APPENDIX

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APPENDIX A

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6756

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM LEWIS DONTARS MEEKS, a/k/a Willie, a/k/a Rock,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Chief District Judge. (3:12-cr-00188-FDW-19; 3:15-cv-00208-FDW)

Submitted: October 25, 2017 Decided: November 13, 2017

Before AGEE and FLOYD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Brian Michael Aus, BRIAN AUS, ATTORNEY AT LAW, Durham, North Carolina, for Appellant. Jill Westmoreland Rose, United States Attorney, Daniel Steven Ryan, Kevin Zolot, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina; Thomas Michael Kent, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

William Lewis Dontars Meeks seeks to appeal the district court's order denying relief on his 28 U.S.C. § 2255 (2012) motion. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(B) (2012). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2012). When the district court denies relief on the merits, a prisoner satisfies this standard by demonstrating that reasonable jurists would find that the district court's assessment of the constitutional claims is debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see Miller-El v. Cockrell*, 537 U.S. 322, 336-38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the motion states a debatable claim of the denial of a constitutional right. *Slack*, 529 U.S. at 484-85.

We have independently reviewed the record and conclude that Meeks has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. 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.

DISMISSED

APPENDIX B

FILED: November 13, 2017

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-6756
(3:12-cr-00188-FDW-19)
(3:15-cv-00208-FDW)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

WILLIAM LEWIS DONTARS MEEKS, a/k/a Willie, a/k/a Rock

Defendant - Appellant

JUDGMENT

In accordance with the decision of this court, a certificate of appealability is denied and the appeal is dismissed.

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

/s/ PATRICIA S. CONNOR, CLERK

APPENDIX C

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-cv-208-FDW
(3:12-cr-188-FDW-19)

WILLIAM LEWIS DONTARS MEEKS,	)	
	)	
Petitioner,	)	
	)	
vs.	)	**ORDER**
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	
	)	

THIS MATTER is before the Court on Petitioner's Supplemental Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255, (Doc. No. 12), and on the Government's Motion to Dismiss, (Doc. No. 15).[1] Petitioner is represented by Brian Aus. Petitioner contends that he is entitled to sentencing relief under Johnson v. United States, 135 S. Ct. 2551 (2015).

I. BACKGROUND

A federal grand jury indicted Petitioner William Lewis Dontars Meeks in May 2012, charging him with conspiracy to commit racketeering, in violation of 18 U.S.C. § 1962(d). (Crim. Case No. 3:12cr188, Doc. No. 280: Superseding Bill of Indictment). Petitioner was also charged with conspiracy to distribute and possess with intent to distribute crack cocaine, in violation of 21 U.S.C. §§ 846 and 841(a)(1); use of a communication facility in furtherance of a drug-trafficking offense, in violation of 21 U.S.C. § 843(b); six counts of distribution of powder cocaine and aiding and abetting the same, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §

[1] As discussed, infra, Petitioner filed an original motion to vacate, pro se, on May 7, 2015. This Court scheduled an evidentiary hearing on two of Petitioner's claims raised in the original motion to vacate. On March 30, 2016, however, Petitioner, through counsel Brian Aus, withdrew the original motion to vacate and agreed to proceed solely on the Johnson claim in the supplemental motion to vacate. (Doc. Entry dated Mar. 30, 2016).

2; three counts of possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1); and conspiracy to commit a Hobbs Act robbery, in violation of 18 U.S.C. § 1951. (Id.). The Government filed an Information in accordance with 21 U.S.C. § 851, notifying Petitioner and this Court that it intended to seek enhanced penalties based on Petitioner's two prior convictions for felony drug offenses. (Id., Doc. No. 223: Information to Establish Prior Conviction).

On October 3, 2013, Petitioner entered into a plea agreement with the United States and pleaded guilty to the drug-trafficking-conspiracy offense, one felon-in-possession offense, and one substantive drug-trafficking offense. (Id., Doc. No. 631 at ¶ 1: Plea Agreement; Doc. No. 644: Acceptance and Entry of Guilty Plea). In exchange, the Government agreed to dismiss the remaining counts against Petitioner and to file an amended § 851 Information, seeking an enhanced penalty based on only one of Petitioner's two prior convictions for felony drug offenses. (Id., Doc. No. 631 at ¶¶ 2, 7(b)). The parties also stipulated that Petitioner was responsible for more than 28 but less than 112 grams of crack cocaine for purposes of calculating the advisory Sentencing Guidelines range of imprisonment. (Id. at ¶ 7(a)). In the parties' agreement, Petitioner acknowledged that "if the Probation Office determine[d] from [his] criminal history that U.S.S.G. § 4B1.1 (Career Offender) or U.S.S.G. § 4B1.4 (Armed Career Criminal) applie[d], such provision may be used in determining the sentence." (Id. at ¶ 7(e)). In exchange for the concessions made by the Government, Petitioner agreed to waive his right to contest his conviction or sentence based on 28 U.S.C. § 2255, except for claims of ineffective assistance of counsel or prosecutorial misconduct. (Id. at ¶¶ 18-19).

The probation office prepared a presentence report in which the probation officer calculated an adjusted offense level of 30 based on Petitioner's offense characteristics. (Id., Doc.

No. 783 at ¶ 83). The probation officer also determined that Petitioner qualified as a career offender under Sentencing Guidelines § 4B1.1, elevating his adjusted offense level to 37. (Id. at ¶ 84). The probation officer noted that Petitioner also qualified as an armed career criminal under 18 U.S.C. § 924(e) and Sentencing Guidelines § 4B1.4 for purposes of the felon-in-possession offense. (Id. at ¶ 85). This enhancement, however, would have yielded an adjusted offense level of 34, lower than the offense level based on the career-offender guideline. See U.S.S.G. § 4B1.4(b)(1)(3)(A) (2013). Based on a total offense level, after a reduction for acceptance of responsibility, of 34 and a criminal-history category of VI, the probation officer calculated an advisory Sentencing Guidelines range of between 262 and 327 months in prison. (Id., Doc. No. 783 at ¶ 179).

Before sentencing, the Government dismissed all counts except for the drug-trafficking-conspiracy and felon-in-possession counts. (Id., Docket Entry 4/9/14). The Government also filed a motion for a downward departure under 18 U.S.C. § 3553(e). (Id., Doc. No. 786). This Court granted the Government's motion and departed downward to an offense level 27, for an advisory range of between 130 and 162 months in prison. (Id., Doc. No. 840 at 4). The Court sentenced Petitioner to 130 months in prison on both the drug-conspiracy and felon-in-possession counts, to be served concurrently. (Id., Doc. No. 839 at 2: Judgment). Judgment was entered on April 23, 2014. (Id.).

Petitioner did not appeal but filed his original motion to vacate, pro se, under 28 U.S.C. § 2255 on May 7, 2015. (Civ. Case No. 3:15cv208, Doc. No. 1). Petitioner filed a supplemental motion to vacate through counsel Brian Aus on March 24, 2016, arguing that, based on Johnson, he was improperly sentenced as a career offender and an armed career criminal. (Id., Doc. No. 12). On March 30, 2016, Petitioner withdrew his original motion to vacate and decided to proceed only on the claim presented in his supplemental motion based on Johnson. (Id., Docket Entry 3/30/16).

II. STANDARD OF REVIEW

Rule 4(b) of the Rules Governing Section 2255 Proceedings provides that courts are to promptly examine motions to vacate, along with "any attached exhibits and the record of prior proceedings . . ." in order to determine whether the petitioner is entitled to any relief on the claims set forth therein. After examining the record in this matter, the Court finds that the argument presented by the Petitioner can be resolved based on the record and governing case law. See Raines v. United States, 423 F.2d 526, 529 (4th Cir. 1970).

III. DISCUSSION

As noted, Petitioner supplemented his motion to vacate to bring the sole remaining claim, in which he seeks sentencing relief in light of Johnson v. United States, 135 S. Ct. 2551 (2015), which declared the residual clause of the Armed Career Criminal Act unconstitutionally vague. On May 4, 2017, the Government submitted a response and motion to dismiss following the Supreme Court's decision in Beckles v. United States, 137 S. Ct. 886 (2017). The Government first contends that Beckles forecloses Petitioner's Johnson claim. The Court agrees. In Beckles, the Court rejected a due process challenge to the career offender guideline, holding that "the advisory Guidelines are not subject to vagueness challenges." Beckles, 137 S. Ct. at 890. Petitioner's challenge to his career-offender classification fails under Beckles. Additionally, as the record establishes, Petitioner's sentence was determined based on his classification as a career offender, not based on his classification as an armed career criminal.[2] For this reason alone, Petitioner's motion to vacate will be dismissed.

Petitioner's motion to vacate will also be dismissed because he waived his right to seek post-conviction relief, except on the bases of ineffective assistance of counsel or prosecutorial misconduct, and he does not assert either type of claim in his supplemental motion. The language and meaning of Petitioner's post-conviction waiver are "clear and unmistakable." United States v. Blick, 408 F.3d 162, 169 (4th Cir. 2005). The waiver plainly includes within its scope Petitioner's challenge to his sentence based on an alleged constitutionally erroneous application of the career-offender guideline or the armed-career-criminal sentence enhancement. Blick, 408 F.3d at 173 (holding that a constitutional challenge to a sentence under Booker fell within the scope of a valid waiver); United States v. Brown, 232 F.3d 399, 404 (4th Cir. 2000) (holding, before Booker, that an appeal waiver "precludes a claim that the given sentence resulted from a misapplication of the Guidelines"). Petitioner does not challenge this Court's finding that his guilty plea was voluntary and intelligent. See Bousley v. United States, 523 U.S. 614, 621 (1998). Moreover, because Petitioner's felon-in-possession sentence is the same length as his drug-trafficking sentence, he cannot show that application of the armed-career-criminal enhancement resulted in a miscarriage of justice. Cf. United States v. Adams, 814 F.3d 178, 183 (4th Cir. 2016) (holding that the defendant's undisputed claim of factual innocence fell outside his appeal waiver because enforcement of the waiver would have resulted in a miscarriage of justice).

[2] Petitioner has not identified any collateral consequences stemming from his status as an armed career criminal and, instead, challenges only his custodial sentence. (See id.).

Finally, this Court additionally finds that, under the collateral sentence doctrine, even if this Court improperly classified Petitioner as an armed career criminal, his sentence must be affirmed because Beckles forecloses relief from the career-offender enhancement, and Petitioner has failed to identify any collateral consequence resulting from his classification as an armed career criminal. See United States v. Bradley, 644 F.3d 1213, 1294 (11th Cir. 2011) (declining to address defendant's challenge to his sentence on one count of conviction where the court affirmed a concurrent sentence because the defendant's "ultimate term of imprisonment would not change even were [the court] to find error" and the defendant would suffer "no adverse collateral consequences"); United States v. Harris, 695 F.3d 1125, 1139 (10th Cir. 2012) (declining to review challenge to sentence on one count of conviction where defendant did not challenge concurrent sentences on other counts); United States v. Hill, 859 F.2d 325, 326 (4th Cir. 1988) (explaining that the concurrent sentence doctrine "provides that where a defendant is serving concurrent sentences and one conviction is shown to be valid, the court may decline to pass upon the validity of the other conviction" with "a showing that the defendant will suffer no harm by letting both the valid and unreviewed convictions stand"); United States v. Bowdach, 501 F.2d 220, 228 (5th Cir. 1974) (declining to review defendant's argument challenging conviction under concurrent sentence doctrine where the court upheld concurrent sentence on another count).

In sum, for the reason stated herein, the Court denies and dismisses Petitioner's motion to vacate his sentence.

IV. CONCLUSION

For the foregoing reasons, the Court denies and dismisses Petitioner's § 2255 petition.

IT IS, THEREFORE, ORDERED that:

1. Petitioner's Supplemental Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255, (Doc. No. 1), is **DENIED** and **DISMISSED**. To this extent, the Government's Motion to Dismiss, (Doc. No. 15), is **GRANTED**.

2. **IT IS FURTHER ORDERED** that pursuant to Rule 11(a) of the Rules Governing Section 2254 and Section 2255 Cases, this Court declines to issue a certificate of appealability. See 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 338 (2003) (in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 473, 484 (2000) (when relief is denied on procedural grounds, a petitioner must establish both that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right).

Signed: June 9, 2017

Frank D. Whitney
Chief United States District Judge

APPENDIX D

UNITED STATES DISTRICT COURT
Western District of North Carolina

UNITED STATES OF AMERICA	**JUDGMENT IN A CRIMINAL CASE**
	(For Offenses Committed On or After November 1, 1987)
V.	
William Lewis Dontars Meeks	Case Number: DNCW312CR00188-019
	USM Number: 16648-058
	Lawrence W. Hewitt
	Defendant's Attorney

THE DEFENDANT:

☒ Pleaded guilty to count(s) 2s & 10s.
☐ 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
21:846 and 21:841(b)(1)(B) and 851	Conspiracy to Distribute and Possession with Intent to Distribute Cocaine Base	10/17/2012	2s
19:922(g) and 18:924(e)(1)	Possession of a Firearm by Felon	05/09/2011	10s

The Defendant is sentenced as provided in pages 2 through 6 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) 1, 1s, 2, 3, 3s, 5 – 6, 5s – 6s, 9, 9s, 10, 11, 11s, 24s, 25, 29s, 30, 30s, 31, 31s, 32, 32s & 33 (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: 4/9/2014

Frank D. Whitney
Chief United States District Judge

Date: April 23, 2014

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Counts 2s & 10s: ONE HUNDRED & THIRTY (130) MONTHS each count to run concurrently.

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

- Participation in the Federal Inmate Financial Responsibility Program.
- Participation in any available substance abuse treatment program and if eligible, receive benefits of 18:3621(e)(2).
- Defendant shall support all dependents from prison earnings.
- Participation in any available educational and vocational opportunities.
- Placed in a facility as close to FCI Bennettsville, SC as possible, consistent with the needs of BOP.

☒ 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: William Lewis Dontars Meeks
Case Number: DNCW312CR00188-019

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of Count 2s: EIGHT (8) YEARS Count 10s: TWO (2) YEARS 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.

STANDARD CONDITIONS OF SUPERVISION

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

1. The defendant shall not commit another federal, state, or local crime.
2. The defendant shall refrain from possessing a firearm, destructive device, or other dangerous weapon.
3. 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 on a schedule to be established by the Court.
4. The defendant shall provide access to any personal or business financial information as requested by the probation officer.
5. The defendant shall not acquire any new lines of credit unless authorized to do so in advance by the probation officer.
6. The defendant shall not leave the Western District of North Carolina without the permission of the Court or probation officer.
7. The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
8. A defendant on supervised release shall report in person to the probation officer in the district to which he or she is released within 72 hours of release from custody of the Bureau of Prisons.
9. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
10. The defendant shall support his or her dependents and meet other family responsibilities.
11. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other activities authorized by the probation officer.
12. The defendant shall notify the probation officer within 72 hours of any change in residence or employment.
13. The defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as duly prescribed by a licensed physician.
14. The defendant shall participate in a program of testing and treatment or both for substance abuse if directed to do so by the probation officer, until such time as the defendant is released from the program by the probation officer; provided, however, that defendant shall submit to a drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter for use of any controlled substance, subject to the provisions of 18:3563(a)(5) or 18:3583(d), respectively; The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which is (are) required as a condition of supervision.
15. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
16. The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
17. The defendant shall submit his person, residence, office, vehicle and/or any computer system including computer data storage media, or any electronic device capable of storing, retrieving, and/or accessing data to which they have access or control, to a search, from time to time, conducted by any U.S. Probation Officer and such other law enforcement personnel as the probation officer may deem advisable, without a warrant. The defendant shall warn other residents or occupants that such premises or vehicle may be subject to searches pursuant to this condition.
18. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed by the probation officer.
19. The defendant shall notify the probation officer within 72 hours of defendant's being arrested or questioned by a law enforcement officer.
20. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court.
21. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
22. If the instant offense was committed on or after 4/24/96, the defendant shall notify the probation officer of any material changes in defendant's economic circumstances which may affect the defendant's ability to pay any monetary penalty.
23. If home confinement (home detention, home incarceration or curfew) is included you may be required to pay all or part of the cost of the electronic monitoring or other location verification system program based upon your ability to pay as determined by the probation officer.
24. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
25. The defendant shall participate in transitional support services under the guidance and supervision of the U.S. Probation Officer. The defendant shall remain in the services until satisfactorily discharged by the service provider and/or with the approval of the U.S. Probation Officer.

CRIMINAL MONETARY PENALTIES

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

ASSESSMENT	FINE	RESTITUTION
$200.00	$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.

FINE

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.

☐ The defendant shall pay $0.00 towards court appointed fees.

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 ☐ (C), ☒ (D) below); or

C ☐ Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of $50.00 to commence 60 (E.g. 30 or 60) days after the date of this judgment; or

D ☒ Payment in equal Monthly (E.g. weekly, monthly, quarterly) installments of $ 50.00 to commence 60 (E.g. 30 or 60) days after release from imprisonment to a term of supervision. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. Probation Officer shall pursue collection of the amount due, and may request the court to establish or 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: Any property seized during the course of this investigation.

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 210, 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.

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

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