

APPENDIX

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United States Court of Appeals
For the Eighth Circuit

No. 23-1179

United States of America

Plaintiff - Appellee

v.

Roylee Richardson

Defendant - Appellant

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

Submitted: October 20, 2023
Filed: February 7, 2024

Before GRUENDER, STRAS, and KOBES, Circuit Judges.

STRAS, Circuit Judge.

A jury found Roylee Richardson guilty of witness tampering, 18 U.S.C. § 1512(b), and possessing a firearm as a felon, *id.* § 922(g)(1). Although he argues

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that the district court¹ should have acquitted him of the former and prevented the jury from hearing about so many of his prior felony convictions, we affirm.

I.

Richardson's problems began after his then-girlfriend reported that he had "pistol-whipped" her and shot at her would-be rescuer's van. The harassment continued after his arrest. In a series of recorded jailhouse calls, he tried to get her to recant or refuse to testify, both directly and through others. After the jury heard the recordings, it found him guilty of two counts of witness tampering.

II.

Sufficient evidence supported the verdict on both counts. Witness tampering has two elements. *See United States v. Craft*, 478 F.3d 899, 900 (8th Cir. 2007). First, the defendant must "knowingly use[] intimidation, threaten[], or corruptly persuade[] another person," such as a victim. 18 U.S.C. § 1512(b). Second, he must intend to "influence, delay, or prevent" another's testimony "in an official proceeding" or "cause or induce" the person to "withhold" it from one. *Id.* § 1512(b)(1), (2)(A); *see also United States v. Little Bird*, 76 F.4th 758, 762 (8th Cir. 2023) (setting out the elements for a conviction under § 1512(b)(1)); *United States v. Crippen*, 627 F.3d 1056, 1065 (8th Cir. 2010) (describing the elements under § 1512(b)(2)(A)). In evaluating the sufficiency of the evidence, our review is de novo, but we must view the evidence in the light most favorable to the verdict and draw all inferences in favor of the government. *See United States v. Water*, 413 F.3d 812, 816 (8th Cir. 2005).

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

A.

Richardson's first witness-tampering conviction arose out of a flurry of calls just days after his arrest. No federal prosecution existed yet, so the question is whether it is possible to "influence, delay, or prevent" someone's testimony in a not-yet-pending "official proceeding." 18 U.S.C. § 1512(b)(1).

Not just any proceeding will do. It must be federal, such as one "before a judge or court of the United States" or "a [f]ederal grand jury." *Id.* § 1515(a)(1). State proceedings do not count. *See United States v. Petruk*, 781 F.3d 438, 444 (8th Cir. 2015).

The "official proceeding," although it has to be federal, does not have to "be pending or about to be instituted at the time of the offense." 18 U.S.C. § 1512(f)(1). As long as a "particular, *foreseeable*" federal proceeding was "contemplated," *Petruk*, 781 F.3d at 445 (emphasis added), at the time the "intimidation, threat[], or corrupt[] persua[sion]" took place, 18 U.S.C. § 1512(b), the crime is complete.

Proving this type of "nexus" to a not-yet-pending proceeding can be a challenge. *Petruk*, 781 F.3d at 445. In *Petruk*, we considered whether an attempt to influence testimony when only a state proceeding existed satisfied the "particular, foreseeable" federal-proceeding requirement. *Id.* We concluded that the answer was no because the defendant had "referred *only* to his pending state[-]court proceedings" in a conversation about a possible alibi witness. *Id.* (emphasis added).

This case is different. Although Richardson was in state custody, he was already "contemplat[ing]" a federal felon-in-possession charge. *Id.* Consider the following conversation from three days after his arrest:

ROYLEE RICHARDSON: . . . All they got to do is drop that intimidation [charge], because I ain't shooting at nobody.

UNKNOWN MALE: Hell, no, you don't want that. You don't want *the feds* picking that shit up, brother.

ROYLEE RICHARDSON: I take the other charge. You feel me? The other charges I'll take.

UNKNOWN MALE: *The felon in possession?*

ROYLEE RICHARDSON: Yeah, I'll take that.

UNKNOWN MALE: You gonna *go federal* though, man. Do you know how much you gonna be facing after your background *with the feds*, brother?

ROYLEE RICHARDSON: Yeah.

UNKNOWN MALE: You facing like 10, 15 years if *the feds* pick everything up right now, all those cases. . . . Just like that, brother, *you're going federal*.

ROYLEE RICHARDSON: Yeah.

UNKNOWN MALE: You're trippin. Hell no, *you won't take no felon in possession*. . . .

ROYLEE RICHARDSON: Man.

(Emphases added.)

The call logs show that Richardson called the victim next, less than 20 minutes later. He began by professing his love for her and then insisted that she “say nothing” because he was “fighting the case.” After asking whether the police had found the gun, he went on to explain that if she refused to appear in court or “g[o]t on the stand and sa[id] . . . that she [had] lied,” he “would be cool.” What he really feared, after all, was “spend[ing] his life in prison.”

He asked again about the gun a few days later. When she said officers had found it, he told her that she had “bl[own]” it. He also explained that it “might” mean he “go[es] *fed*.” (Emphasis added.) A few minutes later, he instructed her to change her story.

From these conversations, the jury drew the reasonable inference that Richardson’s attempts at “corruptly persuad[ing]” her to lie or refuse to testify had a nexus to the lengthy sentence he would face from a federal felon-in-possession charge. 18 U.S.C. § 1512(b). A “particular” federal prosecution was “foreseeable,” *Petruck*, 781 F.3d at 445, even if it was not yet “pending or about to be instituted,”

18 U.S.C. § 1512(f)(1). *See United States v. Mink*, 9 F.4th 590, 610 (8th Cir. 2021) (noting that the defendant had “contemplated criminal liability in a future proceeding” and “expressly acknowledged that the government was building a case against him”). And he thought that “influenc[ing]” her “testimony” or “prevent[ing]” it altogether would stave off a lengthy federal sentence. 18 U.S.C. § 1512(b)(1). The jury did not need to hear anything else to find him guilty.

B.

The tampering did not end there. After a federal grand jury indicted him on felon-in-possession and witness-tampering counts, he asked others to contact the victim. This time, the indictment made an official proceeding “before a judge or court of the United States” foreseeable, if not inevitable. *Id.* § 1515(a)(1)(A). So our focus shifts to whether these efforts involved “corrupt[] persua[sion].” *Id.* § 1512(b).

Screenshots and audio recordings of various conversations revealed Richardson’s intentions. One woman, at his direction, tried to call the victim and make her feel guilty about testifying. The message she was supposed to relay was clear: her testimony would mean “he gonna be out when he like 60 years old.” He had someone else follow up with a text message two days later, pleading for her to “let [it] go” so he could “come home and be with [his] family.”

Both times, Richardson’s goal was to convince the victim not to testify through “corrupt[] persua[sion].” 18 U.S.C. § 1512(b). Take his instruction to the caller to avoid writing anything down. It shows a “consciousness of wrongdoing,” *Little Bird*, 76 F.4th at 762, a desire to keep law enforcement from learning about his actions because he knew they were “wrong[],” *Arthur Andersen LLP v. United States*, 544 U.S. 696, 705–06 (2005). Exactly the type of “wrongful, immoral, depraved, or evil” intentions required for a witness-tampering conviction. *Id.* at 705; *see also United States v. Iu*, 917 F.3d 1026, 1032 (8th Cir. 2019) (noting in a witness-tampering case that the jury was “entitled to consider, as evidence of . . .

consciousness of guilt,” statements urging the victim “to recant her story because of the negative consequences the allegations had on [the defendant]”).

III.

We would be facing a third sufficiency challenge if the government had not presented evidence of Richardson’s prior felony convictions. One element of a felon-in-possession charge is, as the name would suggest, that the possessor have a prior felony conviction. *See* 18 U.S.C. § 922(g)(1); *United States v. Montgomery*, 701 F.3d 1218, 1221 (8th Cir. 2012). Another is knowledge that he was a felon. *See Rehaif v. United States*, 139 S. Ct. 2191, 2200 (2019). The parties agree on that much.

The dispute here is over *how* the government proved these elements. *See United States v. Richardson*, 40 F.4th 858, 865 (8th Cir. 2022) (reviewing the admission of evidence for an abuse of discretion). What typically happens in a felon-in-possession case is that a defendant will formally admit his prior felony convictions in an *Old Chief* stipulation, which relieves the government of its burden of proving them. *See Old Chief v. United States*, 519 U.S. 172, 191 (1997). Although the arrangement may seem one-sided, the defendant gets a significant benefit: the details of prior crimes never get in front of the jury. *See id.*

In this case, Richardson refused to enter an *Old Chief* stipulation. So the government had to prove that he both had a prior felony conviction—one “punishable by imprisonment for a term exceeding one year”—and knew he was a felon. 18 U.S.C. § 922(g)(1); *see also United States v. Jones*, 266 F.3d 804, 811 (8th Cir. 2001). The usual rules of evidence applied, meaning that the government could address the what (the name and nature of the offense), the who (the identity of the person who committed it), and the when (the timing of the offense and the length of the sentence). *See Richardson*, 40 F.4th at 866. All the details relevant to the elements he contested. *See Fed. R. Evid.* 401.

The government followed this formula during Richardson’s trial. After he decided against an *Old Chief* stipulation, the government introduced multiple prior felony convictions to prove he was a felon and knew it at the time. *See Richardson*, 40 F.4th at 866. Having contested those elements, he cannot now “complain that the government introduced evidence to prove” them.² *United States v. Aranda*, 963 F.2d 211, 215 (8th Cir. 1992); *see* Fed. R. Evid. 404(b)(2).

It makes no difference that the government introduced more convictions than necessary. *See* Fed. R. Evid. 403 (cautioning against the “needless[] present[ation] [of] cumulative evidence”). As we have explained, we allow “evidence of multiple prior felony convictions” because a defendant might successfully “contest[] one or more of [them] in front of the jury.” *Richardson*, 40 F.4th at 865–66 (citation omitted) (holding that “the probative value of the evidence of his prior convictions was not substantially outweighed by the risk of unfair prejudice”); *see also United States v. Hellem*s, 866 F.3d 856, 862–63 (8th Cir. 2017) (describing the multiple-conviction rule as “settled law in this circuit”).

The government may have pushed the envelope, however, when it offered three mug shots. *See United States v. Bohr*, 581 F.2d 1294, 1299 (8th Cir. 1978) (making clear that we do “not endorse the introduction into evidence of obvious ‘mug shots’”). Richardson’s position is that the unfair prejudice from the jury seeing those photographs substantially outweighed their limited probative value. *See Richardson*, 40 F.4th at 866; *see also* Fed. R. Evid. 403. We disagree, but only because the government had to prove that Richardson himself committed those crimes and would have known about them. *See Rehaif*, 139 S. Ct. at 2199–200. There was no abuse of discretion, in other words, because the harm from showing the mug shots—that he had “a prior criminal record”—is exactly what the government had to prove. *United States v. Harbin*, 585 F.2d 904, 908 (8th Cir. 1978) (*per curiam*).

²For that reason, we need not consider the government’s alternative arguments on knowledge, intent, absence of mistake, and lack of accident. *See* Fed. R. Evid. 404(b)(2).

IV.

We accordingly affirm the judgment of the district court.

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

No: 23-1179

United States of America

Plaintiff - Appellee

v.

Roylee Richardson

Defendant - Appellant

Appeal from U.S. District Court for the Southern District of Iowa - Eastern
(3:21-cr-00123-RGE-1)

JUDGMENT

Before GRUENDER, STRAS, and KOBES, Circuit Judges.

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

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

February 07, 2024

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

/s/ Michael E. Gans

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA

v.

ROYLEE RICHARDSON

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:21-cr-00123-001

USM Number: 80268-509

Terence L. McAtee

Defendant's Attorney

THE DEFENDANT:

- ☐ pleaded guilty to count(s) _____
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☒ was found guilty on count(s) One, Two, and Three of the Second Superseding Indictment filed on August 10, 2022.
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section ?	Nature of Offense	Offense Ended	Count
18 U.S.C. §§ 922(g)(1), 924(a)(2)	Felon in Possession of a Firearm	02/07/2021	One
18 U.S. C. § 1512(b)(1), 1512(b)(2)	Tampering with a Witness	07/22/2021	Two

☒ See additional count(s) on page 2

The defendant is sentenced as provided in pages 3 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

January 24, 2023

Date of Imposition of Judgment



Signature of Judge

Rebecca Goodgame Ebinger, U.S. District Judge

Name of Judge Title of Judge

January 24, 2023

Date

DEFENDANT: ROYLEE RICHARDSON
CASE NUMBER: 3:21-cr-00123-001

IMPRISONMENT

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

A total term of 240 months, consisting of 120 months as to Count One and 240 months as to each of Counts Two and Three of the Second Superseding Indictment filed on August 10, 2022, all counts to be served concurrently. This sentence is imposed to be served concurrently with the undischarged term of imprisonment in Iowa District Court for Scott County Docket Number FECR414213 effective January 24, 2023.

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

The defendant be placed at a facility in the State of North Carolina or Florida to facilitate family visitation; and the defendant be made eligible for the 500-hour residential drug abuse treatment program (RDAP) and any other substance abuse treatment.

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

☐ The defendant is remanded to the custody of the United States Marshal for surrender to the ICE detainer.

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

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

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

☐ before _____ on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____

DEPUTY UNITED STATES MARSHAL

DEFENDANT: ROYLEE RICHARDSON

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SUPERVISED RELEASE

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

Three years as to each of Counts One, Two, and Three of the Second Superseding Indictment filed on August 10, 2022, to be served concurrently.

MANDATORY CONDITIONS

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

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: ROYLEE RICHARDSON
CASE NUMBER: 3:21-cr-00123-001

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: ROYLEE RICHARDSON
CASE NUMBER: 3:21-cr-00123-001

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SPECIAL CONDITIONS OF SUPERVISION

You must participate in an approved treatment program for anger control. Participation may include inpatient/outpatient treatment. You will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

You must participate in an approved treatment program for domestic violence. Participation may include inpatient/outpatient treatment. You will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

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

You shall not knowingly associate or communicate with any member of the Vice Lords criminal street gang, or any other criminal street gang.

You will submit to a search of your person, property, residence, adjacent structures, office, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), and other electronic communications or data storage devices or media, conducted by a U.S. Probation Officer. Failure to submit to a search may be grounds for revocation. You must warn any other residents or occupants that the premises and/or vehicle may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when reasonable suspicion exists that you have violated a condition of your release and/or that the area(s) or item(s) to be searched contain evidence of this violation or contain contraband. Any search must be conducted at a reasonable time and in a reasonable manner. This condition may be invoked with or without the assistance of law enforcement, including the U.S. Marshals Service.

You must submit to a mental health evaluation. If treatment is recommended, you must participate in an approved treatment program and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment and/or compliance with a medication regimen. You will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

You must participate in a program of testing and/or treatment for substance abuse, as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Office. At the direction of the probation office, you must receive a substance abuse evaluation and participate in inpatient and/or outpatient treatment, as recommended. Participation may also include compliance with a medication regimen. You will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment. You must not use alcohol and/or other intoxicants during the course of supervision.

You must not contact the victim, A.D., nor the victim's family, without prior permission from the U.S. Probation Officer.

DEFENDANT: ROYLEE RICHARDSON

CASE NUMBER: 3:21-cr-00123-001

CRIMINAL MONETARY PENALTIES

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

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

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 300.00	\$0.00	\$ 0.00	\$ 0.00	\$ 0.00

- ☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
TOTALS		\$0.00	\$0.00

- ☐ Restitution amount ordered pursuant to plea agreement \$ _____
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
- ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

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

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

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

DEFENDANT: ROYLEE RICHARDSON
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SCHEDULE OF PAYMENTS

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

- A ☒ Lump sum payment of \$ 300.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- All criminal monetary payments are to be made to:
Clerk's Office, United States District Court, P.O. Box 9344, Des Moines, IA 50306-9344.
- While on supervised release, you shall cooperate with the United States Probation Office in developing a monthly payment plan, which shall be subject to the approval of the Court, consistent with a schedule of allowable expenses provided by the United States Probation Office.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

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

☐ Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:

A loaded, SCCY CPX-2, nine-millimeter handgun (SN: 883089), as outlined in the Preliminary Order of Forfeiture entered on November 2, 2022.

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 assessment, (9) penalties and (10) costs, including costs of prosecution and court costs.

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

No: 23-1179

United States of America

Appellee

v.

Roylee Richardson

Appellant

Appeal from U.S. District Court for the Southern District of Iowa - Eastern
(3:21-cr-00123-RGE-1)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

March 12, 2024

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

APPENDIX C

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