of the 90-day window. *See Johnson*, 400 F.3d at 199 ("Absent a defendant's clear showing that his substantial rights have been prejudiced by a § 3664(d)(5) delay, it would in fact, defeat the statutory purpose to allow

a defendant to invoke this provision in order to avoid paying restitution to the victims of his crimes.” (cleaned up)). At the very least, these reasons suggest that *Dolan* may apply to these circumstances, and the district court thus did not plainly err by amending its restitution order more than 90 days after the sentencing hearing.

We next turn to Curry’s due process argument. Curry contends that even if this Court finds that the district court was authorized by statute to modify the restitution amount, it should nevertheless vacate the amended judgment because it violated his due process rights by “order[ing] an amended judgment that added hundreds of thousands of dollars in restitutionary obligations without giving any indication that it was contemplating reversing its November 9th deadline and granting the government’s untimely restitution request.” Opening Br. at 16–17.

The record does not support Curry’s contentions. Curry received timely notice of the government’s request through the district court’s electronic filing system, and the court explicitly invited Curry to comment, informing him that any “Responses” were “due by 11/16/2021.” J.A. 3, 8. Curry does not dispute that he received the government’s request or the court’s notice of the deadline. And he chose not to take advantage of the opportunity to respond to that motion. He did not oppose the timing or substance of the government’s motion even after the district court granted the government’s motion to seal its exhibits, indicating the district court’s intent to consider the motion. Moreover, Curry did not request a restitution hearing, nor is a district court required to hold one. *United States v. Ziadeh*, 104 F. App’x 869, 874 (4th Cir. 2004) (stating whether to hold a hearing is “committed to the discretion of the district court”). Additionally, there was no “dispute as

to the proper amount or type of restitution” for the court to “resolve[.]” 18 U.S.C. § 3664(e).

Curry’s Rule 32 argument similarly fails. Curry asserts that the district court violated Federal Rule of Criminal Procedure 32, which requires that a defendant be allowed to comment on matters relating to an appropriate sentence and applies to restitution orders. *See* Fed. R. Crim. P. 32(i)(1)(c); 18 U.S.C. § 3664(c). Section 3664(c), governing the procedure for issuance and the enforcement of restitution, states that provisions of chapters 232 and 227 of the United States Code “and Rule 32(c) of the Federal Rules of Criminal Procedure shall be the only rules applicable to proceedings under” it. 18 U.S.C. § 3664(c). Curry’s argument centers around Rule 32(i), which is thus not applicable to restitution proceedings under the plain language of the statute. As such, Curry’s argument is without merit.

Accordingly, we find no plain error in the district court’s restitution decision.

#### B.

Even if we could find error in the district court’s approach, we agree with the government that Curry cannot show that his substantial rights were affected as a result of the alleged errors. The substantial rights inquiry requires Curry to “‘show a reasonable probability that, but for the error,’ the outcome of the proceeding would have been different.” *Molina-Martinez v. United States*, 578 U.S. 189, 189 (2016) (quoting *United States v. Dominguez Benitez*, 542 U.S. 74, 82 (2004)). The error must also “seriously affect[] the fairness, integrity, or public reputation of judicial proceedings.” *United States v. Davis*, 855 F.3d 587, 595 (4th Cir. 2017).

Curry argues that “[a]bsent the district court’s error, [he] would have been sentenced to a zero-dollar restitution order rather than a \$366,913.90 restitution order.” Reply Br. at 17. But Curry provides no evidence that the amount of restitution would have changed if the court had entered its final restitution order within 90 days of sentencing. *See United States v. Seignious*, 757 F.3d 155, 162 (4th Cir. 2014) (holding that the defendant failed to carry his burden on appeal of demonstrating that such error affected his substantial rights where “[t]he record leaves no doubt that the district court would have imposed the same amount of restitution on [the defendant] regardless of whether every requirement of § 3664(a)–(d) had been meticulously met in his case”). In fact, Curry fails to argue that the court’s restitution amount is erroneous. Accordingly, we conclude that no “reasonable probability” exists that the “outcome” of the court’s restitution decision would have changed absent the district court’s alleged error. *Molina-Martinez*, 578 U.S. at 189.

Furthermore, Curry has not shown that the alleged error “seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *Davis*, 855 F.3d at 595. The evidence that the victims of Curry’s shooting were entitled to mandatory restitution was “overwhelming and essentially uncontroverted.” *United States v. Denton*, 944 F.3d 170, 182 (4th Cir. 2019). The primary purpose of the MVRA is to benefit victims, individuals who “bear no responsibility” for the things about which Curry complains. *Dolan*, 560 U.S. at 605. Indeed, permitting Curry to bypass the district court and challenge the restitution awarded to his victims for the first time on appeal would undermine the fairness, integrity, and reputation of judicial proceedings.

#### IV.

Finally, we turn briefly to Curry's allegation that the district court's upward variant sentence was procedurally unreasonable. Because Curry did not object below,<sup>4</sup> this issue is likewise reviewed for plain error. *See United States v. Carthorne*, 726 F.3d 503, 509 (4th Cir. 2013).

A defendant has a due process right to be sentenced based on accurate information. *United States v. Tucker*, 404 U.S. 443, 447 (1972). Curry contends the district court made two clearly erroneous factual findings: (1) that the victim suffered childbearing injuries, and (2) that the district court could cross-reference to the attempted first-degree murder guideline. He also argues the district court improperly calculated his guideline range.

As to the first argument, Curry maintains the district court erred because it relied on its belief that the victim suffered from "issues related to childbearing," J.A. 54–55, when "there is nothing in the record to support finding that the victim's ability to have a child was impacted by the attempted robbery," Opening Br. at 34.

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<sup>4</sup> Although Curry contends that he preserved his objections to the district court's "factual findings" and "calculat[ion]" of his "guideline range" by requesting "a sentence different than the one imposed," Opening Br. at 31, the decision upon which he relies does not support his contention. *United States v. Lynn* holds that a defendant, by "drawing arguments from § 3553 for a sentence different than the one ultimately imposed," preserves an "objection to the district court's explanation of the sentence." 592 F.3d 572, 581 (4th Cir. 2010) (emphasis added). Lodging one specific claim of procedural sentencing error before the district court "does not preserve for appeal a different claim of procedural sentencing error." *Id.* at 579 n.4. Curry did not preserve his challenges to the district court's factual findings and guideline calculations merely by asking for a lower sentence than what he ultimately received. *Id.*

This argument fails. Although it is true that there is no indication in the record that Curry injured any part of M.C.’s reproductive system or that M.C. is physically unable to have children as a result of the incident, the record does include undisputed statements from M.C. and her mother that M.C. experienced *issues* related to childbearing. For example, M.C. stated that she and her fiancé were “planning to have a child one day,” J.A. 50, and that Curry took that opportunity from her because, as a result of the robbery, M.C.’s relationship with her fiancé ended. J.A. 117; *see also* J.A. 117 (“We were also working on having children which clearly has now stopped because of this.”). In other words, prior to this incident, M.C. planned to have children in the foreseeable future, but now that she no longer has a fiancé, that plan has changed and children are no longer imminent. Thus, that M.C. experienced “*issues* related to childbearing,” J.A. 55 (emphasis added), is an entirely “plausible” account of the evidence, *United States v. Ferebee*, 957 F.3d 406, 417 (4th Cir. 2020) (discussing the clear-error standard).<sup>5</sup>

Moreover, in determining Curry’s sentence, the district court considered a plethora of other consequences that M.C. suffered due to Curry’s conduct. For example, the court noted that M.C. suffered the “removal of a spleen,” the loss of “part of her pancreas,” and injuries to her “kidney, left arm,” and “stomach.” J.A. 55. The court noted that a bullet remained inside her stomach at the time of the sentencing hearing and that she “hurts” and “is frightened every day.” J.A. 54–55. Based on these summations, the court concluded

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<sup>5</sup> Contrary to Curry’s position, *issues* related to childbearing is not synonymous with *physical injuries* related to childbearing.

that M.C. suffered injuries that are “permanent,” “serious,” “severe,” and “life-altering.” J.A. 55–57.

Thus, even if the court had not found that M.C. experienced any issues related to childbearing, its findings would establish that Curry’s conduct caused M.C. severe, permanent, life-altering injuries that justified an upward variance. No “reasonable probability” exists that the court would have imposed a shorter sentence if it had not found childbearing issues among the slew of other severe injuries M.C. undisputedly suffered. *See Molina-Martinez*, 578 U.S. at 189. Curry’s first argument is therefore without merit.

Curry’s second argument is similarly unavailing. He maintains that the district court erred by suggesting that it could cross-reference to the attempted murder guidelines. As noted, the district court described the “attempted murder guidelines” as one of two options it “could consider” as a guide for an upward variance. J.A. 55–56. However, it explicitly stated that it would not use the attempted-murder-guideline option and would instead “choose” a methodology that used the full, independent value of the offense-level adjustments described in § 2B3.1(b)(2) and (b)(3) of the guidelines as a guide for the court’s upward variance. J.A. 56–57. The court’s brief contemplation of using the attempted murder guidelines did not affect Curry’s sentence because the court did not follow that methodology. Curry therefore cannot establish any error, let alone a plain error that affected his substantial rights and that seriously affects the fairness, integrity, or reputation of judicial proceedings.

We finally turn to Curry’s contention that the district court improperly calculated his guideline range. Curry appears to have conceded this argument. *See Reply Br.* at 19

(“Mr. Curry concedes that he failed to preserve his challenge to the guideline calculation and that he cannot establish the erroneous use of § 2B3.1 affected his substantial rights.”). Therefore, we see no need to address this issue.

IV.

Accordingly, we affirm the district court’s imposition of restitution and its selection of Curry’s sentence.

*AFFIRMED*



FILED: September 11, 2023

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 21-4457 (L)  
(3:20-cr-00126-RJC-DCS-1)

---

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DEONTE MARQUES CURRY

Defendant - Appellant

---

No. 21-4713  
(3:20-cr-00126-RJC-DSC-1)

---

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DEONTE MARQUES CURRY

Defendant – Appellant

---

J U D G M E N T

---

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

**UNITED STATES DISTRICT COURT**  
Western District of North Carolina

UNITED STATES OF AMERICA

V.

DEONTE MARQUES CURRY

) **JUDGMENT IN A CRIMINAL CASE**  
 ) (For Offenses Committed On or After November 1, 1987)  
 )  
 )  
 ) Case Number: DNCW320CR000126-001  
 ) USM Number: 35478-058  
 )  
 ) Kevin Tate  
 ) Defendant's Attorney

**THE DEFENDANT:**

- ☒ Pleaded guilty to count(s) 1 & 2.  
☐ 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 and Section	Nature of Offense	Date Offense Concluded	Counts
18:1951	Conspiracy to Commit Hobbs Act Robbery	03/05/2020	1
18:1951 & 2	Attempted Hobbs Act Robbery and Aiding and Abetting	03/05/2020	2

The Defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ 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 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 monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 8/11/2021

  
 Robert J. Conrad, Jr.  
 United States District Judge



Date: August 25, 2021

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 2 of 7

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of ONE HUNDRED TWENTY (120) MONTHS ON EACH COUNT TO BE SERVED CONCURRENTLY.

- ☒ The Court makes the following recommendations to the Bureau of Prisons:
1. Placed in a facility as close to Charlotte, NC as possible, consistent with the needs of BOP.
  2. Participation in any available educational and vocational opportunities.
  3. Participation in any available substance abuse treatment program and, if eligible, receive benefits of 18:3621(e)(2).
  4. Defendant shall support all dependents from prison earnings.
- ☒ The Defendant is remanded to the custody of the United States Marshal.
- ☐ The Defendant shall surrender to the United States Marshal for this District:
- ☐ As notified by the United States Marshal.
  - ☐ At \_ on \_.
- ☐ The Defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ As notified by the United States Marshal.
  - ☐ Before 2 p.m. on \_.
  - ☐ As notified by the Probation 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 Marshal

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 3 of 7

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE (3) YEARS ON EACH COUNT TO RUN CONCURRENTLY.

☐ The condition for mandatory drug testing is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

## CONDITIONS OF SUPERVISION

The defendant shall comply with the mandatory conditions that have been adopted by this court.

1. The defendant shall not commit another federal, state, or local crime.
2. The defendant shall not unlawfully possess a controlled substance.
3. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court (unless omitted by the Court).
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer (unless omitted by the Court).

The defendant shall comply with the discretionary conditions that have been adopted by this court and any additional conditions ordered.

5. The defendant shall report to the probation office in the federal judicial district where he/she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
6. The defendant shall report to the probation officer in a manner and frequency as directed by the court or probation officer.
7. The defendant shall not leave the federal judicial district where he/she is authorized to reside without first getting permission from the Court or probation officer.
8. The defendant shall answer truthfully the questions asked by the probation officer.
9. The defendant shall live at a place approved by the probation officer. The probation officer shall be notified in advance of any change in living arrangements (such as location and the people with whom the defendant lives).
10. The defendant shall allow the probation officer to visit him/her at any time at his/her home or any other reasonable location as determined by the probation office, and shall permit the probation officer to take any items prohibited by the conditions of his/her supervision that the probation officer observes.
11. The defendant shall work full time (at least 30 hours per week) at lawful employment, unless excused by the probation officer. The defendant shall notify the probation officer within 72 hours of any change regarding employment.
12. The defendant shall not communicate or interact with any persons he/she knows is engaged in criminal activity, and shall not communicate or interact with any person he/she knows to be convicted of a felony unless granted permission to do so by the probation officer.
13. The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.
14. The defendant shall 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).
15. The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential informant without first getting the permission of the Court.
16. If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk. The probation officer may contact the person and make such notifications or confirm that the defendant has notified the person about the risk.
17. The defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or controlled substance or any psychoactive substances (including, but not limited to, synthetic marijuana, bath salts) that impair a person's physical or mental functioning, whether or not intended for human consumption, or any paraphernalia related to such substances, except as duly prescribed by a licensed medical practitioner.
18. The defendant shall participate in a program of testing for substance abuse if directed to do so by the probation officer. The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of the testing. If warranted, the defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise the defendant's participation in the program (including, but not limited to, provider, location, modality, duration, intensity) (unless omitted by the Court).
19. The defendant shall not go to, or remain at any place where he/she knows controlled substances are illegally sold, used, distributed, or administered without first obtaining the permission of the probation officer.
20. The defendant shall submit his/her person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), or other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer and such other law enforcement personnel as the probation officer may deem advisable, without a warrant based upon reasonable suspicion and/or with the consent of the defendant. The defendant shall warn any other occupants that such premises may be subject to searches pursuant to this condition.
21. The defendant shall pay any financial obligation imposed by this judgment remaining unpaid as of the commencement of the sentence of probation or the term of supervised release in accordance with the schedule of payments of this judgment. The defendant shall notify the court of any changes in economic circumstances that might affect the ability to pay this financial obligation.
22. The defendant shall provide access to any financial information as requested by the probation officer and shall authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.
23. The defendant shall not seek any extension of credit (including, but not limited to, credit card account, bank loan, personal loan) unless authorized to do so in advance by the probation officer.
24. The defendant shall support all dependents including any dependent child, or any person the defendant has been court ordered to support.
25. The defendant shall participate in transitional support services (including cognitive behavioral treatment programs) and follow the rules and regulations of such program. The probation officer will supervise the defendant's participation in the program (including, but not limited to, provider, location, modality, duration, intensity). Such programs may include group sessions led by a counselor or participation in a program administered by the probation officer.
26. The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 4 of 7

ADDITIONAL CONDITIONS:

27. The defendant shall not communicate, or otherwise interact, with the victims, either directly or through someone else, without first obtaining the permission of the probation officer.

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 5 of 7

### CRIMINAL MONETARY PENALTIES

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

ASSESSMENT	RESTITUTION	FINE
\$200.00	\$TBD	\$0.00

■ The determination of restitution is deferred until 11/9/2021. Upon such a determination an *Amended Judgment in a Criminal Case (AO 245C)* will be entered. Failing such a determination by 11/9/2021, restitution amount becomes \$0.00 without further Order of the Court.

### INTEREST

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

■ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

■ The interest requirement is waived.

☐ The interest requirement is modified as follows:

### COURT APPOINTED COUNSEL FEES

☐ The defendant shall pay court appointed counsel fees.

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 6 of 7

### 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 \$0.00 due immediately, balance due  
☐ Not later than \_\_\_\_\_  
☐ In accordance ☐ (C), ☐ (D) below; or
- B ☒ Payment to begin immediately (may be combined with ☐ (D) below); or
- C ☐ Payment in equal monthly installments of \$50.00 to commence 60 days after the date of this judgment; or
- D ☐ In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, payments shall be made in equal monthly installments of \$50.00 to commence 60 days after release from imprisonment to a term of supervision. The U.S. Probation Officer shall pursue collection of the amount due, and may request to modify a payment schedule if appropriate 18 U.S.C. § 3572.

Special instructions regarding the payment of criminal monetary penalties:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court costs:
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States as set forth in the Consent Order (Doc. No. 72) entered 8/11/2021

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 penalty payments are to be made to the United States District Court Clerk, 401 West Trade Street, Room 1301, Charlotte, NC 28202**, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.

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

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.



Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 7 of 7

### STATEMENT OF ACKNOWLEDGMENT

I understand that my term of supervision is for a period of \_\_\_\_\_ months, commencing on \_\_\_\_\_.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

I understand that revocation of probation and supervised release is mandatory for possession of a controlled substance, possession of a firearm and/or refusal to comply with drug testing.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
Defendant

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
U.S. Probation Office/Designated Witness

☐ The Court gives notice that this case may involve other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:20-CR-00126-RJC-DSC

USA

v.

DEONTE MARQUES CURRY  
TREVON GREGORY RICKS

---

)  
)  
)  
)  
)  
)  
)

ORDER

**THIS MATTER** is before the Court on the government's Motion for Final Determination of Restitution. (Doc. No. 88).

At the sentencing of this matter, the Court held that final determination of restitution would be left open as authorized by 18 U.S.C. § 3664(d)(5). (Doc. No. 73: Curry Judgment at 5; Doc. No. 75: Ricks Judgment at 5). The government has now timely proposed a list of victims and losses, (Doc. No. 88-1: Exhibit A), to which the defendants have not objected. The Court finds that list is supported by a preponderance of the evidence, and constitutes a "final determination" for purposes of ordering restitution pursuant to the Mandatory Victim Restitution Act, 18 U.S.C. § 3663A.


**IT IS, THEREFORE, ORDERED** that, based on the reasons set forth in the government's motion, 18 U.S.C. § 3664(d)(5), and the Mandatory Victim Restitution Act, the Judgments in this case, (Doc. Nos. 73, 75), shall be amended to include a final restitution figure of \$366,913.90 payable in the amounts listed in Exhibit A to the motion, (Doc. No. 88-1).

**IT IS FURTHER ORDERED** that any payment that is not payment in full shall be divided proportionately among the victims named. The defendants are jointly and severally liable with each other. The victims' recovery is limited to the amount of their loss and the defendants' liability for restitution ceases if and when the victims receive full restitution.

All other terms of the original Judgments remain unchanged.

The Clerk is directed to certify copies of this order to counsel for Defendants, the United States Attorney, the United States Marshals Service, the United States Probation Office, and the Financial Administration Unit of the Clerk's Office.

Signed: December 7, 2021

  
Robert J. Conrad, Jr.  
United States District Judge



# UNITED STATES DISTRICT COURT

## Western District of North Carolina

UNITED STATES OF AMERICA

V.

DEONTE MARQUES CURRY

**Filed Date of Original Judgment: 8/25/2021**  
(Or Filed Date of Last Amended Judgment)

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

)  
)

) Case Number: DNCW320CR000126-001  
) USM Number: 35478-058

)

) Kevin Tate  
) Defendant's Attorney

**THE DEFENDANT:**

- ☒ Pled guilty to count(s) 1 & 2.
- ☐ Pled 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 and Section	Nature of Offense	Date Offense Concluded	Counts
18:1951	Conspiracy to Commit Hobbs Act Robbery	03/05/2020	1
18:1951 & 2	Attempted Hobbs Act Robbery and Aiding and Abetting	03/05/2020	2

The Defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ 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 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 monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 8/11/2021



Robert J. Conrad, Jr.  
United States District Judge



Date: December 8, 2021

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 2 of 8

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of ONE HUNDRED TWENTY (120) MONTHS ON EACH COUNT TO BE SERVED CONCURRENTLY.

- ☒ The Court makes the following recommendations to the Bureau of Prisons:
1. Placed in a facility as close to Charlotte, NC as possible, consistent with the needs of BOP.
  2. Participation in any available educational and vocational opportunities.
  3. Participation in any available substance abuse treatment program and, if eligible, receive benefits of 18:3621(e)(2).
  4. Defendant shall support all dependents from prison earnings.
- ☒ The Defendant is remanded to the custody of the United States Marshal.
- ☐ The Defendant shall surrender to the United States Marshal for this District:
- ☐ As notified by the United States Marshal.
  - ☐ At \_ on \_.
- ☐ The Defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ As notified by the United States Marshal.
  - ☐ Before 2 p.m. on \_.
  - ☐ As notified by the Probation 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 Marshal

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 3 of 8

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE (3) YEARS ON EACH COUNT TO RUN CONCURRENTLY.

☐ The condition for mandatory drug testing is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

### CONDITIONS OF SUPERVISION

The defendant shall comply with the mandatory conditions that have been adopted by this court.

1. The defendant shall not commit another federal, state, or local crime.
2. The defendant shall not unlawfully possess a controlled substance.
3. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the Court (unless omitted by the Court).
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer (unless omitted by the Court).

The defendant shall comply with the discretionary conditions that have been adopted by this court and any additional conditions ordered.

5. The defendant shall report to the probation office in the federal judicial district where he/she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
6. The defendant shall report to the probation officer in a manner and frequency as directed by the Court or probation officer.
7. The defendant shall not leave the federal judicial district where he/she is authorized to reside without first getting permission from the Court or probation officer.
8. The defendant shall answer truthfully the questions asked by the probation officer. However, defendant may refuse to answer a question if the truthful answer would tend to incriminate him/her of a crime. Refusal to answer a question on that ground will not be considered a violation of supervised release.
9. The defendant shall live at a place approved by the probation officer. The probation officer shall be notified in advance of any change in living arrangements (such as location and the people with whom the defendant lives). If advance notification is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
10. The defendant shall allow the probation officer to visit him/her at any time at his/her home or any other reasonable location as determined by the probation office, and shall permit the probation officer to take any items prohibited by the conditions of his/her supervision that the probation officer observes.
11. The defendant shall work full time (at least 30 hours per week) at lawful employment, actively seek such gainful employment or be enrolled in a full time educational or vocational program unless excused by the probation officer. The defendant shall notify the probation officer within 72 hours of any change regarding employment or education.
12. The defendant shall not communicate or interact with any persons he/she knows is engaged in criminal activity, and shall not communicate or interact with any person he/she knows to be convicted of a felony unless granted permission to do so by the probation officer.
13. The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.
14. The defendant shall 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).
15. The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential informant without first getting the permission of the Court.
16. The defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or controlled substance or any psychoactive substances (including, but not limited to, synthetic marijuana, bath salts) that impair a person's physical or mental functioning, whether or not intended for human consumption, or any paraphernalia related to such substances, except as duly prescribed by a licensed medical practitioner.
17. The defendant shall participate in a program of testing for substance abuse. The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of the testing. The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise the defendant's participation in the program (including, but not limited to, provider, location, modality, duration, intensity) (unless omitted by the Court).
18. The defendant shall not go to, or remain at any place where he/she knows controlled substances are illegally sold, used, distributed, or administered without first obtaining the permission of the probation officer.
19. The defendant shall submit to a search if the Probation Officer has a reasonable suspicion that the defendant has committed a crime or a violation of a condition of supervised release. Such a search may be conducted by a U.S. Probation Officer, and such other law enforcement personnel as the probation officer may deem advisable, without a warrant or the consent of the defendant. Such search may be of any place where evidence of the above may reasonably be expected to be found, including defendant's person, property, house, residence, vehicle, communications or data storage devices or media or office.
20. The defendant shall pay any financial obligation imposed by this judgment remaining unpaid as of the commencement of the sentence of probation or the term of supervised release in accordance with the schedule of payments of this judgment. The defendant shall notify the court of any changes in economic circumstances that might affect the ability to pay this financial obligation.
21. The defendant shall support all dependents including any dependent child, or any person the defendant has been court ordered to support.
22. The defendant shall participate in transitional support services (including cognitive behavioral treatment programs) and follow the rules and regulations of such program. The probation officer will supervise the defendant's participation in the program (including, but not limited to, provider, location, modality, duration, intensity). Such programs may include group sessions led by a counselor or participation in a program administered by the probation officer.
23. The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 4 of 8

ADDITIONAL CONDITIONS:

24. The defendant shall not communicate, or otherwise interact, with the victims, either directly or through someone else, without first obtaining the permission of the probation officer.

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 5 of 8

### CRIMINAL MONETARY PENALTIES

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

ASSESSMENT	RESTITUTION	FINE
\$200.00	\$366,913.90	\$0.00

### INTEREST

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☒ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ The interest requirement is waived.

☐ The interest requirement is modified as follows:

### COURT APPOINTED COUNSEL FEES

☐ The defendant shall pay court appointed counsel fees.



Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 6 of 8

**RESTITUTION PAYEES**

The defendant shall make restitution to the following payees in the amounts listed below:

<u>NAME OF PAYEE</u>	<u>AMOUNT OF RESTITUTION ORDERED</u>
"M.C."	\$345,890.71
"T.C."	\$3,369.25
"M.C."	\$17,653.94

■ Joint and Several Restitution is Ordered as follows:

- Defendant and Co-Defendant Names and Case Numbers *(including defendant number)* if appropriate:  
Trevon Gregory Ricks, 3:20-cr-00126-002
- ☐ Associated Defendant Name(s) and Case Number(s) *(including defendant number)* if appropriate:
- ☐ Court gives notice that this case may involve other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

The victims' recovery is limited to the amount of their loss and the defendant's liability for restitution ceases if and when the victim(s) receive full restitution. Any payment not in full shall be divided proportionately among victims.

Pursuant to 18 U.S.C. § 3364(i), all nonfederal victims must be paid before the United States is paid.

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 7 of 8

### 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 \$0.00 due immediately, balance due  
☐ Not later than \_\_\_\_\_  
☐ In accordance ☐ (C), ☐ (D) below; or
- B ☒ Payment to begin immediately (may be combined with ☐ (D) below); or
- C ☐ Payment in equal monthly installments of \$50.00 to commence 60 days after the date of this judgment; or
- D ☐ In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, payments shall be made in equal monthly installments of \$50.00 to commence 60 days after release from imprisonment to a term of supervision. The U.S. Probation Officer shall pursue collection of the amount due, and may request to modify a payment schedule if appropriate 18 U.S.C. § 3572.

Special instructions regarding the payment of criminal monetary penalties:

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court costs:
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States as set forth in the Consent Order (Doc. No. 72) entered 8/11/2021

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 penalty payments are to be made to the United States District Court Clerk, 401 West Trade Street, Room 1301, Charlotte, NC 28202**, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.

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

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

Defendant: Deonte Marques Curry  
Case Number: DNCW320CR000126-001

Judgment- Page 8 of 8

### STATEMENT OF ACKNOWLEDGMENT

I understand that my term of supervision is for a period of \_\_\_\_\_ months, commencing on \_\_\_\_\_.

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

I understand that revocation of probation and supervised release is mandatory for possession of a controlled substance, possession of a firearm and/or refusal to comply with drug testing.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
Defendant

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
U.S. Probation Office/Designated Witness

☐ The Court gives notice that this case may involve other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

FILED: October 10, 2023

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 21-4457 (L)  
(3:20-cr-00126-RJC-DCS-1)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DEONTE MARQUES CURRY

Defendant – Appellant

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No. 21-4713  
(3:20-cr-00126-RJC-DSC-1)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DEONTE MARQUES CURRY

Defendant – Appellant

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O R D E R

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The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under [Fed. R. App. P. 35](#) on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Agee, Judge Wynn, and Judge Hudson.

For the Court

/s/ Nwamaka Anowi, Clerk



KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Prior Version's Limitation Recognized by [U.S. v. Dickerson](#), 11th Cir.(Ga.), May 28, 2004

United States Code Annotated  
Title 18. Crimes and Criminal Procedure (Refs & Annos)  
Part II. Criminal Procedure  
Chapter 232. Miscellaneous Sentencing Provisions

18 U.S.C.A. § 3663A

§ 3663A. Mandatory restitution to victims of certain crimes

Effective: December 4, 2020

[Currentness](#)

**(a)(1)** Notwithstanding any other provision of law, when sentencing a defendant convicted of an offense described in subsection (c), the court shall order, in addition to, or in the case of a misdemeanor, in addition to or in lieu of, any other penalty authorized by law, that the defendant make restitution to the victim of the offense or, if the victim is deceased, to the victim's estate.

**(2)** For the purposes of this section, the term “victim” means a person directly and proximately harmed as a result of the commission of an offense for which restitution may be ordered including, in the case of an offense that involves as an element a scheme, conspiracy, or pattern of criminal activity, any person directly harmed by the defendant's criminal conduct in the course of the scheme, conspiracy, or pattern. In the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim's estate, another family member, or any other person appointed as suitable by the court, may assume the victim's rights under this section, but in no event shall the defendant be named as such representative or guardian.

**(3)** The court shall also order, if agreed to by the parties in a plea agreement, restitution to persons other than the victim of the offense.

**(b)** The order of restitution shall require that such defendant--

**(1)** in the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense--

**(A)** return the property to the owner of the property or someone designated by the owner; or

**(B)** if return of the property under subparagraph (A) is impossible, impracticable, or inadequate, pay an amount equal to--

**(i)** the greater of--

**(I)** the value of the property on the date of the damage, loss, or destruction; or

(II) the value of the property on the date of sentencing, less

(ii) the value (as of the date the property is returned) of any part of the property that is returned;

(2) in the case of an offense resulting in bodily injury to a victim--

(A) pay an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment;

(B) pay an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and

(C) reimburse the victim for income lost by such victim as a result of such offense;

(3) in the case of an offense resulting in bodily injury that results in the death of the victim, pay an amount equal to the cost of necessary funeral and related services; and

(4) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses incurred during participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense.

(c)(1) This section shall apply in all sentencing proceedings for convictions of, or plea agreements relating to charges for, any offense--

(A) that is--

(i) a crime of violence, as defined in [section 16](#);

(ii) an offense against property under this title, or under section 416(a) of the Controlled Substances Act ([21 U.S.C. 856\(a\)](#)), including any offense committed by fraud or deceit;

(iii) an offense described in section 3 of the Rodchenkov Anti-Doping Act of 2019;

(iv) an offense described in [section 1365](#) (relating to tampering with consumer products); or

(v) an offense under [section 670](#) (relating to theft of medical products); and

(B) in which an identifiable victim or victims has suffered a physical injury or pecuniary loss.

(2) In the case of a plea agreement that does not result in a conviction for an offense described in paragraph (1), this section shall apply only if the plea specifically states that an offense listed under such paragraph gave rise to the plea agreement.

(3) This section shall not apply in the case of an offense described in paragraph (1)(A)(ii) or (iii) if the court finds, from facts on the record, that--

(A) the number of identifiable victims is so large as to make restitution impracticable; or

(B) determining complex issues of fact related to the cause or amount of the victim's losses would complicate or prolong the sentencing process to a degree that the need to provide restitution to any victim is outweighed by the burden on the sentencing process.

(d) An order of restitution under this section shall be issued and enforced in accordance with [section 3664](#).

#### CREDIT(S)

(Added [Pub.L. 104-132, Title II, § 204\(a\)](#), Apr. 24, 1996, 110 Stat. 1227; amended [Pub.L. 106-310](#), Div. B, Title XXXVI, § 3613(d), Oct. 17, 2000, 114 Stat. 1230; [Pub.L. 112-186](#), § 6, Oct. 5, 2012, 126 Stat. 1430; [Pub.L. 116-206](#), § 5, Dec. 4, 2020, 134 Stat. 1000.)

#### [Notes of Decisions \(467\)](#)

18 U.S.C.A. § 3663A, 18 USCA § 3663A

Current through P.L. 118-30. Some statute sections may be more current, see credits for details.



United States Code Annotated  
Title 18. Crimes and Criminal Procedure (Refs & Annos)  
Part II. Criminal Procedure  
Chapter 232. Miscellaneous Sentencing Provisions

18 U.S.C.A. § 3664

§ 3664. Procedure for issuance and enforcement of order of restitution

Effective: November 2, 2002

[Currentness](#)

(a) For orders of restitution under this title, the court shall order the probation officer to obtain and include in its presentence report, or in a separate report, as the court may direct, information sufficient for the court to exercise its discretion in fashioning a restitution order. The report shall include, to the extent practicable, a complete accounting of the losses to each victim, any restitution owed pursuant to a plea agreement, and information relating to the economic circumstances of each defendant. If the number or identity of victims cannot be reasonably ascertained, or other circumstances exist that make this requirement clearly impracticable, the probation officer shall so inform the court.

(b) The court shall disclose to both the defendant and the attorney for the Government all portions of the presentence or other report pertaining to the matters described in subsection (a) of this section.

(c) The provisions of this chapter, chapter 227, and [Rule 32\(c\) of the Federal Rules of Criminal Procedure](#) shall be the only rules applicable to proceedings under this section.

(d)(1) Upon the request of the probation officer, but not later than 60 days prior to the date initially set for sentencing, the attorney for the Government, after consulting, to the extent practicable, with all identified victims, shall promptly provide the probation officer with a listing of the amounts subject to restitution.

(2) The probation officer shall, prior to submitting the presentence report under subsection (a), to the extent practicable--

(A) provide notice to all identified victims of--

(i) the offense or offenses of which the defendant was convicted;

(ii) the amounts subject to restitution submitted to the probation officer;

(iii) the opportunity of the victim to submit information to the probation officer concerning the amount of the victim's losses;

(iv) the scheduled date, time, and place of the sentencing hearing;

(v) the availability of a lien in favor of the victim pursuant to subsection (m)(1)(B); and

(vi) the opportunity of the victim to file with the probation officer a separate affidavit relating to the amount of the victim's losses subject to restitution; and

(B) provide the victim with an affidavit form to submit pursuant to subparagraph (A)(vi).

(3) Each defendant shall prepare and file with the probation officer an affidavit fully describing the financial resources of the defendant, including a complete listing of all assets owned or controlled by the defendant as of the date on which the defendant was arrested, the financial needs and earning ability of the defendant and the defendant's dependents, and such other information that the court requires relating to such other factors as the court deems appropriate.

(4) After reviewing the report of the probation officer, the court may require additional documentation or hear testimony. The privacy of any records filed, or testimony heard, pursuant to this section shall be maintained to the greatest extent possible, and such records may be filed or testimony heard in camera.

(5) If the victim's losses are not ascertainable by the date that is 10 days prior to sentencing, the attorney for the Government or the probation officer shall so inform the court, and the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing. If the victim subsequently discovers further losses, the victim shall have 60 days after discovery of those losses in which to petition the court for an amended restitution order. Such order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitutionary relief.

(6) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate judge or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.

(e) Any dispute as to the proper amount or type of restitution shall be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense shall be on the attorney for the Government. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant's dependents, shall be on the defendant. The burden of demonstrating such other matters as the court deems appropriate shall be upon the party designated by the court as justice requires.

(f)(1)(A) In each order of restitution, the court shall order restitution to each victim in the full amount of each victim's losses as determined by the court and without consideration of the economic circumstances of the defendant.

(B) In no case shall the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source be considered in determining the amount of restitution.

(2) Upon determination of the amount of restitution owed to each victim, the court shall, pursuant to [section 3572](#), specify in the restitution order the manner in which, and the schedule according to which, the restitution is to be paid, in consideration of--

(A) the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled;

(B) projected earnings and other income of the defendant; and

(C) any financial obligations of the defendant; including obligations to dependents.

(3)(A) A restitution order may direct the defendant to make a single, lump-sum payment, partial payments at specified intervals, in-kind payments, or a combination of payments at specified intervals and in-kind payments.

(B) A restitution order may direct the defendant to make nominal periodic payments if the court finds from facts on the record that the economic circumstances of the defendant do not allow the payment of any amount of a restitution order, and do not allow for the payment of the full amount of a restitution order in the foreseeable future under any reasonable schedule of payments.

(4) An in-kind payment described in paragraph (3) may be in the form of--

(A) return of property;

(B) replacement of property; or

(C) if the victim agrees, services rendered to the victim or a person or organization other than the victim.

(g)(1) No victim shall be required to participate in any phase of a restitution order.

(2) A victim may at any time assign the victim's interest in restitution payments to the Crime Victims Fund in the Treasury without in any way impairing the obligation of the defendant to make such payments.

(h) If the court finds that more than 1 defendant has contributed to the loss of a victim, the court may make each defendant liable for payment of the full amount of restitution or may apportion liability among the defendants to reflect the level of contribution to the victim's loss and economic circumstances of each defendant.

(i) If the court finds that more than 1 victim has sustained a loss requiring restitution by a defendant, the court may provide for a different payment schedule for each victim based on the type and amount of each victim's loss and accounting for the economic circumstances of each victim. In any case in which the United States is a victim, the court shall ensure that all other victims receive full restitution before the United States receives any restitution.

(j)(1) If a victim has received compensation from insurance or any other source with respect to a loss, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

(2) Any amount paid to a victim under an order of restitution shall be reduced by any amount later recovered as compensatory damages for the same loss by the victim in--

(A) any Federal civil proceeding; and

(B) any State civil proceeding, to the extent provided by the law of the State.

(k) A restitution order shall provide that the defendant shall notify the court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution. The court may also accept notification of a material change in the defendant's economic circumstances from the United States or from the victim. The Attorney General shall certify to the court that the victim or victims owed restitution by the defendant have been notified of the change in circumstances. Upon receipt of the notification, the court may, on its own motion, or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.

(l) A conviction of a defendant for an offense involving the act giving rise to an order of restitution shall estop the defendant from denying the essential allegations of that offense in any subsequent Federal civil proceeding or State civil proceeding, to the extent consistent with State law, brought by the victim.

(m)(1)(A)(i) An order of restitution may be enforced by the United States in the manner provided for in subchapter C of chapter 227 and subchapter B of chapter 229 of this title; or

(ii) by all other available and reasonable means.

(B) At the request of a victim named in a restitution order, the clerk of the court shall issue an abstract of judgment certifying that a judgment has been entered in favor of such victim in the amount specified in the restitution order. Upon registering, recording, docketing, or indexing such abstract in accordance with the rules and requirements relating to judgments of the court of the State where the district court is located, the abstract of judgment shall be a lien on the property of the defendant located in such State in the same manner and to the same extent and under the same conditions as a judgment of a court of general jurisdiction in that State.

(2) An order of in-kind restitution in the form of services shall be enforced by the probation officer.

(n) If a person obligated to provide restitution, or pay a fine, receives substantial resources from any source, including inheritance, settlement, or other judgment, during a period of incarceration, such person shall be required to apply the value of such resources to any restitution or fine still owed.

(o) A sentence that imposes an order of restitution is a final judgment notwithstanding the fact that--

(1) such a sentence can subsequently be--

(A) corrected under [Rule 35 of the Federal Rules of Criminal Procedure](#) and section 3742 of chapter 235 of this title;

(B) appealed and modified under [section 3742](#);

(C) amended under subsection (d)(5); or

(D) adjusted under section 3664(k), [3572](#), or [3613A](#); or

(2) the defendant may be resentenced under [section 3565](#) or [3614](#).

(p) Nothing in this section or [sections 2248](#), [2259](#), [2264](#), [2327](#), [3663](#), and [3663A](#) and arising out of the application of such sections, shall be construed to create a cause of action not otherwise authorized in favor of any person against the United States or any officer or employee of the United States.

#### CREDIT(S)

(Added [Pub.L. 97-291](#), § 5(a), Oct. 12, 1982, 96 Stat. 1255, § 3580; renumbered § 3664, [Pub.L. 98-473](#), Title II, § 212(a)(1), Oct. 12, 1984, 98 Stat. 1987; amended [Pub.L. 101-647](#), Title XXXV, § 3596, Nov. 29, 1990, 104 Stat. 4931; [Pub.L. 104-132](#), Title II, § 206(a), Apr. 24, 1996, 110 Stat. 1232; [Pub.L. 107-273](#), Div. B, Title IV, § 4002(e)(1), Nov. 2, 2002, 116 Stat. 1810.)

#### [Notes of Decisions \(480\)](#)

18 U.S.C.A. § 3664, 18 USCA § 3664

Current through P.L. 118-30. Some statute sections may be more current, see credits for details.