APPENDIX

APPENDIX TABLE OF CONTENTS

Appendix A: Opinion and Judgment of the United States Court of Appeals for the Sixth Circuit (Aug. 3, 2026) 1a

Appendix B: Judgment of the United States District Court for the Northern District of Ohio (Aug. 26, 2025) 12a

NOT RECOMMENDED FOR PUBLICATION
File Name: 26a0346n.06

Case No. 25-3723

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Aug 03, 2026
KELLY L. STEPHENS, Clerk

UNITED STATES OF AMERICA, Plaintiff-Appellee, v. JEFFREY I. BATTLE, Defendant-Appellant.	)	ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO OPINION

Before: SILER, DAVIS, and RITZ, Circuit Judges.

SILER, Circuit Judge. Defendant Jeffrey I. Battle challenges the procedural reasonableness of his sentence and claims ineffective assistance of counsel. We **AFFIRM**.

I. Background

In April 2024, an informant told investigators that Battle was distributing large quantities of drugs around Mahoning County, Ohio. After receiving this information, law enforcement began investigating Battle.

While surveilling a residence in Austintown, Ohio, investigators witnessed Battle arrive in a rental truck. Subsequently, on numerous occasions, the investigators watched Battle carry items to and from his rental truck and the residence. In August 2024, investigators saw Battle leave the Austintown residence, enter a rental truck, and then arrive at a clothing store. Battle exited the clothing store carrying an empty duffle bag.

Later that day, investigators watched Battle drive the rental truck to a truck stop parking lot. Battle parked next to a semitruck, and he carried a duffle bag from the semitruck to the rear

passenger seat of the rental truck. Another individual then loaded a second duffle bag into the same seat. Shortly thereafter, Battle departed.

Law enforcement subsequently attempted to conduct a traffic stop on Battle's rental truck. Battle pulled the rental truck to the right side of the roadway, but he continued moving down an exit ramp at around 15 miles per hour. When law enforcement pulled in front of the rental truck, Battle abruptly turned left. As he turned, Battle struck an officer's vehicle and fled, accelerating to 90 miles per hour. Law enforcement eventually found the rental truck abandoned in a residential area.

Upon searching the vehicle, law enforcement discovered two duffle bags containing methamphetamine. One of the duffle bags matched the one that investigators had observed Battle carrying earlier. Lab testing later confirmed that the duffle bags contained 36.9 kilograms of methamphetamine. Law enforcement searched the area around the abandoned rental truck, found Battle hiding, and arrested him.

Following this incident, the government filed a one-count indictment charging Battle with possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A). Battle later pled guilty without a plea agreement to the charge.

Prior to sentencing, probation issued a presentence report (PSR), which applied the federal sentencing guidelines to calculate Battle's offense level and criminal history category. The PSR assigned Battle a base offense level of 38 because he possessed 4.5 kilograms or more of methamphetamine. The PSR then assigned an additional two levels for obstruction of justice because Battle struck a law enforcement vehicle and fled at high speeds. The PSR subtracted three levels for Battle's acceptance of responsibility, resulting in a total offense level of 37.

Because Battle was convicted of marijuana possession in December 2015, the PSR assigned Battle one criminal history point, which landed him in a criminal history category of I.

Battle objected to parts of the PSR. As relevant, he claimed that he was entitled to a "downward departure" from his criminal history category under USSG § 4A1.3 cmt. n.3(A)(ii) because his prior marijuana possession conviction did not involve an intent to sell or distribute the drug. As a result, he claimed that he qualified as zero-point offender under USSG § 4C1.1. He also contended that, in accordance with amendments to the sentencing guidelines adopted in April 2025, he was "simply a courier or mule" (as set forth in USSG § 2D1.1(e)(2)(B)(i)) and that he thus qualified for a mitigating role reduction[1] under USSG § 3B1.2.

Following the PSR, Battle filed a sentencing memorandum on his own behalf. He reiterated his prior objections to the PSR and argued that he participated only "minimally" in the drug trafficking operation and that he "never exceeded the lowest level of his organization's drug trafficking function."

At sentencing, Battle argued that he was entitled to "a downward departure for the defendant's Criminal History Category and . . . that he should be a zero-point offender and not a one-point." On this issue, the district court observed that § 4A1.3 cmt. n.3(A)(ii) did not permit

[1] The guidelines differentiate between minor participants and minimal participants with respect to mitigating role reductions. USSG § 3B1.2. In his objections to the PSR, Battle stated that he qualified as a "minor" participant rather than a "minimal" participant. Battle also requested a two-level reduction, which suggests he was arguing for a minor role reduction under § 3B1.2(b). But his reference to being a "courier" is an argument that he qualified as a minimal participant. *See* § 2D1.1(e)(2)(B)(i) stating that "[a]n adjustment under § 3B1.2(a) [the minimal participant reduction] is generally warranted if the defendant's primary function in the offense was plainly among the lowest level of drug trafficking functions, such as serving as a courier"). Thus, it is unclear whether Battle argued for a minimal or minor participant reduction in his objections to the PSR.

this outcome because it "applies the departure to a defendant's Criminal History Category and Mr. Battle already falls into Criminal History Category I, so there's nothing to depart from."

Regarding the mitigating role reduction under § 3B1.2, the district court stated its belief that Battle was arguing for a reduction based on his alleged role as a "drug mule or courier." In response, Battle did not attempt to modify the court's understanding. The government contended that Battle was not "a simple [courier]" and that Battle had not "qualified for any kind of role reduction." Battle's counsel countered that Battle "was simply a mule."

On this issue, the district court stated that a mitigating role reduction "is generally warranted if the defendant's primary function is plainly among the lowest level of drug trafficking functions, such as serving as a courier." The district court observed that Battle was trafficking a large quantity of methamphetamine—an amount beyond typical "mule or courier quantities." And the court determined that he did not play the role of "a lookout or low level member of a drug conspiracy." The court noted that Battle had used commercial trucks to transport the drugs, and it rejected Battle's argument on this issue.

The court then credited a three-point deduction for Battle's acceptance of responsibility. Finally, the district court concluded that Battle's total offense level was 37 and that with a Criminal History Category of I, Battle had a sentencing range of 210 to 262 months.

Following the discussion of the sentencing guidelines, the district court heard argument and sentenced Battle to a prison term of 216 months and a term of supervised release of 10 years.

II. Discussion

A. The Marijuana Conviction

Battle argues that his conviction for possession of marijuana should not count toward his criminal history because marijuana possession is like the offenses enumerated in § 4A1.2(c)(1)

and (c)(2). In response, the government first contends that Battle's argument regarding § 4A1.2(c) is forfeited. And the government argues that the district court did not plainly err when it found that Battle's marijuana conviction should count.

If a defendant receives any criminal history points under USSG § 4A1.1(c), then that defendant cannot qualify as a zero-point offender under § 4C1.1(a). The reason is simple: to qualify as a zero-point offender, a defendant must meet certain criteria, including that "the defendant did not receive any criminal history points from Chapter Four, Part A." § 4C1.1(a)(1).

A defendant receives criminal history points for sentences resulting from felony convictions and certain misdemeanor convictions. USSG § 4A1.1(c). A misdemeanor sentence typically counts toward a defendant's criminal history, subject to two exceptions. USSG § 4A1.2(c). Under the first, § 4A1.2(c)(1), sentences for the enumerated offenses below are "counted only if" the sentence was either "a term of probation of more than one year or a term of imprisonment of at least thirty days" or "the prior offense was similar to an instant offense" for which the defendant is being sentenced:

> Careless or reckless driving
> Contempt of court
> Disorderly conduct or disturbing the peace
> Driving without a license or with a revoked or suspended license
> False information to a police officer
> Gambling
> Hindering or failure to obey a police officer
> Insufficient funds check
> Leaving the scene of an accident
> Non-support
> Prostitution
> Resisting arrest
> Trespassing.

USSG § 4A1.2(c)(1). Likewise, if a defendant's misdemeanor conviction is like one of the following offenses it is "never counted" toward the criminal history calculation:

> Fish and game violations
> Hitchhiking
> Juvenile status offenses and truancy
> Local ordinance violations (except those violations that are also violations under state criminal law)
> Loitering
> Minor traffic infractions (e.g., speeding)
> Public intoxication
> Vagrancy.

USSG § 4A1.2(c)(2). To determine whether an offense is "similar" to an offense in § 4A1.2(c)(1) and (c)(2), the court should use a "common sense approach." USSG § 4A1.2(c) cmt. n.12(A). That common sense approach "includes consideration of relevant factors" such as:

> (i) a comparison of punishments imposed for the listed and unlisted offenses;
> (ii) the perceived seriousness of the offense as indicated by the level of punishment;
> (iii) the elements of the offense;
> (iv) the level of culpability involved; and
> (v) the degree to which the commission of the offense indicates a likelihood of recurring criminal conduct.

Id.

In the district court, Battle objected to the PSR, arguing that he was entitled to a "downward departure" for his criminal history category under § 4A1.3 cmt. n.3(A)(ii) and § 4C1.1(a) because he possessed marijuana without intent to sell or distribute it. Now, Battle argues that the district court should not have added a criminal history point for his marijuana conviction because it is like one of the offenses in § 4A1.2(c)(1) or § 4A1.2(c)(2). This is a challenge to the procedural reasonableness of his sentence, as it questions the court's application of the sentencing guidelines. *See Gall v. United States*, 552 U.S. 38, 51 (2007). Ordinarily, we review challenges to the procedural reasonableness of a sentence for an abuse of discretion. *Id.* But because Battle did not

raise this objection below, we review this claim for plain error. *See United States v. Cooper*, No. 23-2058, 2025 WL 429915, at *2 (6th Cir. Feb. 7, 2025).

The problem with Battle's argument on this issue is straightforward: We have consistently held that a prior conviction for marijuana possession does not meet one of the exceptions contained in § 4A1.2(c). *See, e.g.*, *United States v. Stubblefield*, 265 F.3d 345, 347 (6th Cir. 2001); *United States v. Collins*, 600 F. App'x. 433, 435-37 (6th Cir. 2015); *United States v. Tatum*, 743 F. App'x 589, 594 (6th Cir. 2018). Because this issue is reviewed for plain error and because we have consistently held that marijuana possession is unlike the offenses in § 4A1.2(c), Battle cannot show that any error was "obvious or clear." *See Collins*, 600 F. App'x at 437 (citation modified); *Cooper*, 2025 WL 429915, at *2 (concluding the same).

Battle attempts to avoid this conclusion by acknowledging our past precedents and arguing that his case is different. Specifically, Battle notes that since our decision in *Tatum*, many states have legalized marijuana possession and that the state where Battle committed the possession offense (Arizona) is one of these. So, he contends that marijuana possession is no longer a serious offense and is *now* like the offenses listed in § 4A1.2(c). This argument ignores that, following *Tatum*, we have continued deciding this issue against the defendants raising them. *See Cooper*, 2025 WL 429915, at *2; *United States v. Solomon*, No. 23-3854, 2024 WL 3675603, at *3-4 (6th Cir. Aug. 6, 2024); *United States v. Malory,* No. 22-2110, 2023 WL 7550018, at *3-5 (6th Cir. Nov. 14, 2023). So, the assertion that the marijuana-legalization movement changes the analysis runs head-long into our continued adherence to *Stubblefield*, *Collins*, and *Tatum*.

B. Mitigating Role Reduction

Battle argues that the district court erred by assessing whether Battle was a *minimal* participant when he had raised a claim that he was a *minor* participant in the drug trafficking

scheme. In response, the government argues that, although Battle initially argued that he was a minor participant, he later confined his argument to being a minimal participant in the drug trafficking scheme.

As relevant, § 3B1.2 "provides a range of adjustments for a defendant who plays a part in committing the offense that makes him substantially less culpable than the average participant in the criminal activity." USSG § 3B1.2 cmt. n.3(A). In particular, the defendant's offense level is decreased if the defendant is either a "minimal participant" in the criminal activity or a "minor participant" in the criminal activity. USSG § 3B1.2(a), (b).

A minimal participant reduction provides the biggest reduction and "is generally warranted if the defendant's primary function in the offense was plainly among the lowest level of drug trafficking functions, such as serving as a courier, running errands, sending or receiving phone calls or messages, or acting as a lookout." USSG § 2D1.1(e)(2)(B)(i). A minor participant reduction is appropriate if "the defendant's primary function in the offense was performing another low-level trafficking function, such as distributing controlled substances in user-level quantities for little or no monetary compensation or with a primary motivation other than profit." USSG § 2D1.1(e)(2)(B)(ii). Finally, whether a minimal or minor participant adjustment is warranted turns on the totality of the circumstances. USSG § 3B1.2 cmt. n.3(C). And, in evaluating the circumstances, courts should consider "the following non-exhaustive list of factors":

> (i) the degree to which the defendant understood the scope and structure of the criminal activity;
> (ii) the degree to which the defendant participated in planning or organizing the criminal activity;
> (iii) the degree to which the defendant exercised decision-making authority or influenced the exercise of decision-making authority;

> (iv) the nature and extent of the defendant's participation in the commission of the criminal activity, including the acts the defendant performed and the responsibility and discretion the defendant had in performing those acts;
> (v) the degree to which the defendant stood to benefit from the criminal activity.

Id.

Although Battle's initial arguments regarding the mitigating role reduction were unclear, Battle subsequently clarified in his sentencing memorandum and at sentencing that he was seeking a minimal participant reduction under § 3B1.2(a) rather than a minor participant reduction under § 3B1.2(b).

Accordingly, at sentencing, the district court stated its belief that Battle was arguing for a minimal participant reduction. The district court then recited the standard for a minimal participant reduction under § 2D1.1(e)(2)(B)(i)—that a mitigating role reduction "is generally warranted if the defendant's primary function is plainly among the lowest level of drug trafficking functions, such as serving as a courier." The court concluded that the minimal participant reduction did not apply because Battle was more than a courier. Because the district court applied the minimal participant standard to Battle's claim for a minimal participant reduction, it did not apply an incorrect standard.

Despite the above, Battle additionally contends that the district court erred because it failed to consider the totality of the circumstances in concluding that Battle was not entitled to a mitigating role reduction. In its analysis, the court focused on two points: the quantity of methamphetamine Battle was transporting and his use of commercial trucks to transport the drugs. It also noted that Battle was not a mere "lookout." Thus, the court gave consideration to "the nature and extent of the defendant's participation" in the drug trafficking operation under § 3B1.2 cmt. n.3(C)(iv). And, by referencing the use of commercial trucks, the court appeared to consider

"the degree to which the defendant understood the scope and structure of the criminal activity" and Battle's "planning or organizing" role within the drug trafficking operation under § 3B1.2 cmt. n.3(C)(i), (ii). In other words, the district court weighed the factors in § 3B1.2 cmt. n.3(C) and thus assessed the totality of the circumstances.

C. Ineffective Assistance of Counsel

Battle also urges that his counsel was ineffective for failing to argue that his conviction for marijuana possession is like the offenses in § 4A1.2(c). But we disfavor reviewing ineffective assistance of counsel claims on direct appeal because the record is typically inadequate to evaluate such claims. *United States v. Ferguson*, 669 F.3d 756, 762 (6th Cir. 2012) (citing *Massaro v. United States*, 538 U.S. 500, 504-05 (2003)). And here we find that the record is inadequate because nothing at the sentencing hearing related to why Battle's counsel made certain arguments, declined to raise others, or whether his counsel was ineffective. So, we decline to review this claim. Despite this, Battle may still raise his claim of ineffective assistance of counsel in a "proper post-conviction hearing." *United States v. Josic*, 324 F. App'x 472, 482 (6th Cir. 2009) (citing *United States v. Wunder*, 919 F.2d 34, 37 (6th Cir. 1990)).

III. Conclusion

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

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 25-3723

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JEFFREY I. BATTLE,

Defendant - Appellant.

FILED
Aug 03, 2026
KELLY L. STEPHENS, Clerk

Before: SILER, DAVIS, and RITZ, Circuit Judges.

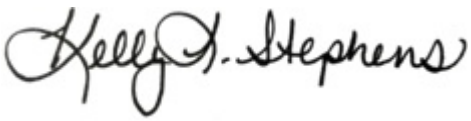
JUDGMENT

On Appeal from the United States District Court
for the Northern District of Ohio at Youngstown.

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 judgment of the district court is AFFIRMED.

ENTERED BY ORDER OF THE COURT



Kelly L. Stephens, Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

v.

JEFFREY I. BATTLE

§ **JUDGMENT IN A CRIMINAL CASE**
§
§
§ Case Number: **4:24-CR-00314-JPC(1)**
§ USM Number: **31488-511**
§ **David J. Betras**
§ Defendant's Attorney

THE DEFENDANT:

☒	pleaded guilty to count(s)	**Count One 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**
21:841(a)(1) and (b)(1)(A) Possession With Intent To Distribute Methamphetamine	08/14/2024	1

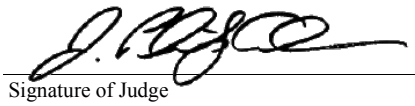
The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ 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.

August 26, 2025
Date of Imposition of Judgment


Signature of Judge

J. Philip Calabrese United States District Judge
Name and Title of Judge

August 26, 2025
Date

DEFENDANT: JEFFREY I. BATTLE
CASE NUMBER: 4:24-CR-00314-JPC(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:

216 months as to Count One of the Indictment.

☒ The court makes the following recommendations to the Bureau of Prisons:
Credit for time served; 500-hour RDAP Program; Placement at FCI Safford to be near family.

☒ 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: JEFFREY I. BATTLE
CASE NUMBER: 4:24-CR-00314-JPC(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **10 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 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: JEFFREY I. BATTLE
CASE NUMBER: 4:24-CR-00314-JPC(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. If not in compliance with the condition of supervision requiring full-time occupation, you may be directed to perform up to 20 hours of community service per week until employed, as approved or directed by the pretrial services and probation officer.
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. As directed by the probation officer, you shall notify third parties who may be impacted by the nature of the conduct underlying your current or prior offense(s) of conviction and/or shall permit the probation officer to make such notifications, and/or confirm your compliance with this requirement.
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: JEFFREY I. BATTLE
CASE NUMBER: 4:24-CR-00314-JPC(1)

SPECIAL CONDITIONS OF SUPERVISION

Mandatory Drug Testing
You must refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release from imprisonment and to at least two periodic drug tests, thereafter, as determined by the Court.

Substance Abuse Treatment and Testing
The defendant shall participate in an approved program of substance abuse testing and/or outpatient or inpatient substance abuse treatment as directed by their supervising officer; and abide by the rules of the treatment program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.). The defendant shall not obstruct or attempt to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing.

Mental Health Treatment
You must undergo a mental health evaluation and/or 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.)

Search / Seizure
The defendant shall submit his or her person, property, house, residence, vehicle, papers, 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. The defendant shall 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 reasonable suspicion exists that the defendant has violated a condition of his 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: JEFFREY I. BATTLE
CASE NUMBER: 4:24-CR-00314-JPC(1)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments page.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$100.00	$.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.

☐ 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 the schedule of payments page 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: JEFFREY I. BATTLE
CASE NUMBER: 4:24-CR-00314-JPC(1)

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.

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.

☐ 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:

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.