

Documents from *United States v. Almodovar*, No. 3:18-cr-00145 (M.D. La.)

Prosecution of former correctional officer under 18 U.S.C. 242 for beating a handcuffed and shackled prisoner, and conspiring with other officers to cover up misconduct.

1. DOJ Press Release, Charges Brought, 10/31/2018
2. Indictment, 10/31/2018
3. DOJ Press Release, Guilty Plea, 2/7/2019
4. Guilty Plea and Sentence, 8/19/2019

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Wednesday, October 31, 2018

Former Correctional Officer Charged with Assaulting Handcuffed and Shackled Inmate at Elayn Hunt Correctional Center

Officer Also Accused of Falsifying Reports and Conspiring To Cover Up Beating; Two Other Officers Plead Guilty

A former correctional officer at Elayn Hunt Correctional Center in St. Gabriel, Louisiana, was indicted today by a federal grand jury on charges of beating a handcuffed and shackled inmate, and conspiring with other officers to cover up their misconduct by falsifying official reports and lying to investigators. Two other correctional officers, Eric Norwood and Charles Philson, have previously pleaded guilty for their roles in the assault of the inmate.

Today's indictment accuses Adrian Almodovar of federal civil rights, conspiracy, and obstruction violations. According to the indictment, Almodovar and other members of the tactical team assaulted an inmate during the course of a cell extraction, during transportation to the medical unit, and inside the medical unit. The inmate was handcuffed and shackled during the course of the assaults.

It is alleged that the defendants then drafted false reports in which they intentionally omitted that they used force on the inmate. Days after the assault, the defendants met with another officer at the a local restaurant in which they agreed that, if questioned about the assault by investigators, they would stick to the false story they wrote in their reports and claim that they did not use unlawful force.

An indictment is merely an accusation, and the defendant is presumed innocent unless proven guilty.

This case is being investigated by the Baton Rouge Division of the FBI and the Office of Louisiana Inspector General, and is being prosecuted by Trial Attorneys Christopher J. Perras and Zachary Dembo of the Department's Civil Rights Division.

Component(s):

Civil Rights Division

Civil Rights - Criminal Section

Press Release Number:

18-1426

Updated October 31, 2018



**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 18-145-BAJ-EWD
	:	
<i>versus</i>	:	18 U.S.C. § 242
	:	18 U.S.C. § 2
ADRIAN ALMODOVAR III	:	18 U.S.C. § 371
	:	18 U.S.C § 1519

INDICTMENT

THE GRAND JURY CHARGES AT ALL TIMES RELEVANT TO THIS INDICTMENT:

1) Elayn Hunt Correctional Center (“Hunt Correctional”), located in St. Gabriel, Louisiana, was a state prison operated by the Louisiana Department of Public Safety and Corrections.

2) Defendant **ADRIAN ALMODOVAR III** (hereinafter “**ALMODOVAR**”) was a Master Sergeant and a member of the tactical team. One of the duties of the tactical team was to extract non-compliant inmates from their cells, a procedure known as a “cell extraction.”

3) Inmates J.H. and L.B. were cellmates housed together in Cell 14 of the Beaver Two inmate-housing unit.

4) On January 9, 2017, members of the tactical team, including Defendant **ALMODOVAR**, performed a cell-extraction on Cell 14 of the Beaver Two inmate-housing unit.

5) After extracting Inmates J.H. and L.B. from Cell 14, members of the tactical team, including Defendant **ALMODOVAR**, carried Inmate J.H. to a transport van and drove him to the Assessment Triage Unit (“ATU”) in order to provide him medical treatment for injuries

inflicted during the cell extraction. After an emergency medical technician treated Inmate J.H., members of the tactical team placed Inmate J.H. into the transport van and drove him back to the Beaver Two inmate-housing unit.

6) Later that shift, members of the tactical team escorted Inmate L.B. to the transport van and drove him to the ATU. An emergency medical technician evaluated Inmate L.B., and then members of the tactical team, including Defendant **ALMODOVAR**, escorted Inmate L.B. to the transport van and drove him back to the Beaver Two inmate-housing unit.

7) Each of these allegations is hereby referenced and incorporated into each count of this Indictment.

COUNT ONE

8) On or about January 9, 2017, in the Middle District of Louisiana, **ADRIAN ALMODOVAR III**, while acting under color of law and while aiding and abetting additional correctional officers known to the grand jury, willfully deprived Inmates J.H. and L.B. of the right, secured and protected by the Constitution and laws of the United States, to be free from cruel and unusual punishment. Specifically, (1) during a cell extraction performed on Cell 14 of the Beaver Two inmate-housing unit, Defendant **ALMODOVAR** physically assaulted Inmate J.H. while he was handcuffed, shackled, and not resisting, and failed to intervene to protect Inmate J.H. from being assaulted by other correctional officers, despite having the opportunity to do so; (2) while transporting Inmate J.H. from Cell 14 to the transport van, Defendant **ALMODOVAR** struck Inmate J.H. in the head while Inmate J.H. was handcuffed, shackled, and not resisting; (3) in the ATU, Defendant **ALMODOVAR** physically assaulted Inmate J.H. while Inmate J.H. was handcuffed, shackled, and not resisting, and failed to intervene to protect Inmate J.H. from being assaulted by other correctional officers, despite

having the opportunity to do so; and, (4) while returning from the ATU in the transport van, Defendant **ALMODOVAR** struck Inmate L.B. in the head while Inmate L.B. was not resisting. This offense resulted in bodily injury to Inmates J.H. and L.B.

The above is a violation of Title 18, United States Code, Sections 242 and 2.

COUNT TWO

9) On or about January 10, 2017, in the Middle District of Louisiana, **ADRIAN ALMODOVAR III**, acting in relation to and in contemplation of a matter within the jurisdiction of the United States, knowingly falsified, covered up, concealed, and made a false entry in a record and document with the intent to impede, obstruct, and influence the investigation and proper administration of that matter. Specifically, Defendant **ALMODOVAR** submitted an Unusual Occurrence Report (“UOR”) documenting the cell extraction and trip to the ATU, and intentionally omitted from that report both the excessive force used by Defendant **ALMODOVAR** and other members of the tactical team and the injuries suffered by the inmates.

The above is a violation of Title 18, United States Code, Section 1519.

COUNT THREE

10) On or about January 11, 2017, in the Middle District of Louisiana, **ADRIAN ALMODOVAR III** knowingly and willfully combined, conspired, and agreed with Officers A and B, to engage in misleading conduct toward another person with the intent to hinder, delay, and prevent the communication of truthful information to a federal law enforcement officer relating to the commission and possible commission of a federal offense, in violation of 18 U.S.C. § 1512(b)(3); and to willfully and knowingly make a materially false, fictitious, and

fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, in violation of 18 U.S.C. § 1001.

Purpose, Manner, and Means of the Conspiracy

11) Defendant **ALMODOVAR**, Officer A, and Officer B knew from their training that allegations of excessive force against inmates were investigated internally by Hunt Correctional's Internal Investigations Unit ("IIU"), and externally by the Federal Bureau of Investigation ("FBI"). It was the plan and purpose of the conspiracy for Defendant **ALMODOVAR**, Officer A, and Officer B to cover up the unjustified assaults on Inmates J.H. and L.B. by repeating the false cover story documented in their UORs to any investigators who would question them about the incident. Specifically, the conspirators agreed to "stick to the story" that it was a routine cell extraction and that no unlawful force had been used by the Defendants or any other member of the tactical team.

Overt Acts Committed in Furtherance of the Conspiracy

12) In furtherance of this conspiracy and to effect the objects thereof, the conspirators and other persons known to the grand jury knowingly and willfully committed the following overt acts, among others, in the Middle District of Louisiana:

13) On or about January 12, 2017, Officer A falsely claimed to IIU investigators that he had not used unlawful force on Inmate J.H and had not witnessed any other officer use unlawful force on Inmate J.H.

14) On or about January 12, 2017, Officer B initially falsely claimed to IIU investigators that he had not witnessed any other officers use unlawful force on Inmate J.H.


15) On or about November 1, 2017, Officer A made a false statement to federal investigators during a voluntary interview with FBI agents assigned to investigate allegations

that members of the tactical team at Hunt Correctional used excessive force against Inmates J.H. and L.B. Specifically, Officer A stated to federal investigators that no officer struck Inmate J.H. in the ATU or in the transport van en route to the ATU. Those statements and representations were false because, as Officer A then and there knew, Officer A punched Inmate J.H. in the head while en route to the ATU in the transport van, and when they arrived at the ATU, Defendant **ALMODOVAR** struck Inmate J.H. with his fists, Officer A struck Inmate J.H. with his fists, and Officer B picked up a wheelchair and slammed it down onto Inmate J.H.

The above is a violation of Title 18, United States Code, Section 371.

UNITED STATES OF AMERICA, BY


A TRUE BILL



BRANDON FREMIN
UNITED STATES ATTORNEY
MIDDLE DISTRICT OF LOUISIANA

**REDACTED
PER PRIVACY ACT**


GRAND JURY FOREPERSON



RENE SALOMON
ASSISTANT UNITED STATES ATTORNEY
MIDDLE DISTRICT OF LOUISIANA

10/31/18

DATE



ZACHARY D. DEMBO
TRIAL ATTORNEY
CIVIL RIGHTS DIVISION

10/31/18

DATE

Criminal Cover Sheet

U.S. District Court

Place of Offense:

Matter to be sealed: No Yes

City St. Gabriel

Related Case Information:

County/Parish Iberville Parish

Superseding _____ Docket Number _____

Same Defendant _____ New Defendant _____

*Investigating Agency FBI

Magistrate Case Number _____

*Agent Jeff Methvin

Search Warrant Case No. _____

R 20/ R 40 from District of _____

Any Other Related Cases: 18-104-SDD-EWD

Defendant Information:

Defendant Name: Adrian Almodovar III

Alias:

Address:

Birthdate: SS #: Sex: Race: Nationality

U.S. Attorney Information:

AUSA Rene Salomon

Bar # LBN 11671

Interpreter: No Yes

List language and/or dialect: _____

Location Status:

Arrest Date _____

_____ Already in Federal Custody as of

_____ Already in State Custody

_____ On Pretrial Release

U.S.C. Citations:

Total # of Counts: 3

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count(s)</u>	<u>Petty/ Misdemeanor/ Felony</u>
<u>18:242 and 2</u>	<u>Deprivation of Rights Under Color of Law</u>	<u>1</u>	<u>F</u>
<u>18:1519</u>	<u>Falsifying Reports in a Federal Investigation</u>	<u>2</u>	<u>F</u>
<u>18:371</u>	<u>Conspiracy to Obstruct Justice</u>	<u>3</u>	<u>F</u>
_____	_____	_____	_____
_____	_____	_____	_____

Date: 10/31/18

Signature of AUSA: [Handwritten Signature] (DOT)

District Court Case Number (To be filled in by deputy clerk): _____

JUSTICE NEWS

Department of Justice

Office of Public Affairs

FOR IMMEDIATE RELEASE

Thursday, February 7, 2019

Former Correctional Officer Pleads Guilty to Assaulting Two Handcuffed Inmates at Elayn Hunt Correctional Center

WASHINGTON – Adrian Almodovar III, a former correctional officer at Elayn Hunt Correctional Center in St. Gabriel, Louisiana, pleaded guilty in federal court today to unlawfully assaulting two handcuffed inmates and to failing to stop other correctional officers from assaulting one of the inmates.

“The Justice Department will hold correctional officers accountable to the public by investigating and prosecuting officers who inflict cruel and unusual punishment on inmates,” said Assistant Attorney General Eric Dreiband. “The Civil Rights Division is committed to protecting victims of these abuses and upholding the Constitution and laws that protect us all.”

“This officer chose to engage in criminal activity and by doing so dishonored himself and the countless honorable corrections officers who undertake difficult and dangerous work in our penal institutions every day - for that, he was held accountable,” said U.S. Attorney Fremin. “We will remain steadfast in upholding our obligation to protect the civil rights of others and will hold accountable those, like Mr. Almodovar, who abuse their authority. I want to thank the Civil Rights Division of the Department of Justice, the FBI, and the Office of the Louisiana Inspector General for their efforts in bringing this offender to justice.”

“The integrity of the entire system is threatened when those entrusted with power and authority choose to violate that trust. It is especially egregious when it happens in the corrections system,” said Louisiana Inspector General Stephen Street. “All who engage in this criminal behavior should know that significant criminal consequences will result. The Louisiana OIG remains committed to working with our law enforcement partners to ensure this.”

“Placed in a position of public trust at the Elayn Hunt Correctional Facility, Adrian Almodovar III abused defenseless inmates, discredited our justice system, and tarnished the image of countless good officers. The FBI remains committed to upholding the Constitution and protecting the civil rights of all persons,” said Eric J. Rommal, FBI New Orleans Special Agent in Charge.

Almodovar, 39, pleaded guilty to one count of willfully depriving the inmates of their right to be free from cruel and unusual punishment. Information presented during the plea hearing established that Almodovar assaulted inmate J.H. multiple times on Jan. 9, 2017, by punching him in the face. During all of these assaults, inmate J.H. was restrained in handcuffs and was not offering any resistance. Later that day, Almodovar also punched inmate L.B. in the head. During this assault, inmate L.B. was also restrained in handcuffs and was not offering any resistance.

During the plea hearing, Almodovar admitted he was aware at the time of these assaults that he did not have any legal justification for using force on the inmates but did so anyway. Almodovar also admitted that he witnessed other correctional officers assaulting inmate J.H. on two separate occasions and failed to intervene to stop them, despite knowing he had a duty to protect inmates from unlawful assaults. Two other correctional officers have previously pleaded guilty for their roles in the assaults on inmate J.H.

Almodovar faces a maximum statutory penalty of ten years in prison and a \$250,000 fine.

This case is being investigated by the FBI's Baton Rouge Resident Agency Office and the Louisiana Office of the State Inspector General. The case is being prosecuted by Trial Attorney Zachary Dembo of the Civil Rights Division's

Criminal Section.

Topic(s):

Civil Rights

Component(s):

Civil Division

Civil Rights - Criminal Section

USAO - Louisiana, Middle

Press Release Number:

19-83

Updated February 7, 2019

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

v.

ADRIAN ALMODOVAR, III

§ JUDGMENT IN A CRIMINAL CASE
 §
 § Case Number: 3:18-CR-00145-SDD-EWD(1)
 § USM Number: 09079-095
 § John Lane Ewing, Jr.
 § Defendant's Attorney

THE DEFENDANT:

<input checked="" type="checkbox"/>	pleaded guilty to count(s)	Count 1 of the Indictment
<input type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

<u>Title & Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:242 & 18:2 / Deprivation of Rights Under Color of Law Resulting in Bodily Injury	01/09/2017	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) 2 and 3 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 15, 2019

Date of Imposition of Judgment



SHELLY D. DICK
UNITED STATES DISTRICT CHIEF JUDGE

Name and Title of Judge

8/19/2019

Date

DEFENDANT: ADRIAN ALMODOVAR, III
CASE NUMBER: 3:18-CR-00145-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:

18 months.

- The court makes the following recommendations to the Bureau of Prisons:
It is recommended that the defendant be designated to a facility capable of providing him with cognitive behavioral therapy and mental health treatment.
- 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: ADRIAN ALMODOVAR, III
CASE NUMBER: 3:18-CR-00145-SDD-EWD(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **1 year.**

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: ADRIAN ALMODOVAR, III
CASE NUMBER: 3:18-CR-00145-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: ADRIAN ALMODOVAR, III
CASE NUMBER: 3:18-CR-00145-SDD-EWD(1)

SPECIAL CONDITIONS OF SUPERVISION

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.

DEFENDANT: ADRIAN ALMODOVAR, III
 CASE NUMBER: 3:18-CR-00145-SDD-EWD(1)

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00		\$1,500.00	\$.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 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:

* 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: ADRIAN ALMODOVAR, III
CASE NUMBER: 3:18-CR-00145-SDD-EWD(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.

It is further ordered that the defendant shall pay to the United States a fine of \$1,500. The fine balance shall be due immediately, but nonpayment is not a violation of supervision so long as the defendant makes the required monthly payments. Upon release from incarceration, any unpaid fine 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:

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