No. ________________

IN THE
SUPREME COURT OF THE UNITED STATES

JONATHAN WAYNE LANAUTE,

Petitioner,

versus

UNITED STATES OF AMERICA,

Respondent.

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

APPENDIX

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APPENDIX INDEX

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
March 12, 2026
Lyle W. Cayce
Clerk

No. 25-30266

United States of America,

Plaintiff—Appellee,

versus

Jonathan Wayne Lanaute,

Defendant—Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:24-CR-46-1

Before Haynes, Duncan, and Ramirez, *Circuit Judges*.

Stuart Kyle Duncan, *Circuit Judge*:

Appellant Jonathan Wayne Lanaute pled guilty of bank robbery. His two prior Louisiana convictions for armed robbery and attempted armed robbery were counted as "crimes of violence" for purposes of enhancing Lanaute's sentence under § 4B1.1(a) of the United States Sentencing Guidelines (U.S.S.G.). Lanaute appeals, arguing Louisiana armed robbery does not qualify as a crime of violence because it does not require intentionally using or threatening to use force. We disagree and AFFIRM.

I

In May 2024, Lanaute entered United Community Bank in Baton Rouge and gave the cashier a note reading, "give me all the money in the cash register before everybody die [*sic*] in here." Fearing Lanaute had a firearm under his hoodie, the cashier gave him about $20,000 in cash. Lanaute was later arrested and pled guilty of bank robbery in violation of 18 U.S.C. § 2113(a).

In her presentence report (PSR), Lanaute's probation officer applied the career-offender enhancement under U.S.S.G. § 4B1.1(a), raising Lanaute's total offense level from 23 to 29 and his criminal history category from V to VI. According to the PSR, Lanaute qualified as a career offender due to two prior Louisiana robbery convictions—one in 2008 for armed robbery under Louisiana Revised Statute § 14:64, and one in 2019 for attempted armed robbery under Louisiana Revised Statute § 14:27, 64. With that enhancement, Lanaute's guideline range was 151 to 188 months. Lanaute objected to the PSR, arguing he did not qualify as a career offender.

After a sentencing hearing, the district court agreed with the PSR's career-offender designation. Relying on relevant § 3553(a) factors, the district court sentenced him to 151 months' imprisonment and 3 years' supervised release, the minimum guideline sentence for his offense level and category. Lanaute appeals his sentence.

II

We review *de novo* a district court's determination that an offense is a crime of violence under the Sentencing Guidelines. *United States v. Valle-Ramirez*, 908 F.3d 981, 984 (5th Cir. 2018).

III

A

For the career-offender designation to apply, Lanaute's two prior Louisiana armed robbery offenses must qualify as "crimes of violence" under U.S.S.G. § 4B1.2(a). Offenses count as crimes of violence if they fall into one of two categories. The first category, known as the "force clause," includes offenses that have "as an element the use, attempted use, or threatened use of physical force against the person of another." *Id.* § 4B1.2(a)(1). Under the force clause, the use or threat of force must be intentional—offenses that can be committed recklessly do not qualify. *See Borden v. United States*, 593 U.S. 420, 429 (2021) (plurality opinion). The second category, known as the "enumerated offense clause," involves specifically listed crimes including "robbery." § 4B1.2(a)(2). If Lanaute's prior crimes fall under either of these two categories, the career-offender designation applies.

When analyzing whether prior offenses count as crimes of violence, courts look "only to the statutory definitions—*i.e.*, the elements—of a defendant's prior offense[], and *not* to the particular facts underlying [the] conviction[]." *United States v. Garner*, 28 F.4th 678, 681 (5th Cir. 2022) (quoting *Descamps v. United States*, 570 U.S. 254, 261 (2013)). If the statute "proscribes a broader range of conduct than that defined in the Sentencing Guidelines, the statute is not categorically a crime of violence and cannot be used as a predicate in computing an advisory sentence." *Ibid.*

Importantly, a defendant who claims a state statute does not categorically match the crime-of-violence definition cannot "simply rest on plausible interpretations of statutory text made in a vacuum." *United States v. Russell*, 136 F.4th 606, 612 (5th Cir. 2025) (internal quotation omitted). Rather, he must show "a realistic probability, not a theoretical possibility, that the State would apply its statute to conduct that falls outside" the federal definition. *Gonzales v. Duenas-Alvarez*, 549 U.S. 183, 193 (2007); *see United States v. Burris*, 920 F.3d 942, 947 (5th Cir. 2019), *vacated on other grounds*, 141 S. Ct. 2781 (2021) (applying realistic-probability requirement to force clause analysis). The defendant "must at least point to his own case or other cases in which the state courts in fact did apply the statute in the . . . manner for which he argues." *Duenas-Alvarez*, 549 U.S. at 193 (2007); *see United States v. Sereal*, 153 F.4th 493, 496–97 (5th Cir. 2025) (applying actual case requirement to force clause analysis).

B

Lanaute contends his prior armed robbery offenses fail to qualify as crimes of violence under the force clause. He argues that, because Louisiana armed robbery is a "general" intent crime, as opposed to a "specific" intent crime, it can be committed with reckless intent.[1] He attempts to support this argument by citing several Louisiana cases, which we discuss below.

Louisiana law defines the crime of armed robbery as:

> the taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, while armed with a dangerous weapon.

[1] Under Louisiana law, "specific intent" refers to "that state of mind which exists when the circumstances indicate that the offender actively desired the prescribed criminal consequences to follow his act or failure to act." La. Rev. Stat. § 14:10(1). "General intent" is a somewhat broader category. It includes "specific intent," but also exists "when the circumstances indicate that the offender, in the ordinary course of human experience, must have adverted to the prescribed criminal consequences as reasonably certain to result from his act or failure to act." *Id.* § 14:10(2). "Criminal negligence," by contrast, is a separate mental state from specific or general intent. *Id.* § 14:12. It "exists when, although neither specific nor general intent is present, there is such disregard of the interest of others that the offender's conduct amounts to a gross deviation below the standard of care expected to be maintained by a reasonably careful man under like circumstances." *Ibid.*

La. Rev. Stat. § 14:64(A); *see also United States v. James*, 950 F.3d 289, 291, 291 (5th Cir. 2020) (discussing Louisiana armed robbery).

Lanaute first argues that, because it is a general intent crime, Louisiana armed robbery may be committed through reckless or negligent behavior. He is only half right. It is true that armed robbery is a general intent crime under Louisiana law. *See State v. Smith*, 23 So. 3d 291, 297 (La. 2009) ("Under present law, armed robbery is a general intent, not specific intent, crime.").[2] But that alone does not mean the crime may be committed recklessly or negligently. While that might be the case for certain general intent crimes, *see Garner*, 28 F.4th at 683 (aggravated assault with a firearm), it is not necessarily so. "[M]any Louisiana crimes are general intent crimes," and not all can be committed with a mere reckless or negligent mental state. *United States v. King*, 155 F.4th 341, 346 & n.5 (5th Cir. 2025); *see, e.g.*, *State v. Humphrey*, 412 So. 2d 507, 513 (La. 1981) (simple battery, a general intent crime, is defined as "intentional use of force or violence upon the person of another.").

What is needed to settle the question is a Louisiana case upholding a conviction for the particular crime—here, armed robbery—based on a *mens rea* of recklessness or negligence. *King*, 155 F.4th at 346 (citing *United States v. Porterie*, No. 22-30457, 2025 WL 457999, at *4 (5th Cir. Feb. 11, 2025)); *see also Duenas-Alvarez*, 549 U.S. at 193 (requiring offender to identify "cases in which the state courts in fact did apply the statute in the special (nongeneric) manner for which he argues"). Realizing this requirement, Lanaute attempts to identify Louisiana cases upholding armed robbery convictions for merely

[2] Armed robbery used to be a specific intent crime when it required proving a "theft" from the victim—*i.e.*, "an intent to deprive the victim permanently of his or her personal possessions." *Id.* at 297 n.2. In 1983, however, the legislature substituted "taking" for "theft," thus making it "a general intent crime." *Ibid.*

reckless or unintentional acts. None of these cases, however, helps Lanaute's argument.

For instance, Lanaute cites three court of appeals decisions that, he claims, upheld armed robbery convictions where the threat of violence was unintentional. *See State v. Davis*, 111 So. 3d 100, 105 (La. App. 1 Cir. 2012); *State v. Johnson*, 60 So. 3d 43, 45 (La. App. 5 Cir. 2011); *State v. Robinson*, 713 So. 2d 828, 830–31 (La. App. 5 Cir. 1998). Not so. In those cases, the issue was whether the threat had occurred *at all*, not whether the threat was intentional.[3]

Moreover, as the Government correctly points out, it "strains credulity" to say the defendants in those cases were unaware they used force or threats of force to commit the robbery. In *Davis*, 111 So. 3d at 104, the defendant and his accomplices violently assaulted the victim's coworkers before taking her property. In *Johnson*, 60 So. 3d at 45–46 & n.1, when the defendant "saw a lady withdrawing money" at a bank, he "grabbed the money" out of her hands and "ran out of the bank." In *Robinson*, 713 So. 2d at 829, the defendant also grabbed cash directly from the victim's hand. In each case, the offenders plainly knew they were using force or threats of force to take someone's property. Hence, each one involved an intentional act. *See Borden*, 593 U.S. at 426 ("A person who injures another knowingly, even though not affirmatively wanting the result, still makes a deliberate choice.").

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[3] *See Davis*, 111 So. 3d at 103–04 ("The defendant contends the evidence showed merely a theft. According to the defendant, . . . no one was threatened 'in conjunction' with the taking of the liquor bottles."); *Johnson*, 60 So. 3d at 45 ("Defendant only challenges the sufficiency of the evidence as it pertains to the element of force or intimidation."); *Robinson*, 713 So. 2d at 830 ("[Defendant] specifically contends that the state failed to show that he used force or intimidation, an essential element of simple robbery, and that at most, the state proved a misdemeanor theft.").

None of these cases even suggests that armed robbery may be committed through mere recklessness.

Lanaute also points to the Louisiana Supreme Court's decision in *State v. Smith*, 23 So. 3d 291, but it also fails to support his argument. In *Smith*, the defendant's accomplice intentionally pointed a gun at the victim. *Id.* at 299. The only issue was whether the defendant could be criminally liable for his accomplice's behavior. *Id.* at 296. *Smith* did not address whether someone can commit armed robbery only by reckless force or threats. Indeed, our court has held that "*Smith* never confirms that armed robbery can be committed recklessly or negligently." *King*, 155 F.4th at 346. Lanaute is therefore incorrect that *Smith* "holds" that Louisiana armed robbery "can be committed with less-than-intentional conduct." It says nothing on the subject.[4]

In sum, Lanaute has not shown a "realistic probability" that Louisiana would apply its armed robbery statute to merely reckless or negligent acts. *Duenas-Alvarez*, 549 U.S. at 193. Consequently, the district court correctly

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[4] Indeed, Louisiana jurisprudence strongly suggests that armed robbery inherently requires an offender to intentionally use force or the threat of force to accomplish the taking. *See State v. Florant*, 602 So. 2d 338, 341 (La. App. 4 Cir. 1992) (quoting *State v. Leblanc*, 506 So. 2d 1197, 1200 (La. 1987)) ("[R]obbery contemplates . . . some energy or physical effort will be exerted in the 'taking' element of the crime and that some additional 'use of force' in overcoming the will or resistance of the victim is necessary"); *State v. Clarke*, 345 So. 3d 1015, 1018 n.1 (La. 2022) ("[T]he criminal intent required for [armed robbery] is apparent in the criminal acts themselves.").

ruled that his prior crimes constitute "crimes of violence" under the force clause. *Id* at 499.[5]

AFFIRMED.

[5] Because we hold that Lanaute's prior offenses constitute "crimes of violence" under the force clause, *see* § 4B1.2(a)(1), it is unnecessary to decide whether his crimes would also qualify as "crimes of violence" under the enumerated offense clause, *see* § 4B1.2(a)(2). We also need not address Lanaute's argument that Congress exceeded its statutory authority when it created the enumerated offense clause. That argument pertains only to the enumerated offense clause, not the force clause.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	§	**JUDGMENT IN A CRIMINAL CASE**
	§	
v.	§	
	§	Case Number: **3:24-CR-00046-SDD-EWD(1)**
JONATHAN WAYNE LANAUTE	§	USM Number: **14067-511**
	§	**Marci Blaize**
	§	Defendant's Attorney

THE DEFENDANT:

☒	pleaded guilty to count(s)	**Count 1 of the Indictment**
☐	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
☐	pleaded nolo contendere to count(s) which was accepted by the court	
☐	was found guilty on count(s) after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense	**Offense Ended**	**Count**
18:2113(a) / Bank Robbery	05/03/2024	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.

☐ The defendant has been found not guilty on count(s)

☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States

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

April 29, 2025
Date of Imposition of Judgment

Shelly D. Dick
Signature of Judge

SHELLY D. DICK
UNITED STATES DISTRICT CHIEF JUDGE
Name and Title of Judge

April 30, 2025
Date

DEFENDANT: JONATHAN WAYNE LANAUTE
CASE NUMBER: 3:24-CR-00046-SDD-EWD(1)

IMPRISONMENT

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

151 months. It is ordered that the defendant's sentence run concurrently with any future sentence imposed in docket nos. DC-23-05317, DC-24-02278, and DC-24-0277 in the 19th Judicial District Court in Baton Rouge, Louisiana.

☒ The court makes the following recommendations to the Bureau of Prisons:
It is recommended to the Bureau of Prisons that the defendant be housed in a facility capable of providing him with substance abuse treatment, mental health treatment, cognitive behavioral treatment, and educational and vocational training.

☒ 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: JONATHAN WAYNE LANAUTE
CASE NUMBER: 3:24-CR-00046-SDD-EWD(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **3 years.**

MANDATORY CONDITIONS

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

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.

DEFENDANT: JONATHAN WAYNE LANAUTE
CASE NUMBER: 3:24-CR-00046-SDD-EWD(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, or if placed on probation, within 72 hours of the time you were sentenced, 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 supervision that the probation officer 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 the position or job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified, for the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at the www.uscourts.gov.

Defendant's Signature ______________________________ Date ________________

DEFENDANT: JONATHAN WAYNE LANAUTE
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SPECIAL CONDITIONS OF SUPERVISION

You must participate in a substance abuse assessment and/or treatment program. While participating in the program, you must follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of the substance abuse assessment and/or treatment program, to the extent you are financially able to pay. The U.S. Probation Office must determine your ability to pay and any schedule for payment, subject to the Court's review upon request.

You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). You must pay the costs of mental health treatment program, to the extent you are financially able to pay. The U.S. Probation Office must determine your ability to pay and any schedule for payment, subject to the Court's review upon request.

You must take all mental health medications that are prescribed by your treating physician. You must pay the costs of the medication, to the extent you are financially able to pay. The U.S. Probation Office must determine your ability to pay and any schedule for payment, subject to the Court's review upon request.

You must participate in a cognitive-behavioral treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). Such programs may include group sessions led by a counselor or participation in a program administered by the probation office. You must pay the costs of the cognitive-behavioral treatment program, to the extent you are financially able to pay. The U.S. Probation Office must determine your ability to pay and any schedule for payment, subject to the Court's review upon request.

You must participate in an educational services program and follow the rules and regulations of that program. Such programs may include high school equivalency preparation, English as a Second Language classes, and other classes designed to improve your proficiency in skills such as reading, writing, mathematics, or computer use. You must pay the costs of the educational services program, to the extent you are financially able to pay. The U.S. Probation Office must determine your ability to pay and any schedule for payment, subject to the Court's review upon request.

You must participate in a vocational services program and follow the rules and regulations of that program. Such a program may include job readiness training and skills development training. You must pay the costs of the vocational services program, to the extent you are financially able to pay. The U.S. Probation Office must determine your ability to pay and any schedule for payment, subject to the Court's review upon request.

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

You must not incur new credit charges, or open additional lines of credit, without the approval of the probation officer.
If the judgment imposes a financial penalty, you must pay the financial penalty in accordance with the Schedule of Payments sheet of the judgment. You must also notify the court, through the probation officer, of any changes in economic circumstances that might affect the ability to pay this financial penalty.

You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that 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: JONATHAN WAYNE LANAUTE
CASE NUMBER: 3:24-CR-00046-SDD-EWD(1)

CRIMINAL MONETARY PENALTIES

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

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$100.00	$20,000.00	$.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. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

United Community Bank $20,000
9817 Bluebonnet Blvd.
Baton Rouge, LA 70810

☐ Restitution amount ordered pursuant to plea agreement $

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

*Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JONATHAN WAYNE LANAUTE
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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 payments of $ ____________________ due immediately, balance due

☐ not later than , or

☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or

C ☐ Payment in equal ____________ *(e.g., weekly, monthly, quarterly)* installments of $ ____________ over a period of ______________ *(e.g., months or years)*, to commence _________ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal 20 *(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:
It is ordered that the Defendant shall pay to the United States a special assessment of $100.00 for Count 1, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.

The restitution shall be due immediately, but nonpayment is not a violation of supervised release so long as the defendant makes the required monthly payments during supervision. Upon release from incarceration, any unpaid restitution balance shall be paid at a monthly rate to be determined by the Court. Such payments shall begin within 60 days after release from imprisonment.

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 the clerk of the court.

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.

☐ 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:
Pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(C), the defendant shall forfeit to the United States, any property, real or personal, which constitutes or is derived from proceeds traceable to the offense, including a forfeiture money judgement in the amount of $11,892.11. It is further ordered that the defendant's interest in the $8,107.89 in U.S. currency seized from him by law enforcement is forfeited.

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) JVTA Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.