

**In The
Supreme Court of The United States**

KENNETH BENBOW;
MARK PRAY;
ALONZO MARLOW,

Petitioners,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

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United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-3052**September Term, 2017****1:10-cr-00051-RMC-4****1:10-cr-00051-RMC-2****1:10-cr-00051-RMC-1****Filed On:** January 12, 2018

United States of America,

Appellee

v.

Kenneth Benbow, also known as BBD, also
known as Fat Boy, also known as Stink,

Appellant

Consolidated with 12-3053, 12-3054**BEFORE:** Tatel, Kavanaugh, and Srinivasan, Circuit Judges**ORDER**

Upon consideration of the joint motion to hold cases in abeyance pending the Supreme Court's decisions in Sessions v. Dimaya and Carpenter v. United States, the opposition thereto, and the reply, it is

ORDERED that the motion be dismissed as moot in light of the court's judgment issued on January 12, 2018.

Per Curiam**FOR THE COURT:**

Mark J. Langer, Clerk

BY:

/s/

Ken Meadows

Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-3052**September Term, 2017**

FILED ON: JANUARY 12, 2018

UNITED STATES OF AMERICA,
APPELLEE

v.

KENNETH BENBOW,
APPELLANT

Consolidated with 12-3053, 12-3054

Appeals from the United States District Court
for the District of Columbia
(No. 1:10-cr-00051-2)
(No. 1:10-cr-00051-1)
(No. 1:10-cr-00051-4)

Before: TATEL, KAVANAUGH, and SRINIVASAN, *Circuit Judges*.

J U D G M E N T

This case was considered on the record from the United States District Court for the District of Columbia, and on the briefs and oral arguments of the parties. The Court has afforded the issues full consideration and has determined that they do not warrant a published opinion. See Fed. R. App. P. 36; D.C. Cir. R. 36(d). It is

ORDERED and **ADJUDGED** that the judgments of the United States District Court for the District of Columbia dated June 21, 2012, for defendant Alonzo Marlow and June 22, 2012, for defendants Kenneth Benbow and Mark Pray be **AFFIRMED IN PART** and **VACATED IN PART**.

Defendants Kenneth Benbow, Mark Pray, and Alonzo Marlow were convicted and sentenced to life imprisonment for their roles in several violent murders and for their participation in an interstate drug conspiracy that involved the sale of crack cocaine, marijuana, and PCP in the Washington, D.C., metropolitan area. On appeal, the defendants raise a variety of arguments. As we will explain, all of their arguments except for one are unavailing.

First, the District Court did not abuse its discretion when it denied the defendants access

to wiretap progress reports. The District Court concluded that the wiretap progress reports were not material within the meaning of Federal Rule of Criminal Procedure 16(a)(1)(E). The progress reports had no practical value in this case. Before trial, the Government provided the defendants other, more comprehensive wiretap-related materials that they needed to challenge the wiretaps.

Second, the District Court correctly concluded that Pray could not object to the September 1, 2006, search of Crystal Washington's home. Pray did not live in Washington's home. Although he may have frequented Washington's home at times, there is no evidence that Pray used the home for any reason other than to process, stash, and sell narcotics. Under settled law, an individual's drug-related activity in someone else's home does not give that individual the right to object to a police search of the other person's home. See *Minnesota v. Carter*, 525 U.S. 83, 90 (1998); *United States v. Hicks*, 978 F.2d 722, 724 (D.C. Cir. 1992).

Third, even if the District Court erred in admitting Marlow's cell-site data, the error was harmless. In *Carpenter v. United States*, the Supreme Court is deciding whether the warrantless seizure and search of historical cell phone records that reveal the location and movements of a cell phone user is permitted by the Fourth Amendment. 138 S. Ct. 293 (Mem). Even assuming that the warrantless search here was unlawful, the admission of the cell-site evidence was harmless. That is because Marlow's cell-site data was largely duplicative of the GPS location evidence obtained from the logs monitoring Marlow's ankle bracelet. Both the cell-site data and the GPS logs place Marlow near both Washington and Hodge when they were murdered. Indeed, the GPS data was more precise and accurate than the cell-site data. Therefore, any error associated with the admission of the cell-site data was harmless.

Fourth, the District Court did not abuse its discretion by admitting Marlow's in-jail letter to Pray. The Government was required to demonstrate that the letter was authentic. See *United States v. Mejia*, 597 F.3d 1329, 1335-36 (D.C. Cir. 2010). Here, the District Court found that the handwriting on the letter matched the handwriting on forms that Marlow had signed; the message was directed to Pray and concerned the murders at issue; the letter was found in Pray's cell; and the letter was addressed to Pray and preserved by Pray. The District Court did not abuse its discretion in finding that the letter was authentic.

Fifth, the District Court did not abuse its discretion in refusing to allow opening statements on alternative theories of who murdered Washington and Hodge. Defendants have a constitutional right to present a complete defense, and this includes presenting reasonable third-party-perpetrator evidence. See *Holmes v. South Carolina*, 547 U.S. 319, 324-27 (2006). The District Court placed no limitations on the defense's ability to develop evidence at trial regarding their third-party perpetrator defense. The District Court also did not err in refusing to admit a closing statement that included an alternative theory that a man named Benton ordered Washington's murder. The defendants' cross-examination failed to yield sufficient evidence of a reasonable possibility that Benton ordered the murder of Washington.

Sixth, there was sufficient evidence to convict Marlow, Benbow, and Pray for committing a violent crime – murder – in aid of racketeering. “When reviewing a conviction for sufficiency of the evidence, the relevant question is whether . . . any rational trier of fact could have found

the essential elements of the crime beyond a reasonable doubt.” *United States v. Gaskins*, 690 F.3d 569, 576-77 (D.C. Cir. 2012). Here, ample evidence showed that Benbow and Pray murdered Johnson because Johnson had spread lies about Benbow, and that Marlow murdered Hodge to avenge the murder of a member of Pray’s organization.

Seventh, there was sufficient evidence for the jury to find that there was a single conspiracy. The evidence presented at trial, when viewed in the light most favorable to the Government, supported “a jury finding of a single conspiracy agreed to by all of the defendants.” *United States v. Bostick*, 791 F.3d 127, 137 (D.C. Cir. 2015). The common purpose of the organization was to profit from selling drugs, including PCP, crack cocaine, and marijuana. Even if there were *also* separate smaller conspiracies, that does not mean there was not also one larger conspiracy.

Eighth, the District Court did not plainly err in concluding that second degree murder involves the use of force and hence qualifies as a crime of violence in light of the Supreme Court’s decisions holding that indirect applications of force and reckless conduct may qualify as crimes of violence. See *United States v. Castleman*, 134 S. Ct. 1405, 1414-15 (2014); *Voisine v. United States*, 136 S. Ct. 2272, 2278-80 (2016).

Ninth, even assuming that the District Court abused its discretion by issuing some of its jury instructions orally while providing others in writing, that error was harmless. Jury instructions “may not be judged in artificial isolation, but must be considered in the context of the instructions as a whole and the trial record.” *Estelle v. McGuire*, 502 U.S. 62, 72 (1991); see also *United States v. Toms*, 396 F.3d 427, 436 (D.C. Cir. 2005). The District Court clarified for the jury that, although some instructions were given on one day and some on another, they are “all just as important,” and further encouraged the jurors to ask questions if they had any. J.A. 2389. That instruction cured any possible errors associated with the timing or form of the instructions.

Tenth, the defendants claim that FBI Special Agent Catherine Hanna testified as both an expert and a lay witness without clarifying the basis of her testimony. Therefore, the defendants argue, the District Court should not have admitted some of her testimony. Based on decisions of this Court handed down after the defendants’ trial, the Government correctly concedes that Agent Hanna’s testimony crossed the line at various points. See, e.g., *United States v. Hampton*, 718 F.3d 978, 982-83 (D.C. Cir. 2013); *United States v. Williams*, 827 F.3d 1134, 1156-58 (D.C. Cir. 2016). The Government also correctly concedes that Agent Hanna’s testimony was not harmless as to counts 42-49 and 56-62 of the indictment. We further hold that Agent Hanna’s testimony was not harmless as to counts 51, 53, 54, and 55. The convictions on those counts are all vacated.

The error was harmless as to the remaining convictions.

As to the convictions related to the arrests at Crystal Washington’s home, the wiretaps took place after the arrests. Therefore, Agent Hanna’s testimony about the wiretaps was harmless.

As to the convictions related to Washington's murder, Johnson's murder, Robinson's attempted murder, and the use of Linda Battle's home for drug sales and trafficking: Those charges were overwhelmingly proved by cooperating witness testimony corroborated by physical evidence and, with regard to Battle's house, evidence from controlled buys.

As to Marlow's role in the Hodge murder, there was GPS monitoring data placing Marlow at the crime scene. The Government also put on several witnesses who testified to Marlow's presence at the crime scene, including Eric McLeod, who describes Marlow placing a gun in his waistband. Therefore, Agent Hanna's testimony was harmless as to that conviction.

With regard to Pray's role in the Hodge murder, Agent Hanna's testimony was harmless. The issue here focuses on a phone call between Pray and Marlow in which Marlow said, among other things, "work call." In the Government's closing argument, the prosecutor told the jury that the phone call shows the murder was reasonably foreseeable to Pray. In explaining why Pray would have known that "work call" meant murder, the prosecutor did not reference Agent Hanna's testimony. Rather, the prosecutor relied solely on Lawson White's independent (and later) testimony, saying: "And what's the first thing that Mr. Marlow says? Work call. I think Lawson White summed that up for us. He said Mr. Marlow is a work call, he kills." J.A. 2192. (Lawson had testified at J.A. 1605 as follows: A. Because I knew Zo [Marlow] was work call. Q. Work call, what does that mean? A. It mean if somebody do something, he going to kill somebody.").

Especially given the Government's exclusive focus on White's testimony in the closing argument, and given that White's testimony used the exact same formulation ("work call") used by Marlow in the call, Agent Hanna's testimony was harmless as to Pray.

In sum, the convictions on the following counts are vacated: counts 42-49, 51, and 53-62. The remaining convictions are affirmed.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41(a)(1).

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Ken Meadows

Deputy Clerk

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

MARK PRAY

aka Wardy, Woody, Lover, Playboy

JUDGMENT IN A CRIMINAL CASE

FILED

JUL 13 2012

Clerk, U.S. District and
Bankruptcy Courts

Case Number: 10-cr-51-01

USM Number: 37202-037

Jenifer Wicks, Esquire

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) 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 18, 21, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 50, 51
after a plea of not guilty. 53, 54, 55, 56, 57, 58, 61, and 63

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 USC 846 & 841(a)(1)	Conspiracy to Distribute and Possess With Intent to	3/11/2010	1
&(b)(1)(A)(ii), (b)(1)(B)(b)	Distribute PCP, Heroin, Cocaine, Cocaine Base, and		
(1)(B)(ii) & (iv), &(b)(1)(C)	Marijuana		

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) all remaining ☐ 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.

6/22/2012

Date of Imposition of Judgment

Signature of Judge

Rosemary M. Collyer

U.S. District Judge

Name and Title of Judge

Date

(N)

DEFENDANT: MARK PRAY aka Wardy, Woody, Lover, Playboy
CASE NUMBER: 10-cr-51-01

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC §§ 1962(d) and 1963(a)	Conspiracy to Participate in a Racketeer Influenced Corrupt Organization	3/11/2010	2
18 USC §§ 1959(a)(1) and 2	Murder in Aid of Racketeering Activity and Aiding and Abetting	9/24/2008 4/10/2009	4 and 6
18 USC §§ 1959(a)(5) and 2	Attempted Murder in Aid of Racketeering Activity and Aiding and Abetting	9/24/2008	5
22 DCC §§ 1805, 2101, 2104.01(b)(9) and (b)(11), and 4502	First Degree Murder While Armed - With Aggravating Circumstances	4/10/2009 1/13/2010	7 and 9
21 USC § 841(a)(1) and (b)(1)(B)(iv) & 18 USC 2	Unlawful Possession With Intent to Distribute 100 Grams or More of PCP and Aiding and Abetting	9/1/2006	10
21 USC § 841(a)(1) and (b)(1)(C) and 18 USC 2	Unlawful Possession With Intent to Distribute Cocaine and Aiding and Abetting	9/1/2006	11
21 USC § 841(a)(1) and	Unlawful Possession With Intent to Distribute Marijuana and Aiding and Abetting	9/1/2006	12
21 USC § 841(a)(1) and (b)(1)(B)(iii)	Unlawful Distribution of 5 Grams or More of Cocaine Base	8/6/2009	15
21 USC § 841(a)(1) and (b)(1)(B)(iv) & 18 USC 2	Unlawful Distribution of 100 Grams or More of PCP and Aiding and Abetting	8/10/2009	18
21 USC § 841(a)(1) and (b)(1)(B)(iv)	Unlawful Distribution of 100 Grams or More of PCP	9/1/2009	21

DEFENDANT: PRAY II
CASE NUMBER: 10-51-01**ADDITIONAL COUNTS OF CONVICTION**

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 USC § 856(a)(1) and (b) and 18 USC § 2	Maintaining Drug-Involved Premises	9/1/2006	29
		1/1/2009	30
		12/9/2009	31
18 USC §§ 2 and 924(c) (1)(A)(iii) and (D)(2)	Using, Carrying and Possessing a Firearm During a Drug Trafficking Offense	9/1/2006	32
18 USC § 922(g)(1) and 924(a)(2)	Unlawful Possession of a Firearm and Ammunition by a Person Convicted of a Crime Punishable by Imprisonment for a Term Exceeding One Year	9/1/2006	33
18 USC §§ 924(c)(1)(A) (iii) and 2	Using, Carrying and Possessing a Firearm During a Crime of Violence and Aiding and Abetting	9/24/2008	34 and 35
		4/10/2009	36
22 DCC §§ 1805 and 4504(b)	Possession of a Firearm During a Crime of Violence or Dangerous Offense and Aiding and Abetting	4/10/2009	37
		1/13/2010	39
18 USC §§ 924(c)(1)(C) (i) and 2	Using, Carrying and Possessing a Firearm During a Crime of Violence and Aiding and Abetting	1/13/2010	38
18 USC §§ 924(c)(1) and 2	Using, Carrying and Possessing a Firearm During a Drug Trafficking Offense	3/11/2010	41
21 USC § 843(b) and 18 USC § 2	Use of a Communication Facility	12/4/2009	42
		12/9/2009	43 and 44
		12/10/2009	45
		1/13/2010	50
		1/14/2010	51
		1/18/2010	53
		1/20/2010	54 and 55
		1/31/2010	56
		2/1/2010	57

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21 USC § 843(b) and	Use of a Communication Facility	2/4/2010	58
18 USC § 2		2/18/2010	61
		2/23/2010	63

DEFENDANT: MARK PRAY aka Wardy, Woody, Lover, Playboy
CASE NUMBER: 10-cr-51-01

IMPRISONMENT

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

Life on Counts 1, 2, 4, 6, 7, 8 & 9, concurrent with all other counts; Ten (10) Years on Counts 5 & 33, concurrent with all other counts; Forty (40) Years on Counts 10, 15, 18 & 21, concurrent with all other counts; Twenty (20) Years on Counts 11, 12, 29, 30 & 31s, concurrent with all other counts; Five (5) Years on Count 32, consecutive to all other counts; Twenty-five (25) Years on Counts 34, 35, 36, 38 & 41, consecutive to all other counts; (continued on next page)

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

The Court recommends that the defendant be housed as close to the Washington, DC area as possible. The Court also recommends that the defendant not be housed at the same facility as is co-defendants, Kenneth Benbow (R03996-007) and Alonzo Marlow (R32522-007).

☒ 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 _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MARK PRAY aka Wardy, Woody, Lover, Playboy
CASE NUMBER: 10-cr-51-01

ADDITIONAL IMPRISONMENT TERMS

Six (6) Years on Counts 37 & 39, concurrent with all other counts; and Four (4) Years on Counts 42, 43, 44, 45, 50, 51, 53, 54, 55, 56, 57, 58, 61 & 63, concurrent with all other counts.

DEFENDANT: MARK PRAY aka Wardy, Woody, Lover, Playboy
CASE NUMBER: 10-cr-51-01

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

60 Months on Counts 1,2,4,6,7,8,9,32,34,35,36,37,38,39 and 41; 36 Months on Counts 5,11,12, 29,30,31 and 33; 48 Months on Counts 10,15,18 and 21; and 12 Months on Counts 42-45,50, 51,53-58,61 and 63. All counts to run concurrently.

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

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

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

STANDARD CONDITIONS OF SUPERVISION

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

DEFENDANT: MARK PRAY aka Wardy, Woody, Lover, Playboy
CASE NUMBER: 10-cr-51-01

ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall participate in, and successfully complete, a mental health treatment program, which may include outpatient counseling or residential placement, as approved and directed by the Probation Office.

The defendant shall participate in, and successfully complete, a substance abuse treatment program, which may include drug testing, detoxification service, outpatient counseling, as approved and directed by the Probation Office.

The defendant shall pay the balance of any restitution owed at a rate of no less than \$50 each month and provide verification of same to the Probation Office.

The probation office shall release the presentence investigation report to all appropriate agencies in order to execute the sentence of the Court. Treatment agencies shall return the presentence report to the probation office upon the defendant's completion or termination from treatment.

The defendant has a right to appeal the verdict and sentence. If the defendant chooses to appeal, he must do so within 14 days after the Court has entered judgment in this case. If the defendant is unable to afford the cost of an appeal, he may ask the Court to appoint counsel at no cost to him.

CASE NUMBER: 10-cr-51-01

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

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 4,000.00	\$ 0.00	\$ 0.00

- 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.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
---------------	-------------	---------------------	------------------------

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:

* 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: MARK PRAY aka Wardy, Woody, Lover, Playboy
CASE NUMBER: 10-cr-51-01

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

The Court finds that the defendant does not have the ability to pay a fine and, therefore, waives imposition of a fine in this case.

The defendant is ordered to pay restitution, the amount of which will be determined by the Court within 90 days of sentencing.

Special assessments totaling \$3,600 on Counts 1, 2, 4, 5, 6, 8, 10, 11, 12, 15, 18, 21, 29, 30, 31, 32, 33, 34, 35, 36, 38, 41, 42 through 45, 50, 51, 53 through 58, 61 and 63 are immediately payable to the Clerk of the Court for the US District Court, District of Columbia. Within 30 days of any change of address, the defendant shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full. The Court waives any interest or penalties that may accrue on unpaid balances.

Special assessments totaling \$400 on Counts 7, 9, 37 and 39, are payable to the Criminal Finance Office, Room 4203, DC Superior Court, 500 Indiana Avenue, NW, Washington, DC, for deposit into the Crime Victims Compensation Fund. The Court waives any interest or penalties that may accrue on unpaid balances.

The defendant shall make payments on the restitution and special assessments through his participation in the Bureau of Prisons' Inmate Financial Responsibility Program.

AO 245B (Rev. 09/11) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

KENNETH BENBOW

aka BBD; Fat Boy; Stink; Kenneth Marquez Bembo,
Kenneth Marquez Hickson III

JUDGMENT IN A CRIMINAL CASE

FILED

JUL 12 2012

Case Number: 10-cr-51-2

USM Number: 03996-007

Clerk, U.S. District and
Bankruptcy Courts

Brian Keith McDaniel & Robert Lee Jenkins Jr.

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) 1, 2, 4, 5, 13, 34, 35, 55, and 63.
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 USC §§ 846 and 841	Conspiracy to Distribute and Possess With Intent to	3/11/2010	1
(a)(1) and (b)(1)(A)(ii),	Distribute PCP, Heroin, Cocaine, Cocaine Base, and	Marijuana	
(b)(1)(B)(ii) and (iv), and	(b)(1)(C)		

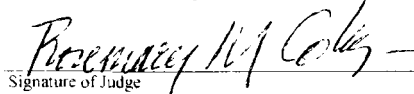
The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☒ Count(s) all remaining ☐ 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.

6/22/2012

Date of Imposition of Judgment



Signature of Judge

Rosemary M. Collyer

U.S. District Judge

Name and Title of Judge



Date

(N)

DEFENDANT: KENNETH BENBOW aka BBD; Fat Boy; Stink; Kei
CASE NUMBER: 10-cr-51-2

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC §§ 1962(d) and 1963(a)	Conspiracy to Participate in a Racketeer Influenced Corrupt Organization	3/11/2010	2
18 USC §§ 1959(a)(1) and 2	Murder in Aid of Racketeering Activity and Aiding and Abetting	9/24/2008	4
18 USC §§ 1959(a)(5) and 2	Attempted Murder in Aid of Racketeering Activity and Aiding and Abetting	9/24/2008	5
21 USC §§ 841(a)(1) and (b)(1)(B)(iii)	Unlawful Possession With Intent to Distribute Five Grams Or More of Cocaine Base	3/9/2008	13
18 USC §§ 924(c)(1)(A) (iii) and 2	Using, Carrying and Possessing a Firearm During a Crime of Violence and Aiding and Abetting	9/24/2008	34
18 USC § 924(c)(1)(C)(i)	Using, Carrying and Possessing a Firearm During a Crime of Violence and Aiding and Abetting	9/24/2008	35
21 USC § 843(b) and 18 USC § 2	Use of a Communication Facility	1/20/2010	55
21 USC § 843(b) and 18 USC § 2	Use of a Communication Facility	2/23/2010	63

DEFENDANT: KENNETH BENBOW aka BBD; Fat Boy; Stink; Kei
CASE NUMBER: 10-cr-51-2

IMPRISONMENT

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

Life on Counts 1, 2, and 4; Ten (10) Years on Count 5, concurrent with all other counts; Twenty (20) Years on Count 13, concurrent with all other counts; Ten (10) Years on Count 34, consecutive to all other counts; Twenty-five (25) Years on Count 35, consecutive to all other counts; Four (4) Years on Counts 55 and 63, concurrent with all other counts.

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

The Court recommends that the defendant be housed as close to the Washington, DC area as possible. The Court also recommends that the defendant not be housed at the same facility as is co-defendants, Mark Pray (R37202-037) and Alonzo Marlow (R32522-007).

☒ 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 _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: KENNETH BENBOW aka BBD; Fat Boy; Stink; Ke
CASE NUMBER: 10-cr-51-2

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Sixty (60) Months on Counts 1, 2, 4, 13, 34, and 35; Thirty-six (36) Months on Count 5, concurrent with all other counts; One (1) Year on Counts 55 and 63, concurrent with all other counts.

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

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

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

STANDARD CONDITIONS OF SUPERVISION

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

DEFENDANT: KENNETH BENBOW aka BBD; Fat Boy; Stink; Ke
CASE NUMBER: 10-cr-51-2

ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall participate in, and successfully complete, a substance abuse treatment program, which may include drug testing, detoxification service, outpatient counseling, as approved and directed by the Probation Office.

The defendant shall pay the balance of any restitution owed at a rate of no less than \$50 each month and provide verification of same to the Probation Office.

The probation office shall release the presentence investigation report to all appropriate agencies in order to execute the sentence of the Court. Treatment agencies shall return the presentence report to the probation office upon the defendant's completion or termination from treatment.

The defendant has a right to appeal the verdict and sentence. If the defendant chooses to appeal, he must do so within 14 days after the Court has entered judgment in this case. If the defendant is unable to afford the cost of an appeal, he may ask the Court to appoint counsel at no cost to him.

DEFENDANT: KENNETH BENBOW aka BBD; Fat Boy; Stink; Ke
 CASE NUMBER: 10-cr-51-2

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 900.00	\$ 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>
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TOTALS	\$ _____	0.00	\$ _____	0.00
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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:

* 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: KENNETH BENBOW aka BBD; Fat Boy; Stink; Ke
CASE NUMBER: 10-cr-51-2

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

The Court finds that the defendant does not have the ability to pay a fine and, therefore, waives imposition of a fine in this case.

The defendant is ordered to pay restitution, the amount of which will be determined by the Court within 90 days of sentencing. The restitution will be joint and several with defendant Mark Pray.

The special assessment is immediately payable to the Clerk of the Court for the U.S. District Court, District of Columbia. Within 30 days of any change of address, the defendant shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full. The Court waives any interest or penalties that may accrue on unpaid balances. The defendant shall make payments on the restitution and special assessments, through his participation in the Bureau of Prisons' Inmate Financial Responsibility Program.

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA

v.

ALONZO MARLOW
a/k/a Zo, a/k/a Zohan, a/k/a Han

JUDGMENT IN A CRIMINAL CASE

FILED

JUL 12 2012

Case Number: 10-51-04

USM Number: 32522-007

Clerk, U.S. District and
Bankruptcy Courts

Howard Katzoff and William Purpura

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) 1, 2, 6, 7, 8, 9, 36, 37, 38, 39, 40, 50, and 57
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>
21 USC 846 & 841(a)(1)	Conspiracy to Distribute and Possess With Intent to	3/11/2010	1
& (b)(1)(A)(ii), (b)(1)(B)	Distribute PCP, Heroin, Cocaine, Cocaine Base, and		
(ii) & (iv), and (b)(1)(C)	Marijuana		

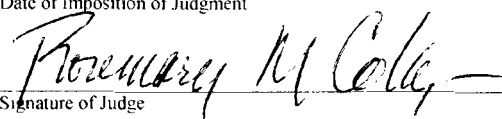
The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) all remaining ☐ 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.

6/21/2012

Date of Imposition of Judgment

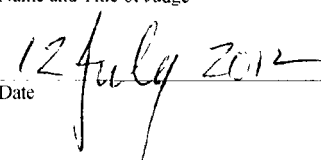


Signature of Judge

Rosemary M. Collyer

U.S. District Judge

Name and Title of Judge



Date

DEFENDANT: ALONZO MARLOW a/k/a Zo, a/k/a Zohan, a/k/a Hæ
CASE NUMBER: 10-51-04

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 USC §§ 1962(d) and 1963(a)	Conspiracy to Participate in a Racketeer Influenced Corrupt Organization	3/11/2010	2
18 USC §§ 1959(a)(1) and 2	Murder in Aid of Racketeering Activity and Aiding and Abetting	4/10/2009	6
22 DCC §§ 1805, 2101, 2104 and 4502	First Degree Murder While Armed - With Aggravating Circumstances	4/10/2009	7 and 9
18 USC §§ 1959(a)(1) and 2	Murder in Aid of Racketeering Activity and Aiding and Abetting	1/13/2010	8
18 USC §§ 2 and 924(c)(1)(A)(iii)	Using, Carrying and Possessing a Firearm During a Crime of Violence and Aiding and Abetting	4/10/2009	36
22 DCC §§ 1805 and 4504(b)	Possession of a Firearm During a Crime of Violence or Dangerous Offense and Aiding and Abetting	4/10/2009	37
18 USC §§ 2 and 924(c)(1)(C)(i)	Using, Carrying and Possessing a Firearm During a Crime of Violence and Aiding and Abetting	1/13/2010	38
22 DCC §§ 1805 and 4504(b)	Possession of a Firearm During a Crime of Violence or Dangerous Offense and Aiding and Abetting	1/13/2010	39
18 USC §§ 2 and 924(c)(1)	Using, Carrying and Possessing a Firearm During a Drug Trafficking Offense	2/4/2010	40
21 USC § 843(b) and 18 USC § 2	Use of a Communication Facility	1/13/2010	50
21 USC § 843(b) and 18 USC § 2	Use of a Communication Facility	2/1/2010	57

DEFENDANT: ALONZO MARLOW a/k/a Zo, a/k/a Zohan, a/k/a He
CASE NUMBER: 10-51-04

IMPRISONMENT

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

Life on Counts 1, 2, 6, and 8; Life on Counts 7 and 9, to run concurrently with all other counts; Twenty-five (25) Years on Counts 36 and 38, to run consecutively to all other counts; Five (5) Years on Counts 37 and 39, to run concurrently with all other counts; Five (5) Years on Count 40, to run consecutively to all other counts; Four (4) Years on Counts 50 and 57, to run concurrently with all other counts.

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

The Court recommends that the defendant be housed at a USP Hazelton in Bruceton Mills, WV, or an alternative facility which is close to the Washington, DC area. The Court also recommends that the defendant not be housed at the same facility as is co-defendants, Mark Pray (R37202-037) and Kenneth Benbow (R03996-007).

☒ 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 _____
a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ALONZO MARLOW a/k/a Zo, a/k/a Zohan, a/k/a H:
CASE NUMBER: 10-51-04

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

Sixty (60) months on Counts 1, 2, 6, 8, 8, 36, 37, 38, 39 and 40; and Twelve (12) Months on Counts 50 and 57. All counts to run concurrently.

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

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable)*

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

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

STANDARD CONDITIONS OF SUPERVISION

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

DEFENDANT: ALONZO MARLOW a/k/a Zo, a/k/a Zohan, a/k/a H:
CASE NUMBER: 10-51-04

ADDITIONAL SUPERVISED RELEASE TERMS

The defendant shall participate in, and successfully complete, a mental health treatment program, which may include outpatient counseling or residential placement, as approved and directed by the Probation Office.

The defendant shall participate in, and successfully complete, a substance abuse treatment program, which may include drug testing, detoxification service, outpatient counseling, as approved and directed by the Probation Office.

The defendant shall pay the balance of any restitution owed at a rate of no less than \$50 each month and provide verification of same to the Probation Office

The probation office shall release the presentence investigation report to all appropriate agencies in order to execute the sentence of the Court. Treatment agencies shall return the presentence report to the probation office upon the defendant's completion or termination from treatment.

The defendant has a right to appeal the verdict and sentence. If the defendant chooses to appeal, he must do so within 14 days after the Court has entered judgment in this case. If the defendant is unable to afford the cost of an appeal, he may ask the Court to appoint counsel at no cost to him.

DEFENDANT: ALONZO MARLOW a/k/a Zo, a/k/a Zohan, a/k/a He
CASE NUMBER: 10-51-04

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,300.00	\$ 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>
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TOTALS	\$ _____	0.00	\$ _____	0.00
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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:

* 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: ALONZO MARLOW a/k/a Zo, a/k/a Zohan, a/k/a H:
CASE NUMBER: 10-51-04

ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

The Court finds that the defendant does not have the ability to pay a fine and, therefore, waives imposition of a fine in this case.

The defendant is ordered to pay restitution, the amount of which will be determined by the Court within 90 days of sentencing.

Special assessments totaling \$900 on Counts 1, 2, 6, 8, 36, 38, 40, 50 and 57 are immediately payable to the Clerk of the Court for the US District Court, District of Columbia. Within 30 days of any change of address, the defendant shall notify the Clerk of the Court of the change until such time as the financial obligation is paid in full. The Court waives any interest or penalties that may accrue on unpaid balances.

Special assessments totaling \$400 on Counts 7, 9, 37 and 39, are payable to the Criminal Finance Office, Room 4203, DC Superior Court, 500 Indiana Avenue, NW, Washington, DC, for deposit into the Crime Victims Compensation Fund.

The defendant shall make payments on the restitution and special assessments, through his participation in the Bureau of Prisons' Inmate Financial Responsibility Program.