

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

MARQUISE GRAHAM,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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

APPENDIX

JENNIFER NILES COFFIN
Appellate Chief
Federal Defender Services
of Eastern Tennessee, Inc.
800 South Gay Street, Suite 2400
Knoxville, Tennessee 37929
(865) 637-7979

NOT RECOMMENDED FOR PUBLICATION
File Name: 25a0440n.06

No. 23-5618

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

FILED
Sep 29, 2025
KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA,)
)
Plaintiff-Appellee,)
)
v.)
)
MARQUISE GRAHAM,)
)
Defendant-Appellant.)
)
)

ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF TENNESSEE

OPINION

Before: COLE, GIBBONS, and BUSH, Circuit Judges.

BUSH, Circuit Judge. Defendant-Appellant Marquise Graham pleaded guilty to a single count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). The district court sentenced Graham to 192 months’ imprisonment based on a mandatory minimum enhancement under the Armed Career Criminal Act (ACCA). Graham now appeals his sentence. We **AFFIRM**.

I.

In August 2021, law enforcement responded to an alleged shooting at a Super 8 Motel in Chattanooga, Tennessee. At the scene, witnesses provided a description of the shooter’s vehicle. Police tracked down the vehicle and attempted a traffic stop, only to have Graham emerge from the vehicle and flee the scene. While fleeing, Graham tossed aside a black bag. After apprehending Graham, officers searched the bag and found a “loaded SCCY, Model CPX-2, 9-millimeter pistol and debit/credit cards” with Graham’s name on them. R. 25, Def.’s Factual Basis, PageID 50–51.

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The United States charged Graham with one count of being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1). He pleaded guilty to that crime on November 16, 2022. After Graham's guilty plea and before his sentencing, the probation office prepared and filed a Presentence Report (PSR). The PSR detailed Graham's criminal history and noted six previous violent felonies that could serve as ACCA predicates to support an enhanced sentence. We list the details of these crimes here:

1. Aggravated Burglary: March 31, 2015; Location: 4317 Sunset Avenue, Chattanooga, TN, 37411;
2. Robbery: May 8, 2015; Location: 2200 14th Street, Chattanooga, TN, 37404;
3. Aggravated Burglary: October 11, 2015; Location: 1709 Vance Avenue, Chattanooga, TN, 37404;
4. Aggravated Burglary: October 27, 2015; Location: 410 Derby Street, Chattanooga, TN, 37404;
5. Aggravated Burglary: October 27, 2015; Location: 1607 Chamberlain Avenue, Chattanooga, TN, 37404;
6. Aggravated Burglary: November 9, 2015; Location: 507 Spruce Street, Chattanooga, TN 37404.

Each of these crimes involved a different victim and took place at a different location within Chattanooga. Graham was convicted of all six crimes on April 18, 2017.

Graham's sentencing based on his November 16, 2022 plea for the above listed crimes occurred in June 2023. At that sentencing, Graham objected to his potential ACCA-enhanced sentence but did not assert that the PSR misstated any facts relating to his previous convictions. Under the ACCA, enhanced mandatory minimum sentences apply to felons found in possession of a firearm who have been found guilty of three or more "violent felon[ies] or . . . serious drug offense[s], or both," that were committed on "occasions different from one another . . ." 18 U.S.C. § 924(e)(1). Graham does not dispute that his prior convictions for burglary, robbery, and aggravated burglary count as violent felonies under the ACCA.

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The district court found that the PSR accurately described Graham’s six previous violent crimes. It then determined, based on the PSR, that each of Graham’s previous violent felonies occurred on different occasions. This meant that Graham qualified as an armed career criminal under the ACCA. The district court then handed down an ACCA-enhanced sentence of 192-months’ imprisonment. Graham now appeals his ACCA-enhanced sentence.

II.

In 2024, the Supreme Court held that juries, not judges, must determine whether prior offenses were committed on separate occasions. *Erlinger v. United States*, 602 U.S. 821, 833–35 (2024). Before *Erlinger*, judges made the different-occasions determination during sentencing based on the information found in *Shepard* documents, like the PSR. See *United States v. Hennessee*, 932 F.3d 437, 442–43 (6th Cir. 2019).¹ Since *Erlinger*, we have considered several appeals concerning sentences that suffered an *Erlinger* error based on judicial factfinding. Those decisions resolve most of Graham’s case. Graham presents two arguments under *Erlinger* and a separate one based on the Double Jeopardy Clause of the Fifth Amendment to the United States Constitution. We reject these arguments and affirm the district court.

III.

Although he acknowledges that circuit precedent forecloses this argument, Graham first claims that the *Erlinger* error in his case was structural—a type of error that always requires reversal. *United States v. Campbell* decided that *Erlinger* errors are not structural, so Graham’s

¹ *Shepard*-approved documents are those approved of in *Shepard v. United States*, 544 U.S. 13, 20–21 (2005), and its progeny, that help “to determine whether a defendant’s prior crimes satisfy the ACCA” *Hennessee*, 932 F.3d at 442 (citation omitted). These include the “charging document, written plea agreement, transcript of plea colloquy, jury instructions, judgment of conviction, or other record of comparable findings of fact adopted by the defendant upon entering a guilty plea” *Id.*

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argument fails. 122 F.4th 624, 630–31 (6th Cir. 2024); *see also United States v. Thomas*, 142 F.4th 412, 417 (6th Cir. 2025). The *Erlinger* error here was not structural, so we review under the harmless error standard.

For harmless error review under the different-occasions clause, errors are harmless only “if the court can conclude beyond a reasonable doubt that the jury would have found the defendant’s offenses occurred on different occasions.” *United States v. Durham*, Nos. 23-5162/5173, 2025 WL 2355998, at *2 (6th Cir. Aug. 14, 2025) (per curiam). Applying harmless error review, we conclude beyond a reasonable doubt that the jury would have found that Graham’s predicate crimes took place on three or more different occasions.

Graham first contends that the *Shepard* documents, including the PSR, cannot serve as the basis for a harmless finding because these documents are per se unreliable under *Erlinger*. As Graham acknowledges, we previously rejected this argument. *See Thomas*, 142 F.4th at 418–19. *Shepard* documents may still be used to conduct a harmless error review relating to the different-occasions requirement unless the appellant provides a reason to “question the reliability of the PSR’s findings.” *Id.* at 419; *see also United States v. Geerken*, 506 F.3d 461, 467 (6th Cir. 2007) (“When a defendant fails to produce any evidence to contradict the facts set forth in the PSR, a district court is entitled to rely on those facts when sentencing the defendant.”).

Graham provides no reason to doubt the reliability of the PSR. Graham has pointed to issues with *Shepard* documents generally, but he has not shown that any of his grievances apply to this particular PSR. And he has never claimed, either here or at the district court, that the dates or locations listed in the PSR are inaccurate. Because we have no reason to doubt the facts of the predicate crimes as they are described in the PSR, we use the PSR as the basis for our review.

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IV.

Graham next asserts that because real-world juries have concluded that crimes taking place months apart were still a single occasion, we cannot conclude beyond a reasonable doubt that a jury in his case would not have done the same. This mistakes the analysis. As *United States v. Ballinger* explained, we look to what a reasonable jury would do and not what a jury in another case actually did. 2025 WL 2715334, at *3 (6th Cir. Sep. 16, 2025) (“This inquiry does not turn on the empirics of what a specific jury did in another case, but on what a *reasonable* jury would have done here.”).

We conduct our harmless-error review based on the factors laid out by the Supreme Court and instead ask whether we have a reasonable doubt about what a reasonable jury would have done in Graham’s case. See *United States v. Kimbrough*, 138 F.4th 473, 476–77 (6th Cir. 2025). The Supreme Court has instructed that determining an “occasion” under the ACCA requires a multi-factored analysis. *Wooden v. United States*, 595 U.S. 360, 369 (2022). To perform this analysis, we examine “the timing, the locations, the character, and the relationship of the offenses.” *Campbell*, 122 F.4th at 629. Timing and location will often be dispositive, but the “other factors can inform the analysis” as well. *Durham*, 2025 WL 2355998, at *2.

Most of the analysis here concerns whether Graham’s March burglary was a separate occasion from his November burglary. After considering the factors, we have no difficulty concluding beyond a reasonable doubt that these crimes occurred on separate occasions.

Graham committed six crimes that could serve as ACCA predicates: aggravated burglary on March 31, 2015; robbery on May 8, 2015; aggravated burglary on October 11, 2015; two aggravated burglaries on October 27, 2015; and aggravated burglary on November 9, 2015. Graham committed the first two of these crimes thirty-eight days apart: an aggravated burglary in

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March and a robbery in May. This gap almost definitively shows that these crimes took place on separate occasions. After all, courts “have nearly always treated offenses as occurring on separate occasions if a person committed them a day or more apart” *Wooden*, 595 U.S. at 370. Graham does not appear to contest that his robbery predicate took place on a different occasion from his burglaries. But he bases this conclusion on the character of the crime. *See* Appellant Br. at 9 (acknowledging that robbery is “different from burglary”). From this, we establish that Graham’s robbery in May was a different occasion from all other crimes. So we are left with the question of whether any of Graham’s burglaries took place on two or more different occasions.

Graham argues that his March burglary was committed on the same occasion as his October and November burglaries because they share similar features, and a reasonable jury could conclude that they were part of a single criminal venture. Even if we set aside that the robbery was an intervening occasion,² Graham’s March burglary took place almost eight months before his string of burglaries culminating in November.³ No circuit court has found harmful error with a gap this long between predicate crimes. *See Ballinger*, 2025 WL 2715334, at *4 (collecting cases). And we will not upset this trend here.

The character of Graham’s burglaries also weighs in favor of harmless error. Graham burgled six different victims at six different locations. A lack of repeat victims supports different occasions. *Thomas*, 142 F.4th at 418.

² A distinct crime committed between similar crimes favors separate occasions. Nothing in the record suggests that Graham’s robbery shared a common scheme with his burglaries. And because the robbery is situated between two burglaries, the March burglary is more likely a different occasion than the later ones. Graham’s argument to the contrary suggests that an intervening occasion took place in the middle of a single, unbroken occasion. This reading does not fit well with the plain language of the ACCA.

³ We need not decide whether the October and November burglaries were separate events because each of these was a distinct event from the March burglary and May robbery.

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Given the weight of authority, we could likely decide this case on timing and character alone, *see Wooden*, 595 U.S. at 369–70, but we also look to location to see if it moves the needle in either direction. This factor considers whether the predicate crimes were “components of the same criminal event,” with farther apart crimes being less likely to share a criminal event. *Wooden*, 595 U.S. at 369. Each of Graham’s crimes took place within Chattanooga’s city limits, but at different locations. Each crime was less than two miles apart from the others except for one—the March burglary. This burglary took place 3.6 miles away. This distance does not weigh strongly for or against harmless error on its own. *See United States v. Santana*, 141 F.4th 847, 853–54 (7th Cir. 2025) (stating that “four miles is not so far as to be controlling by itself”). But given the close proximity of Graham’s other crimes, the relative distance of this burglary makes it look less like it was part of the same criminal event. Graham committed four burglaries and a robbery all within 1.6 miles of each other. Yet for the March burglary, Graham went further afield. This provides some support (though not a significant amount) that the March burglary was a different criminal event from the later burglaries. Although this factor does not weigh strongly for or against harmless error on its own, it is worth noting—if only to point out that looking at each individual distance in isolation does not always tell the whole story.

In any event, location does nothing to overcome the weight of the timing and character of Graham’s crimes. Graham’s burglaries were separated by an eight-month gap and a distinct crime of robbery. This timing, combined with Graham’s burglaries being at distinct locations against distinct victims, compels us to find harmless error here. We conclude beyond a reasonable doubt that a reasonable jury would find that Graham’s predicate crimes took place on at least three different occasions.

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V.

Finally, Graham argues that his ACCA enhanced sentence violates the Double Jeopardy Clause. He did not raise this issue at the district court, so we review for plain error. *United States v. Johnson*, 79 F.4th 684, 703 (6th Cir. 2023). Graham’s argument that he sufficiently raised the issue under *United States v. Ehle* is unpersuasive. 640 F.3d 689, 694 (6th Cir. 2011). At sentencing, he made arguments that he was entitled to jury findings on his predicate crimes and pointed out that the United States changed procedures for handling ACCA enhancements. But Graham did not make arguments relating to the Double Jeopardy issue with “that reasonable degree of specificity which would have adequately apprised the trial court of the true basis for his objection.” *United States v. Bostic*, 371 F.3d 865, 871 (6th Cir. 2004) (quoting *United States v. LeBlanc*, 612 F.2d 1012, 1014 (6th Cir. 1980)). This issue does not stem from *Erlinger*, and Graham could have made his argument before the district court if he chose. *United States v. Sain*, No. 22-6131, 2025 WL 801366, at *2 (6th Cir. Mar. 13, 2025) (per curiam). Plain error review applies, and Graham cannot show plain error.

Graham makes nearly identical arguments to those made by the defendant in *Thomas*, 142 F.4th at 420–21. He tries to argue based on *United States v. Bell*, that after his guilty plea was accepted, the government could not add the unindicted ACCA enhancement. 37 F.4th 1190, 1194, 1198 (6th Cir. 2022). *Thomas* already addressed this issue, stating that *Bell* dealt with a “unique factual circumstance,” and it does not apply in this context. 142 F.4th at 422. Because *Thomas* rejected the Double Jeopardy argument in the *Erlinger* context, even if a Double Jeopardy problem did exist here, we cannot conclude that it was “obvious or clear,” *Campbell*, 122 F.4th at 634 (citing *United States v. Johns*, 65 F.4th 891, 893 (6th Cir. 2023)), particularly when Graham does

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not point to any binding precedent on this issue. *See United States v. Amos*, 501 F.3d 524, 529 n.2 (6th Cir. 2007).

Graham's Double Jeopardy argument fails.

VI.

For the foregoing reasons, we **AFFIRM** the judgment of the district court.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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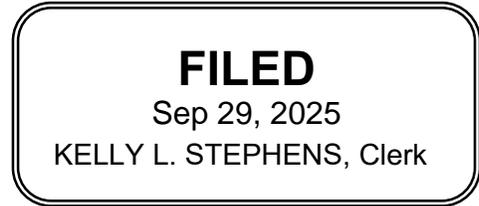
UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARQUISE GRAHAM,

Defendant - Appellant.



Before: COLE, GIBBONS, and BUSH, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Eastern District of Tennessee at Chattanooga.

THIS CAUSE was heard on the record from the district court and was submitted on the briefs without oral argument.

IN CONSIDERATION THEREOF, it is ORDERED that the district court's judgment of sentence is AFFIRMED.

ENTERED BY ORDER OF THE COURT

A handwritten signature in cursive script that reads "Kelly L. Stephens".

Kelly L. Stephens, Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE CHATTANOOGA DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

Case Number: **1:22-CR-00063-CLC-SKL(1)**

MARQUISE GRAHAM

USM#99031-509

Gianna Maio
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s): One of the 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.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section and Nature of Offense	Date Violation Concluded	Count
18 U.S.C. § 922(g)(1) and 18 U.S.C. § 924(e) Felon in Possession of Firearm and Ammunition (Armed Career Criminal)	08/12/2021	1

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 and 18 U.S.C. § 3553.

- The defendant has been found not guilty on count(s).
- All remaining count(s) as to this defendant are dismissed upon 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 restitution, the defendant shall notify the court and the United States attorney of any material change in the defendant's economic circumstances.

June 28, 2023

Date of Imposition of Judgment

/s/

Signature of Judicial Officer

Curtis L. Collier, United States District Judge

Name & Title of Judicial Officer

July 5, 2023

Date

11a

DEFENDANT: MARQUISE GRAHAM
CASE NUMBER: 1:22-CR-00063-CLC-SKL(1)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: **192 months**. This sentence shall run concurrently with any sentence imposed in the Hamilton County General Sessions Court Docket Nos. 1848849–1848853.

- The court makes the following recommendations to the Bureau of Prisons: The Court recommends that the defendant receive 500 hours of substance abuse treatment from the Bureau of Prisons' Institution Residential Drug Abuse Treatment Program. The Court recommends that the defendant receive a mental health evaluation and any necessary treatment while incarcerated. The Court also recommends that the defendant obtain his GED and participate in vocational training while incarcerated.
- 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: MARQUISE GRAHAM
CASE NUMBER: 1:22-CR-00063-CLC-SKL(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **five (5) 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 sentencing of restitution. *(check if applicable)*
5. You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. You must participate in an approved program for domestic violence. *(check if applicable)*

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

DEFENDANT: MARQUISE GRAHAM
CASE NUMBER: 1:22-CR-00063-CLC-SKL(1)

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 mandatory, standard, and any special 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: MARQUISE GRAHAM
CASE NUMBER: 1:22-CR-00063-CLC-SKL(1)

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant must participate in a program of testing and/or treatment for drug and/or alcohol abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
2. The defendant must participate in a program of mental health treatment, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
3. The defendant must waive all rights to confidentiality regarding mental health and substance abuse treatment in order to allow release of information to the supervising United States Probation Officer and to authorize open communication between the probation officer and the treatment providers.
4. The defendant must submit his property, house, residence, vehicle, papers, computers or office, to a search conducted by a United States Probation Officer or designee. Failure to submit to a search may be grounds for revocation of release. The defendant must warn any other occupants that the premises may be subject to searches pursuant to this condition. An officer may conduct a search pursuant to this condition only when a reasonable suspicion exists that the defendant has violated a condition of his supervision, and the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

DEFENDANT: MARQUISE GRAHAM
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments sheet of this judgment.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment **</u>
TOTALS	\$100.00	\$.00	\$.00	\$.00	\$.00

- The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* 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.

- 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 under the Schedule of Payments sheet of this judgment 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:
- | | | |
|---|-------------------------------|--|
| <input type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution |
| <input type="checkbox"/> the interest requirement for the | <input type="checkbox"/> fine | <input type="checkbox"/> 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: MARQUISE GRAHAM
CASE NUMBER: 1:22-CR-00063-CLC-SKL(1)

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SCHEDULE OF PAYMENTS

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

- A** Lump sum payment of \$ 100.00 due immediately, balance due
 not later than _____, or
 in accordance with C, D, E, or F below; or
- B** Payment to begin immediately (may be combined with C, D, or F below); or
- C** Payment in equal _____ (*e.g., weekly, monthly, quarterly*) installments of \$ _____ over a period
of _____ (*e.g., months or years*), to commence _____ (*e.g., 30 or 60 days*) after the date of this judgment; or
- D** Payment in equal _____ (*e.g., weekly, monthly, quarterly*) installments of \$ _____ over a period
of _____ (*e.g., months or years*), to commence _____ (*e.g., 30 or 60 days*) after release from imprisonment to a term of
supervision; or
- E** Payment during the term of supervised release will commence within _____ (*e.g., 30 or 60 days*) after release from
imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F** Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to **U.S. District Court, 900 Georgia Avenue, Joel W. Solomon Federal Building, United States Courthouse, Chattanooga, TN, 37402**. Payments shall be in the form of a check or a money order, made payable to U.S. District Court, with a notation of the case number including defendant number.

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

- Joint and Several
See above for Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
 Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States: as specified in the Agreed Preliminary Order of Forfeiture

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