

NO. _____

In the
Supreme Court of the United States

JOSEPH CURTIS HUBMAN,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

APPENDIX A
TO PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Wesley P. Page
Federal Public Defender

Jonathan D. Byrne
Appellate Counsel
Counsel of Record

OFFICE OF THE FEDERAL PUBLIC DEFENDER
Southern District of West Virginia
300 Virginia Street, East, Room 3400
Charleston, West Virginia 25301
304/347-3350
jonathan_byrne@fd.org

Counsel for Petitioner

2024 WL 1554756

Only the Westlaw citation is currently available.
United States Court of Appeals, Fourth Circuit.

UNITED STATES of America, Plaintiff - Appellee,
v.
Joseph Curtis HUBMAN, Defendant - Appellant.

No. 22-4694

|
Submitted: March 6, 2024

|
Decided: April 10, 2024

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. [Robert C. Chambers](#), District Judge. (3:22-cr-00024-1)

Attorneys and Law Firms

ON BRIEF: [Wesley P. Page](#), Federal Public Defender, [Rhett H. Johnson](#), Assistant Federal Public Defender, Jonathan D. Byrne, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charleston, West Virginia, for Appellant. [William S. Thompson](#), United States Attorney, Lesley S. Shamblin, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.



Before [WYNN](#) and [HARRIS](#), Circuit Judges, and [KEENAN](#), Senior Circuit Judge.

Opinion

Affirmed by unpublished per curiam opinion.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

*1 Joseph Curtis Hubman pled guilty to possession of child pornography involving prepubescent minors, in violation of  18 U.S.C. § 2252A(a)(5)(B),  (b)(2). The district court calculated Hubman's advisory imprisonment range under the *U.S. Sentencing Guidelines Manual* (2018) at 78 to 97 months and, after imposing an upward variance, sentenced Hubman to 120 months'

imprisonment. Hubman challenges the substantive reasonableness of this sentence on appeal. We affirm.

“We review the reasonableness of a [criminal] sentence under [18 U.S.C. § 3553\(a\)](#) using an abuse-of-discretion standard, regardless of whether the sentence is inside, just outside, or significantly outside the Guidelines range.” [United States v. Nance, 957 F.3d 204, 212 \(4th Cir. 2020\)](#) (cleaned up). “[A] sentence outside the Guidelines carries no presumption of unreasonableness.” [Irizarry v. United States, 553 U.S. 708, 714 \(2008\)](#).

In reviewing the substantive reasonableness of a sentence,^{*} “we examine the totality of the circumstances to see whether the sentencing court abused its discretion in concluding that the sentence it chose satisfied the standards set forth in [§ 3553\(a\)](#).” [United States v. Abed, 3 F.4th 104, 119 \(4th Cir. 2021\)](#) (cleaned up). “Where, as here, the sentence is outside the advisory Guidelines range, we must consider whether the sentencing court acted reasonably both with respect to its decision to impose such a sentence and with respect to the extent of the divergence from the sentencing range.” [Nance, 957 F.3d at 215](#) (internal quotation marks omitted). “[E]ven though we might reasonably conclude that a different sentence is appropriate, that conclusion, standing alone, is an insufficient basis to vacate the district court’s chosen sentence.” [United States v. Zuk, 874 F.3d 398, 409 \(4th Cir. 2017\)](#) (cleaned up). Rather, “we must give due deference to the district court’s decision that the [§ 3553\(a\)](#) factors, on a whole, justify the extent of the variance.” [Abed, 3 F.4th at 119](#) (internal quotation marks omitted).

^{*} We have confirmed after review of the record that the sentence is procedurally reasonable. See [United States v. Provance, 944 F.3d 213, 215, 218 \(4th Cir. 2019\)](#).

Hubman argues that his prison term is substantively unreasonable because the district court placed undue weight on the vast size of the collection of child pornography he possessed and the fact that he made and possessed a video of his son and overlooked other relevant factors like his criminal history score of zero and his age. Although the district court sentenced Hubman to a prison term 23 months above the top end of the Guidelines range, we conclude that the imposition of this term was not an abuse of discretion under the totality of the circumstances. The record reflects that the district court considered Hubman’s request for a below-Guidelines prison term and weighed it against the serious nature of his offense conduct in possessing an extensive collection of child pornography across multiple devices, his fixation on his pornography, and the needs for the sentence imposed to reflect the serious nature of his conduct and to afford adequate deterrence, see [18 U.S.C. § 3553\(a\)\(1\), \(2\)\(A\)-\(B\)](#). Although “reasonable jurists could perhaps have balanced those competing factors differently and arrived at a different result, we cannot conclude that this is one of the rare cases where the sentence imposed by the district court was substantively unreasonable in light of the [§ 3553\(a\)](#) factors.” [Abed, 3 F.4th at 119](#) (cleaned up).

***2** We thus affirm the criminal judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

All Citations

Not Reported in Fed. Rptr., 2024 WL 1554756

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Jonathan D. Byrne
Appellate Counsel
Counsel of Record

OFFICE OF THE FEDERAL PUBLIC DEFENDER
Southern District of West Virginia
300 Virginia Street, East, Room 3400
Charleston, West Virginia 25301
304/347-3350
jonathan_byrne@fd.org

Counsel for Petitioner

1 Mr. Hubman.

2 First, it's astounding to me that you had such an
3 extensive collection. This was a huge number of images. I
4 realize many of them were videos. Videos get treated by a
5 calculation that multiplies out to a number of images, but the
6 videos that you had were lengthy videos.

7 I have to say, it's very unusual -- I don't know that
8 I've seen any case where we've had this many images and these
9 long videos and then the nature of the videos. The
10 description contained in the presentence report is vivid.

11 As Mr. Johnson, I'm sure, discussed with you, I have
12 typically exercised my discretion and decided not to apply
13 some of the guideline enhancements because, as he argued in
14 his sentencing memorandum, they appear to be in every case.
15 Computers are always involved in these cases. Very often even
16 a small collection will have some very young children,
17 prepubescent minors or such. Even though often it's a small
18 part of the total images, they will depict some type of
19 violence or sadistic or masochistic conduct. And so I've
20 frequently varied out of those guidelines, and the result has
21 been a reduced sentence.

22 I can't justify doing that in your case at all. The
23 number of images and the content of these lengthy videos I
24 think properly result in the extra points -- I guess they're
25 not extra, but in the points you get under the Sentencing

1 Guidelines. So I don't think that -- that it's inconsistent
2 for me to say here, in your case, there is just too much of
3 that type of material to justify not treating it as supporting
4 these additional points.

5 So you've got here a huge collection. Obviously, to
6 me at least, it was maintained over a long period of time. It
7 involved a number of different devices. You had a lot of
8 computer devices, and you kept things on your cell phone. And
9 so just in terms of the literal child pornography, this was
10 very serious, and I don't really see any reason that the
11 Sentencing Guideline calculation should be reduced.

12 There is a huge added factor in your case, though, and
13 that is that you had a video of your own son -- albeit an
14 adult, but a young adult -- masturbating. I agree with the
15 government. It is preposterous to me to think that you
16 accidentally recorded that, you were recording it for some
17 other reason, and then saw that and then kept it.

18 He's a young man. Now you're telling me this happened
19 in the living room. So I don't understand what you thought
20 you needed to talk to him about. What you needed to do was
21 confront the fact that you had videoed this on your own phone,
22 and then you kept it.

23 The government outlined conduct in the sentencing
24 memorandum that I've said can't be considered today, and I'm
25 not going to consider it. The reports from others in your

1 family about you inappropriately touching someone or making
2 inappropriate contact, I don't think the evidence is there to
3 support that. But the evidence here is very strong,
4 unrefutable that you did take this video of your son while he
5 was masturbating, and then you kept it. To me, that is what
6 really crosses the line into a very dangerous possibility.
7 And that is, even if you hadn't done any of these other things
8 before, that you were someone who was becoming so obsessed
9 with his child pornography that you started to take steps to
10 either make your own production, or that you would have done
11 something else in the nature of direct contact with a minor.
12 So I think a sentence above the guideline is appropriate here.

13 The probation office noted that for at least -- they
14 point out three factors, but at least two of those factors
15 would support what's called an upward departure, and that is
16 the length of the videos and the total number of images. I
17 believe that coupled with your conduct with regard to your son
18 justifies a sentence above this guideline. So it will be the
19 judgment of this Court that you be committed to the custody of
20 the Bureau of Prisons for a term of 120 months. That is ten
21 years. That is half of the statutory maximum. I think given
22 the facts that I've outlined here today, that a sentence above
23 the guideline is appropriate. So that will be the Court's
24 judgment.

25 Do you want me to recommend that you be housed in any

particular location?

(Defendant conferring with his counsel.)

THE DEFENDANT: As close as possible to home, I guess.

THE COURT: Henderson?

THE DEFENDANT: Yes.

THE COURT: I'm not sure exactly what would be closer, but I'll recommend that you be housed as close to Henderson, West Virginia, as possible.

I'll also recommend that you be allowed to participate in any sex offender treatment program wherever you're incarcerated.

I also recommend that the Bureau of Prisons place you in a facility where you can have a vision examination and also be evaluated and treated for any other medical or mental health issues.

I think a term of supervised release of 15 years is appropriate. So upon release from prison, you'll be on supervised release for 15 years. Within 72 hours of your release from custody, you must report in person to the United States Probation Office in the district to which you are released.

While you're on supervised release, you must not commit another federal, state or local crime; you must not unlawfully possess a firearm or other dangerous device; and you must not unlawfully possess a controlled substance.

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OFFICE OF THE FEDERAL PUBLIC DEFENDER
Southern District of West Virginia
300 Virginia Street, East, Room 3400
Charleston, West Virginia 25301
304/347-3350
jonathan_byrne@fd.org

Counsel for Petitioner

UNITED STATES DISTRICT COURT

Southern District of West Virginia

UNITED STATES OF AMERICA

v.

JOSEPH CURTIS HUBMAN

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:22-00024

USM Number: 83983-509

Rhett Johnson, AFPD

Defendant's Attorney

THE DEFENDANT:

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

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 2252A(a)(5)(B) and 2252A(b)(2)	Possession of Prepubescent Child Pornography	11/11/2020	1

The defendant is sentenced as provided in pages 2 through 9 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.

11/14/2022

Date of Imposition of Judgment


ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE

11/16/2022

Date

DEFENDANT: JOSEPH CURTIS HUBMAN
CASE NUMBER: 3:22-00024

IMPRISONMENT

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

120 months.

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

that the defendant be housed as close to Henderson, WV, as possible;
that the defendant be evaluated and treated for vision, medical, and mental health conditions;
that the defendant be allowed to participate in the Sex Offender Treatment Program.

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

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

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

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

☐ before 2 p.m. on _____.

☒ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

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

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JOSEPH CURTIS HUBMAN

CASE NUMBER: 3:22-00024

SUPERVISED RELEASE

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

15 years.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☒ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a 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 the location where 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: JOSEPH CURTIS HUBMAN
CASE NUMBER: 3:22-00024**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: JOSEPH CURTIS HUBMAN
CASE NUMBER: 3:22-00024

ADDITIONAL SUPERVISED RELEASE TERMS

While on supervised release, the defendant must not commit another federal, state, or local crime; the defendant must not unlawfully possess a controlled substance. The defendant also must comply with the standard terms and conditions of supervised release as recommended by the U.S. Sentencing Commission and as adopted by this Court, except that he need not participate in a program of testing, counseling, and treatment for drug and alcohol abuse.

In addition, the defendant shall comply with the Standard Conditions of Supervision adopted by the Southern District of West Virginia in Local Rule of Criminal Procedure 32.3, as follows:

- 1) If the offender is unemployed, the probation officer may direct the offender to register and remain active with Workforce West Virginia.
- 2) Offenders shall submit to random urinalysis or any drug screening method whenever the same is deemed appropriate by the probation officer and shall participate in a substance abuse program as directed by the probation officer. Offenders shall not use any method or device to evade a drug screen.
- 3) As directed by the probation officer, the defendant will make copayments for drug testing and drug treatment services at rates determined by the probation officer in accordance with a court-approved schedule based on ability to pay and availability of third-party payments.
- 4) A term of community service is imposed on every offender on supervised release or probation. Fifty hours of community service is imposed on every offender for each year the offender is on supervised release or probation. The obligation for community service is waived if the offender remains fully employed or actively seeks such employment throughout the year.
- 5) The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- 6) The defendant shall not purchase, possess, or consume any organic or synthetic intoxicants, including bath salts, synthetic cannabinoids, or other designer stimulants.

DEFENDANT: JOSEPH CURTIS HUBMAN
CASE NUMBER: 3:22-00024

ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

- (1) The defendant shall have no direct or indirect contact, at any time, for any reason, with the victim(s) identified in the presentence report or the victim's family.
- (2) The defendant shall submit to an evaluation by a qualified mental health professional, approved by the probation officer, who is experienced in treatment of sexual offenders. The defendant shall take all medications reasonably related to treatment of his or her condition, complete all treatment recommendations and abide by all rules, requirements and conditions imposed by the professional. The defendant must do so until discharged from treatment by the professional. Prior to being required to submit any proposed course of treatment, the defendant or the United States may seek review by the presiding district judge of any facet of the prescribed course of treatment. The United States and the defendant shall also have the right to seek review by the presiding district judge of any continuation or discontinuation of such treatment.
- (3) The defendant shall submit to risk assessments, psychological and physiological testing, which may include, but is not limited to, a polygraph examination or other specific tests to monitor the defendant's compliance with probation or supervised release treatment conditions, at the direction of the probation officer.
- (4) The defendant's residence and employment shall be approved by the probation officer. Any proposed change in residence or employment must be provided to the probation officer at least 10 days prior to the change and pre-approved before the change may take place. If such notification is not possible due to unanticipated circumstances, the defendant must notify the probation officer within 72 hours of becoming aware of the change or expected change.
- (5) The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) and/or register as directed by the probation officer. The defendant shall register with any local and/or State Sex Offender Registration agency in any state or federal territory where the defendant resides, is employed, carries on a vocation, or is a student, or was convicted of a qualifying offense, pursuant to state law.
- (6) The term "minor" with respect to any condition of supervised release refers to one who is under the age of eighteen (18) years.
- (7) The defendant shall not associate or have verbal, written, telephonic or electronic communications with any minor except: 1) in the presence of the parent or legal guardian of said minor; 2) on the condition that the defendant notifies the parent or legal guardian of the defendant's sex offender conviction(s); and 3) with written approval from the probation officer, which shall not be unreasonably withheld. This provision does not encompass minors working as waiters, cashiers, ticket vendors, and similar service personnel with whom the defendant must deal in order to obtain ordinary and usual commercial services.
- (8) The defendant must not possess or use a computer or other device (as defined in 18 U.S.C. § 1030(e)(1)) capable of Internet access until a Computer Use Agreement is developed and approved by the treatment provider and/or probation officer. Such approval will not be unreasonably withheld. Such computers, computer hardware or software possessed solely by the defendant is subject to searches and/or seizures by the probation office.
- (9) The defendant shall provide the probation officer access to any requested financial records and authorize the release of any financial information.
- (10) The defendant shall not purchase, possess or control cameras, camcorders, or movie cameras without prior approval of the probation officer, which shall not be unreasonably withheld.
- (11) The defendant shall not engage in any forms of exhibitionism, voyeurism, obscene phone calls or other lewd or lascivious behavior toward a minor, nor engage in "grooming" behavior that is apt to attract, seduce or reduce sexual resistance or inhibitions of a minor.
- (12) The defendant shall not possess sadomasochistic or similar bindings or handcuffs, or like forms of restraint.
- (13) The defendant shall not be employed in any position or participate as a volunteer in any activity that involves contact with minors without written permission from the probation officer, which shall not be unreasonably withheld. The defendant may not engage in an activity that involves being in a position of trust or authority over any minor.
- (14) The defendant shall allow the U.S. Probation Officer, or other designee, to install software designed to monitor computer activities on any computer the defendant is authorized to use. This may include, but is not limited to, software that may record any and all activity on computers (as defined in 18 U.S.C. § 1030(e)(1)) the defendant may use, including the capture of keystrokes, application information, internet use history, email correspondence, and chat conversations. The defendant shall pay any costs related to the monitoring of computer usage at the direction of the probation officer.
- (15) The defendant shall not possess pictures of minors for the purpose of sexual gratification.
- (16) The defendant shall submit his person, property, house, residence, vehicle, papers, or office to a search conducted by a United States probation officer when there is reasonable suspicion that the defendant has violated a condition of supervision. Prior to the search, the Probation Officer must obtain approval for the search from the Court. The search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation of release. The defendant shall inform other occupants that the premises may be subject to searches pursuant to this condition.

DEFENDANT: JOSEPH CURTIS HUBMAN
CASE NUMBER: 3:22-00024

SPECIAL CONDITIONS OF SUPERVISION

The defendant will participate in a program of testing, counseling, and treatment for drug and alcohol abuse as directed by the probation officer.

Payment of the additional special assessment is a special condition of supervised release.

The defendant must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the U.S. Attorney's Office.

Payment of the special assessments and restitution are special conditions of supervised release.

In connection with payment of restitution, the Court imposes the following additional special conditions of supervised release:

- the defendant is prohibited from incurring new credit charges or opening additional lines of credit without the probation officer's approval unless he is in compliance with the restitution payment schedule;
- the defendant will provide the probation officer access to any requested financial information. The probation office may share financial information with the United States Attorney's Office;
- the defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and any other anticipated or unanticipated financial gains to any Court imposed monetary obligation.

DEFENDANT: JOSEPH CURTIS HUBMAN
CASE NUMBER: 3:22-00024**CRIMINAL MONETARY PENALTIES**

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.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVT A Assessment**</u>
TOTALS	\$ 100.00	\$ 32,000.00	\$	\$	\$ 5,000.00

☐ 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>
Andy		\$3,000.00	1
Dipper		\$5,000.00	1
Jen		\$3,000.00	1
Jenny		\$3,000.00	1
Jessy		\$5,000.00	1
Pia		\$5,000.00	1
Sarah		\$3,000.00	1
Violet		\$5,000.00	1

TOTALS	\$	<u>0.00</u>	\$	<u>32,000.00</u>
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☐ 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: JOSEPH CURTIS HUBMAN
CASE NUMBER: 3:22-00024

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

Restitution is due immediately.

If restitution is not paid in full before the defendant's release from prison, the Court orders the defendant to pay the balance of the restitution in installments of \$100 per month, with the first being due within 30 days after release from prison.

Payments may be forwarded to United States District Court Clerk, 300 Virginia Street East, Suite 2400 WV 25301.

If the probation officer determines that a modification of the installment payments is necessary while the defendant is on supervised release, the probation officer can petition the Court to reevaluate the payments.

The special assessment are due immediately.

The Court directs that payments shall be applied in the following order: the special assessment, restitution, JVTa assessment, penalties, and costs, including prosecution and court costs.

Any balance of restitution is payable to the Crime Victims' Fund.