No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2026

MYKING GREEN,
***Petitioner*,**

v.

UNITED STATES OF AMERICA,
***Respondent*.**

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

PETITION FOR A WRIT OF CERTIORARI'S APPENDIX

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2026 WL 1078062
Only the Westlaw citation is currently available.
United States Court of Appeals, Eleventh Circuit.

UNITED STATES of America, Plaintiff-Appellee,
v.
Myking Dayquan GREEN, Defendant-Appellant.

No. 24-13038
|
Non-Argument Calendar
|
Filed: 04/21/2026

Appeal from the United States District Court for the Southern District of Florida, D.C. Docket No. 1:24-cr-20030-PCH-1

Attorneys and Law Firms

Alexandra Bailey, Brandy Brentari Galler, U.S. Attorneys, DOJ-USAO, West Palm Beach, FL, Daniel Matzkin, U.S. Attorney, Webb Daniel Friedlander, LLP, Atlanta, GA, U.S. Attorney Service Southern District of Florida, U.S. Attorney, Miami, FL, for Plaintiff-Appellee.

Ian McDonald, Ta'Ronce Stowes, Hector Alejandro Dopico, Federal Defender Organization Southern District of Florida, Public Defenders, Federal Public Defender's Office, Miami, FL, for Defendant-Appellant.

Before Rosenbaum, Luck, and Wilson, Circuit Judges.

Opinion

Per Curiam:

***1** Myking Green was convicted by a jury of possessing a firearm as a convicted felon. He appeals his conviction, arguing that there was insufficient evidence to support his constructive possession of the firearm and that the district court erred by dismissing a disruptive and noncompliant juror. After careful review, we affirm.

FACTUAL BACKGROUND

Green was the front passenger in a car pulled over by police for running a stop sign. There were three people in the car: the driver, Green, and another passenger sitting behind Green. After the car was stopped, Green stepped out. One of the two officers, Officer Richard Muñoz, twice instructed him to get back in the car. Green told Officer Muñoz that he could not open the door because he had no key. Officer Muñoz then detained Green. Officer Muñoz's bodycam video captured nearly the entire stop and search.

When Officer Muñoz opened the unlocked front-passenger-side door, he discovered a loaded gun lying in plain sight on top of a white t-shirt on the floorboard in front of the seat where Green had been sitting. Because a background check showed Green was a convicted felon, he was arrested. After the gun was found and impounded, Green argued with the officers, telling them: "[d]id your officer see me with a gun, did you see me with a gun?"; "just because a gun is in the car, you can't say that [I'm a felon-in-possession]"; "I got out of the car"; and "[h]ow can you give me constructive possession for something I don't know about?"

PROCEDURAL HISTORY

Green was indicted for possessing a firearm as a convicted felon. *See* 18 U.S.C. § 922(g)(1). He proceeded to trial.

During voir dire, a prospective juror said he'd need video evidence to convict and mentioned a previous "bad experience" getting pulled over by police. When pressed, though, he said he'd follow instructions and was selected as juror 10. Juror 10 was "visibly ... ang[ry]" at his selection, which was "obvious" from his facial expression, body language, and his "muttering to himself."

After the first day of trial, juror 10 was discharged for two instances of disruptive behavior. First, juror 10 raised his hand multiple times, including during cross-examination of one of the law enforcement witnesses, to ask about the legality of the traffic stop. When the district court told juror 10 the stop wasn't an issue in the case and not to ask questions, he pushed back and argued with the district court. The district court explained that questions weren't allowed because that was the district court's "general practice" and it was nothing personal; anything that "need[ed] to be said w[ould] be said during trial"; and it was for "the parties and the judge to figure out what the issues [were]." At that point, the district court observed, juror 10 "shut down," put his head down and closed his eyes to "tune[ ] everything out" or "look[ed] at the ceiling," and "made it pretty obvious" he wasn't "going to listen to the evidence." The court then recessed for an afternoon break.

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***2** During the break, the government raised concerns that juror 10 "laughed at various points" during the trial, "slept through" the testimony of multiple witnesses, and "disagreed" and "threw his arms up" during the testimony about the traffic stop. The district court had the same concerns.

Second, after the break, the government informed the district court that a court security officer reported that juror 10 said, "he did not give an F. 'Guilty or innocent, I don't care. I don't give an S. And if I can't ask questions, then I don't care.' " When asked, the court security officer confirmed that juror 10 made those statements. That evening, the government moved to dismiss juror 10.

The next morning, the district court told the parties that after considering the government's motion and conducting its own research, juror 10 would be dismissed and replaced with an alternate juror. Green responded that there hadn't been "any other issues" since the district court's exchange with juror 10 the day before and said juror 10's most recent "comment [was] made in the heat of the moment." Green instead asked the district court to question juror 10. The district court declined, explaining that it was "so obvious" juror 10 didn't "want to be a juror" and that his conduct was clearly "contemptuous" and uncooperative. Juror 10's statement about not "giv[ing] a f***" about whether the defendant was innocent or guilty—made in the presence of other jurors—"carried the day."

Juror 10, the district court found, was "visibly ... displease[d]" and "even ang[ry]" at being selected and he "made [the] point" to the district court that he "would not follow [his] oath," including by "obviously" "never accept[ing]" the district court's instructions to disregard the legality of the traffic stop, which the district court observed "by his outward expression both verbally and" by his "body language and facial expressions." The district court "believe[d] that [j]uror [ ] 10's behavior would have tainted the other jurors" and that it was "very clear" that juror 10 couldn't have "base[d] his verdict on the relevant law and the evidence in this case." Still, the district court offered Green the opportunity to question juror 10, which Green rejected.

The trial continued with the alternate juror. When the government rested its case, Green moved for a judgment of acquittal under Federal Rule of Criminal Procedure 29. He argued that, with "[n]o DNA, no prints, no video, [and] no witnesses" placing Green with the gun, the jury had insufficient evidence to convict him. The district court denied the motion, agreeing with the government that the evidence showed that the gun had been at Green's feet, "very close to him," and reasoning that there was "enough evidence" to submit the case to the jury, "particularly" because the jury could be instructed on "the different kinds" of possession. Green rested without putting on a case.

The jury found him guilty of possessing a firearm as a convicted felon. Green appeals his conviction.

STANDARD OF REVIEW

We review de novo the denial of a motion for judgment of acquittal on sufficiency of the evidence grounds, viewing the evidence in the light most favorable to the government and drawing all reasonable inferences in favor of the jury's verdict. *United States v. Martin*, 803 F.3d 581, 587 (11th Cir. 2015). We "review a district court's decision to excuse a juror only for an abuse of discretion." *United States v. Godwin*, 765 F.3d 1306, 1316 (11th Cir. 2014).

DISCUSSION

***3** Green raises two issues. First, he argues that the trial evidence was insufficient to show he possessed the firearm. Second, he contends that the district court abused its discretion by dismissing juror 10.

Sufficiency of the evidence

Green argues the district court erred when it denied his motion for a judgment of acquittal. He challenges the sufficiency of the evidence as to whether he "possessed" the gun Officer Muñoz retrieved from the floorboard of the front passenger seat where Green was sitting.

A violation of section 922(g) requires the government to prove (among other things) knowing possession of a firearm. *United States v. Green*, 873 F.3d 846, 852 (11th Cir. 2017). Possession can be "actual or constructive." *United States v. Perez*, 661 F.3d 568, 576 (11th Cir. 2011). "To prove actual possession the evidence must show that the defendant either had physical possession of or personal dominion over the thing allegedly possessed." *United States v. Leonard*, 138 F.3d 906, 909 (11th Cir. 1998).

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Constructive possession, by contrast, is established where "either direct or circumstantial evidence" shows "that the defendant (1) was aware or knew of the firearm's presence and (2) had the ability and intent to later exercise dominion and control over that firearm." *Perez*, 661 F.3d at 576. A juror may infer a defendant's intent to control a gun from circumstantial evidence showing he had ready access to it within a car. *See Cnty. Ct. of Ulster Cnty., N.Y. v. Allen*, 442 U.S. 140, 164–65 (1979) (holding that where "guns [a]re lying on the floor or the seat of [a] car in the plain view of the ... occupants, ... it is surely rational to infer that each of the [occupants] was fully aware of the presence of the guns and had both the ability and the intent to exercise dominion and control over the weapons"); *United States v. Gonzalez*, 71 F.3d 819, 835 (11th Cir. 1996), *abrogated on other grounds by Arizona v. Gant*, 556 U.S. 332, 335 (2009) (affirming a constructive-possession conviction where the defendant pulled over in a car had "ready access" to a gun in the glove compartment, even though the car wasn't registered to him); *United States v. Gates*, 967 F.2d 497, 499 (11th Cir. 1992) (finding sufficient evidence that the defendant, who was a passenger in a pickup truck driven by his co-conspirator, possessed two loaded pistols lying under the front driver's seat).

Here, a reasonable jury could and did find constructive possession. The body camera showed Green exiting the car from the front passenger door. And the loaded gun was found sitting on top of a white t-shirt on the floorboard in front of his seat. It wasn't hidden under or behind the passenger seat; it was lying in plain sight on the floorboard near the passenger door.

We faced similar facts in *Gates*. There, the defendant was riding as a passenger in a pickup truck where two loaded guns were found lying under the front seat. *Gates*, 967 F.2d at 499. We concluded that the defendant had sufficient access and control over the firearms to establish possession. *Id*. If anything, the evidence was stronger here because the loaded gun was found in plain sight directly at Green's feet rather than hidden under the seat.

Green asks us to look at other cases but none of them are on point. In *Guevara v. United States*, 242 F.2d 745 (5th Cir. 1957), the marijuana was in the "middle of the car," so it was just as likely to belong to the other occupant. *Id.* at 745–47. In *United States v. Pedro*, 999 F.2d 497 (11th Cir. 1993), *United States v. Ferg*, 504 F.2d 914 (5th Cir. 1974), and *United States v. Louis*, 861 F.3d 1330 (11th Cir. 2017), the gun and drugs were hidden and not in plain view. *See Pedro*, 999 F.2d at 501–02 (gun was concealed in a suitcase of stolen goods and "there was no evidence" that the defendant "helped pack the suitcase or could [otherwise] have known that the closed, hardcover suitcase contained a firearm"); *Ferg*, 504 F.2d at 916–17 (defendant was a front seat passenger while the drugs were found in a "three inch gap between the back seat and [ ] frame of a car"); *Louis*, 861 F.3d at 1332, 1334–35 (cocaine found in "sealed boxes" in the defendant's car). And, in *United States v. Derose*, 74 F.3d 1177 (11th Cir. 1996), the defendant was never even in the car with the marijuana. *Id.* at 1179–80, 1186. [1]

***4** Aside from the caselaw, Green argues that because he didn't own, borrow, or drive the car, the jury could not reasonably infer constructive possession of the loaded gun next to where he was sitting. But, in *Gates*, there also was no evidence that the defendant owned, borrowed, or drove the car. Like Green, he was a front seat passenger with two guns next to him on the floorboard. That was enough, we said, to show constructive possession.

Green also contends the evidence was insufficient because there was no "forensic evidence" connecting Green to the gun and other people in the car could've had "physical custody" of it "at some point." But there was no "forensic evidence" in *Allen*, *Gonzalez*, and *Gates*, and still, we and the Supreme Court held that the defendants constructively possessed the guns found next to them, even though there were other people in the vehicles. And there was no evidence to support Green's argument that the other passengers in the car had physical custody of the gun at the time of the stop. The gun was found on the front passenger floorboard, on top of the shirt, almost immediately after Green stepped out of the car. The other occupants were sitting in different parts of the car. Viewing the evidence in the light most favorable to the government, as we must on appeal, "the evidence at [Green's] trial permitted a reasonable jury to conclude that [Green] ... constructively possessed the gun." *See Perez*, 661 F.3d at 578.

Dismissal of juror 10

Next, Green contends that the district court abused its discretion when it dismissed juror 10. "[J]urors who are unable to perform or who are disqualified from performing their duties" may be replaced. Fed. R. Crim. P. 24(c)(1). The decision to remove and replace a juror before deliberations is "entrusted to the sound discretion of the trial judge whenever facts are presented which convince the trial judge that the

juror's ability to perform his duty as a juror is impaired." *United States v. Fajardo*, 787 F.2d 1523, 1525 (11th Cir. 1986) (citation modified). The district court need provide only "a reasonable cause" for its decision, *United States v. Crabtree*, 878 F.3d 1274, 1288 (11th Cir. 2018) (citation modified), and we won't disturb that decision without "a showing of bias or prejudice," which includes removal "without factual support" or for a "legally irrelevant reason," *Godwin*, 765 F.3d at 1316 (citation modified). Reasonable cause to dismiss a juror before deliberations includes distracting other jurors, not paying attention, or otherwise disrupting proceedings. *See Fajardo*, 787 F.2d at 1525 (affirming the dismissal of a juror before deliberations who distracted the jury); *Crabtree*, 878 F.3d at 1288 (affirming the replacement of a juror before deliberations where he disrupted court proceedings); *Godwin*, 765 F.3d at 1317 (affirming the excusal of a juror before deliberations who "would be unable to or unwilling to focus on the trial"); *United States v. Smith*, 918 F.2d 1501, 1512 (11th Cir. 1990) (affirming the removal of a distracted juror before deliberations where "the district judge [ ] found that her distraction would disrupt the efforts of the jury as a whole to evaluate the evidence and reach a verdict"); *United States v. Smith*, 550 F.2d 277, 285 (5th Cir. 1977) (no error in district court replacing two jurors before deliberations who did not pay attention to the proceedings).

The district court's broad discretion extends to "choosing the investigative procedure to be used in checking for juror misconduct." *United States v. Register*, 182 F.3d 820, 840 (11th Cir. 1999) (citation modified). If it's "clear" or "obvious" that the juror cannot fulfill his or her duties, then the district court may dismiss him without further inquiry. *Fajardo*, 787 F.2d at 1525 (citation modified).

***5** The standard changes "[o]nce deliberations have begun." *Godwin*, 765 F.3d at 1316. At that point, "a district court may excuse a juror for good cause, which includes [the] juror's refusal to apply the law or to follow the court's instructions." *Id.* (first citing Fed. R. Crim. P. 23(b)(3); and then citing *United States v. Abbell,* 271 F.3d 1286, 1302 (11th Cir. 2001)). At that late stage, a juror can only be dismissed when no "substantial possibility" exists that he will base his decision on the sufficiency of the evidence. *Id.* (citation modified). Of course, even before the start of deliberations, refusing to apply the law or to follow the district court's instructions are facts that could "convince the trial judge that the juror's ability to perform his duty as a juror is impaired." *See Fajardo*, 787 F.2d at 1525 (citation modified).

Here, the district court had reasonable cause to dismiss juror 10. Juror 10 distracted other jurors by repeatedly raising his hand and interrupting; ignored the proceedings by closing his eyes, resting his head, and staring at the ceiling (in front of the rest of the jurors); and proclaimed that he'd refuse to follow the most central of instructions—to determine guilt or innocence by considering the evidence. *See Fajardo*, 787 F.2d at 1525–26; *Godwin*, 765 F.3d at 1317; *United States v. Geffrard*, 87 F.3d 448, 451–52 (11th Cir. 1996).

Green contends, nevertheless, that (1) juror 10's conduct was too "subtle" to show for "certain" that he couldn't perform his duties, and the district court was confused about his intentions, and (2) the discharge "adversely affected" Green's "substantial rights." But there was nothing "subtle" about juror 10's conduct. "[T]he degree of disruption [by a juror] is gauged better by first-hand impressions [by the district court] rather than the review of a cold record." *Fajardo*, 787 F.2d at 1526. From "watching him" during voir dire and the first day of trial, the district court observed that juror 10's reactions and conduct clearly showed his "disdain" for the district court and his selection. It also found in no uncertain terms that juror 10's conduct was "contemptuous" and that he wouldn't cooperate through the rest of trial. Green offers nothing to shake our deference to these first-hand impressions.

In any event, Green hasn't shown that juror 10's dismissal violated his substantial rights. Green argues that since juror 10 said during voir dire that he needed "video" evidence to convict, and there was no "eyewitness account or video" evidence placing Green with the gun, juror 10 would have voted for a not-guilty verdict if he stayed on the jury. But there was video evidence from the body camera showing Green and the gun. And because the "alternate and regular jurors 'were drawn in the same net, and being once drawn, were afforded the precise same treatment[,]' ... replacement of [juror 10] with [the] alternate juror [ ] did not bias or prejudice the defendant[ ]." *United States v. De La Vega*, 913 F.2d 861, 869 (11th Cir. 1990) (quoting *United States v. Johnson*, 657 F.2d 604, 607 (4th Cir. 1981)).

CONCLUSION

Because the district court properly denied Green's motion for judgment of acquittal and did not abuse its discretion in dismissing juror 10, we affirm.

AFFIRMED.

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All Citations

Not Reported in Fed. Rptr., 2026 WL 1078062

Footnotes

1 *Cosby v. Jones*, 682 F.2d 1373 (11th Cir. 1982), is even further off the mark. There, the issue was whether the "bare fact" of selling a stolen camera "a day or two" after a burglary, without any other evidence of the crime, was enough to sustain a burglary conviction. *Id.* at 1383.

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A-2

In the

United States Court of Appeals

For the Eleventh Circuit

No. 24-13038

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MYKING DAYQUAN GREEN,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:24-cr-20030-PCH-1

ON PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC

Before ROSENBAUM, LUCK, and WILSON, Circuit Judges.

PER CURIAM:

The Petition for Rehearing En Banc is DENIED, no judge in regular active service on the Court having requested that the Court

be polled on rehearing en banc. FRAP 40. The Petition for Panel Rehearing also is DENIED. FRAP 40.

A-3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

UNITED STATES OF AMERICA

v.

MYKING DAYQUAN GREEN

§ **JUDGMENT IN A CRIMINAL CASE**
§
§
§ Case Number: **1:24-CR-20030-PCH(1)**
§ USM Number: **99309-510**
§
§ Counsel for Defendant: **Ian McDonald**
§ Counsel for United States: **Sterling Paulson**

THE DEFENDANT:

☐	pleaded guilty to count(s)	
☐	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 2 of the Superseding Indictment after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense	**Offense Ended**	**Count**
18:U.S.C.§922(G)(1)Possession Of A Firearm and Ammunition By A Convicted Felon	06/04/2024	2s

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 1 of the Superseding Indictment.

☐ Count(s) 1 ☐ 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.

September 12, 2024
Date of Imposition of Judgment



Signature of Judge

PAUL C. HUCK
SENIOR UNITED STATES DISTRICT JUDGE
Name and Title of Judge

September 12, 2024
Date

DEFENDANT: MYKING DAYQUAN GREEN
CASE NUMBER: 1:24-CR-20030-PCH(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:

51 months as to count 2.

☒ The court makes the following recommendations to the Bureau of Prisons:
Defendant be designated to a facility as close to South Florida as possible.
Defendant receive substance abuse treatment during his time of incarceration.
Defendant receive mental health treatment during his time of incarceration.

☒ 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: MYKING DAYQUAN GREEN
CASE NUMBER: 1:24-CR-20030-PCH(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **three (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 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 additional conditions on the attached page.

DEFENDANT: MYKING DAYQUAN GREEN
CASE NUMBER: 1:24-CR-20030-PCH(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 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 www.flsp.uscourts.gov.

Defendant's Signature _____ Date _____

DEFENDANT: MYKING DAYQUAN GREEN
CASE NUMBER: 1:24-CR-20030-PCH(1)

SPECIAL CONDITIONS OF SUPERVISION

Anger Control / Domestic Violence: The defendant shall participate in an approved treatment program for anger control/domestic violence. Participation may include inpatient/outpatient treatment. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third-party payment.

Home Detention with Electronic Monitoring: The defendant shall participate in the Home Detention Electronic Monitoring Program for a period of 12 months. During this time, the defendant shall remain at his place of residence except for employment and other activities approved in advance and provide the U.S. Probation Officer with requested documentation. The defendant shall maintain a telephone at his place of residence without 'call forwarding', 'call waiting', a modem, 'caller ID', or 'call back/call block' services for the above period. The defendant shall wear an electronic monitoring device and follow the electronic monitoring procedures as instructed by the U.S. Probation Officer. The defendant shall pay for the electronic monitoring equipment at the prevailing rate or in accordance with ability to pay.

Mental Health Treatment: The defendant shall participate in an approved inpatient/outpatient mental health treatment program. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third-party payment.

Permissible Search: The defendant shall submit to a search of his/her person or property conducted in a reasonable manner and at a reasonable time by the U.S. Probation Officer.

Self-Employment Restriction: The defendant shall obtain prior written approval from the Court before entering any self-employment.

Substance Abuse Treatment: The defendant shall participate in an approved treatment program for drug and/or alcohol abuse and abide by all supplemental conditions of treatment. Participation may include inpatient/outpatient treatment. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third-party payment.

Unpaid Restitution, Fines, or Special Assessments: If the defendant has any unpaid amount of restitution, fines, or special assessments, the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay.

DEFENDANT: MYKING DAYQUAN GREEN
CASE NUMBER: 1:24-CR-20030-PCH(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		

☐ 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:

Restitution with Imprisonment - It is further ordered that the defendant shall pay restitution in the amount of **$.00**. During the period of incarceration, payment shall be made as follows: (1) if the defendant earns wages in a Federal Prison Industries (UNICOR) job, then the defendant must pay 50% of wages earned toward the financial obligations imposed by this Judgment in a Criminal Case; (2) if the defendant does not work in a UNICOR job, then the defendant must pay a minimum of $25.00 per quarter toward the financial obligations imposed in this order. Upon release of incarceration, the defendant shall pay restitution at the rate of 10% of monthly gross earnings, until such time as the court may alter that payment schedule in the interests of justice. The U.S. Bureau of Prisons, U.S. Probation Office and U.S. Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay. These payments do not preclude the government from using other assets or income of the defendant to satisfy the restitution obligations.

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, 18 U.S.C. §2259.
** Justice for Victims of Trafficking Act of 2015, 18 U.S.C. §3014.
*** 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: MYKING DAYQUAN GREEN
CASE NUMBER: 1:24-CR-20030-PCH(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 $100.00 due immediately, balance due

It is ordered that the Defendant shall pay to the United States a special assessment of $100.00 for Count 2s, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court. Payment is to be addressed to:

U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716

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 forfeit the defendant's interest in the following property to the United States:
FORFEITURE of the defendant's right, title and interest in certain property is hereby ordered consistent with the plea agreement. The United States shall submit a proposed Order of Forfeiture within three days of this proceeding.

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) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.