

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

CASE NO. 21-60020-CR-DIMITROULEAS

Plaintiff,

vs.

JONATHAN MARKOVICH,
and DANIEL MARKOVICH,

Defendants.

_____ /

ORDER

THIS CAUSE is before the Court on Defendants Jonathan Markovich and Daniel Markovich’s Motion for Arrest of Judgment and/or for New Trial [DE-452] and the Court having considered the Government’s January 6, 2022 Response [DE-456] and Defendants’ January 20, 2022 Reply [DE-463], and being otherwise fully advised in the premises, finds as follows:

1. On January 19, 2021, an Indictment was returned against Jonathan Markovich, Daniel Markovich and six (6) other co-defendants [DE-110]. Jonathan Markovich was charged with Conspiracy to Commit Health Care and Wire Fraud; eight (8) counts of Health Care Fraud; Conspiracy to Pay and Receive Kickbacks; Payment and Offer of Kickbacks in Exchange for Use of Services; Soliciting and Receiving Kickbacks; Conspiracy to Commit Money Laundering, eight (8) counts of Money Laundering, and two (2) counts of Bank Fraud. Daniel Markovich was charged with Conspiracy to Commit Health Care and Wire Fraud; five (5) counts of Health Care Fraud; Conspiracy to Pay and Receive Kickbacks; and two (2) counts of Payment and Offer Kickbacks in Exchange for Services. [DE-110].

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EXHIBIT
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2. The case proceeded to trial on September 13, 2021 [DE-299]. On November 4, 2021, after a twenty-two (22) day trial, Daniel Markovich was convicted of Conspiracy to Commit Health Care and Wire Fraud (Count One), two (2) counts of Health Care Fraud (Counts Five and Six), Conspiracy to Pay and Receive Kickbacks (Count Ten) and two (2) counts of Payment and Offer Kickbacks in Exchange for Use of Services (Counts Twelve and Sixteen) [DE-372]. The Court had directed a verdict of acquittal on three (3) counts of Health Care Fraud (Counts Two, Three, and Four) on October 26, 2021. [DE-360, p. 10]. Jonathan Markovich was convicted on all twenty-two (22) counts on November 4, 2021. [DE-373].

3. After the verdict, trial counsel indicated that a motion with regard to the verdict would be filed within the court time limits. [DE-404, p. 9]. On November 12, 2021, Defendant's filed a First Motion for Extension of Time to file Motion to Vacate Judgment or Grant a New Trial. [DE-417]. The motion cited Rule 33. On November 16, 2021, the Court granted the motion. [DE-430]. On December 3, 2021, Defendant filed a Joint Motion for Extension of Time to File a Motion to Vacate Judgment or Grant a New Trial. [DE-442]. The Court granted the motion on December 3, 2021. [DE-443].

4. On December 23, 2021, Defendants filed an unsworn Motion for Arrest of Judgment and/or for New Trial. [DE-452]. Again, defendants cited Rule 33, not Rule 34, which concerns arresting judgments where the court did not have jurisdiction of the charged offenses. Here, there is no allegation that the court lacked jurisdiction over the charged offenses or that the Indictment failed to charge an offense. *U.S. v. Whitted*, 454 F. 2d 642 (8th Cir. 1972). Complaints about the sufficiency of the evidence are not proper under Rule 34. *U.S. v. Guthrie*, 814 F. Supp. 942 (E.D. WA. 1993) *affirmed*, 17 F. 3d 397 (9th Cir. 1994), *cert. denied*, 115 S. Ct. 87 (1994). Moreover, the court never granted an extension of time to file a motion under Rule

34; the court lacks jurisdiction to do so now. *Marion v. U.S.*, 171 F. 2d 185 (9th Cir. 1948) *cert denied*, 69 S. Ct. 1500 (1949); *Rowletta v. U.S.*, 392 F. 2d 437 (10th Cir. 1968); *Massicot v. U.S.*, 254 F. 2d 58 (1958). The Court lacks the jurisdiction to enlarge the time now. *U.S. v. Reeves*, 293 F. Supp. 213 (D.C. D.C. 1968). So, even though the motion is partially based upon an arrest of judgment, the Court will proceed to rule on it only as a Motion to Vacate Judgment or Grant a New Trial under Rule 33. Motions for New Trial are highly disfavored and should be granted only with great caution. *U.S. v. Barton*, 909 F. 3d 1323, 1337 (11th Cir. 2018). Many of Defendants' complaints were arguments that the jury chose not to give any weight to.

5. Defendant seek to vacate the judgment on the following grounds:

A. Health Care Fraud Conspiracy – Count One

(1) No testimony from seven (7) of the nine (9) insurance companies. As the jury was properly instructed, the Government did not have to prove that the conspirators succeeded in carrying out the plans. [DE-361, p. 103]. That testimony was not necessary to support a conviction. Daniel McCurdy from Florida Blue and Katherine Gallagher from Optum both testified.

(2) Insurance companies did not testify that their companies had been fraudulently billed. There was direct and circumstantial evidence to that effect.

(3) There was no testimony that either defendant participated in the false billing. There was direct and circumstantial evidence to that effect.

(4) There was no nexus between the defendants and false

billings. There was direct and circumstantial evidence to that effect.

(5) There were unreliable witnesses whose testimony was not corroborated by independent evidence. The testimony was not unbelievable on its face. *U.S. v. Feliciano*, 761 F. 3d 1202, 1206 (11th Cir.) *cert. denied*, 574 U.S. 1037 (2014), *U.S. v. Garcia*, 405 F. 3d 1260, 1270 (11th Cir. 2005). The Court found the testimony to have been credible. The jury was properly instructed on the weight to give such testimony. [DE=349, pp./ 8-10].

(6) Witness testimony was incredible as a matter of law. The Court found the evidence to be credible. It has not been shown that testimony was scientifically impossible.

(7) Dr. Clark and Melissa Parks' testimonies were second-hand based on a sampling of records, and did not tie either defendant to a conspiracy. There was competent direct and circumstantial evidence to that effect; the Court stands by its trial rulings.

(8) The comfort drink was administered at the direction of a licensed doctor. The trial of that doctor is currently pending; the jury was aware of this possible defense and rejected it.

(9) Munach did not tie a defendant to altering notes. There was direct and circumstantial evidence to that effect.

(10) No evidence of fraudulent intent to change the charts. Circumstantial evidence of criminal intent is sufficient.

U.S. v. Suba, 132 F. 3d 662, 672-73 (11th Cir. 1998)

(11) No evidence that the defendants voluntarily joined a conspiracy. There was direct and circumstantial evidence to that effect.

B. Substantive Health Care Fraud – Counts Two through Nine

(1) No evidence Jonathan knew of billings. There was direct and circumstantial evidence to that effect

C. Kickback Conspiracy – Count Ten

(1) Inherently unbelievable testimony. The Court found the testimony to be credible.

(2) No evidence connects payment to defendants. There was direct and circumstantial evidence to that effect

(3) Transportation expenses were proper; no evidence Defendants believed advancing money was improper. There was direct and circumstantial evidence to that effect

D. Substantive Kickback Charges

(1) Counts 12, 16, 18

(A) There is no evidence that Jonathan used a credit card and/or knew of flight payment. There was direct and circumstantial evidence to that effect

(B) No evidence of criminal intent. Sufficient evidence was adduced. *U.S. v. Vernon*, 723 F. 3d 1234, 1268-69 (11th Cir. 2013).

(2) Count 22

(A) Could have been a loan payment. The jury was aware of that defense and rejected it.

(B) No corroboration of Garnto. The Court found his testimony to have been credible.

E. Money Laundering Charges

(1) Count 24

(A) No evidence of Jonathan's intent or concealment. There was direct and circumstantial evidence to that effect.

(2) Counts 25-26

(A) No evidence Jonathan believed deposit to be improper. There was direct and circumstantial evidence to that effect

(B) No evidence of criminal intent. Sufficient evidence was adduced. *U.S. v. Vernon*, 723 F. 3d 1234, 1268-69

(11th Cir. 2013).

(3) Counts 27-28, 30-33

(A) No evidence of Jonathan's intent. Sufficient evidence was adduced. *U.S. v. Vernon*, 723 F. 3d 1234, 1268-69

(11th Cir. 2013).

(B) Predicate health care fraud and kickback allegations are faulty. The jury rejected that defense.

F. Bank Fraud

(1) No bank witness said they were defrauded. There was sufficient direct and circumstantial evidence to that effect.

(2) No evidence of intent to defraud. Sufficient evidence was adduced. *U.S. v. Vernon*, 723 F. 3d 1234, 1268-69 (11th Cir. 2013).

(3) Funds were properly used. The jury was aware of that defense and rejected it.

G. Multiple Conspiracies. The jury was properly instructed

6. Defendants seeks a new trial on several grounds. It appears that Defendants have compiled a laundry list of perceived errors. It would also appear that Defendants are asking the court to view evidence in a light most favorable to them. Additionally, where no objection was made, any error was not preserved. *U.S. v. Margarita Garcia*, 906 F. 3d 1255, 1269 (11th Cir. 2018) *cert. denied*, 139 S. Ct. 2027 (2019).

A. Hearsay; the Court will rule consistently with its evidentiary ruling during trial. Co-conspirator statements were properly admitted; motions to strike were not denied because the evidence had not been tied up.

B. Perceived flawed expert testimony from Dr. Kelly was admissible and admitted without objection

(1) DE-324, p. 21

(2) DE-324, p. 32

(3) DE-324, p. 50

(4) DE-324, p. 139

C. Lack of Access to Patient Data; went to the weight the jury gave the evidence.

D. Improper Summary Witness: Melissa Parks. The Court will rule consistently with its trial rulings.

E. Perceived improper closing arguments; received without objection.

(1) DE-368, p. 138

(2) DE-361, p. 140

(3) DE-363, p. 144-145

(4) DE-363, p. 160

Moreover, there is no showing that substantial rights were prejudicially affected.

U.S. v. Serat, 859 Fed Appx 501, 505 (11th Cir. 2021). Any error would have been harmless given the overwhelming evidence against defendants. *See, U.S. v. Jefferson*, 824 Fed Appx 634, 637 (11th Cir. 2020).

F. Perceived misconduct during Trial; occurred without objection

(1) DE-360, p. 91

(2) DE-275 limine order was not violated

(3) DE-321, p. 52

(4) DE-320, p. 181

(5) DE-320, p. 102-103

(6) DE-319, p. 210

G. Comfort Drinks; they were admissible evidence. Indeed, there was negative testimony about the effects of the drinks, including hallucinations. [DE-322, p. 90].

H. Perceived Civil and Regulatory Violations were relevant and received without objection

(1) DE-323, p. 234

(2) DE-323, p. 239

The jury was properly instructed [DE-349, p. 15];[DE-309, p. 120].

I. Fake Charity; received without objection. DE-361, p. 197

J. SBA Witness had no first-hand knowledge; went to the weight the jury could give to the testimony.

K. Cumulative; no error to accumulate.

L. Due Process concerns. Defendant's speculative fishing expedition did not warrant relief before trial and does not now. The jury was made aware of the defense that some patients benefited from their experiences at defendants' facilities, but they rejected that defense. There is no showing that cumulative type evidence would have done anything other than slow down the trial and risk alienating the jury.

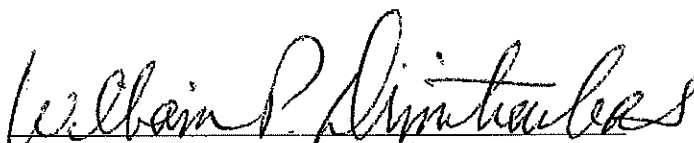
M. *Brady* and *Giglio*. The government satisfied its obligations; the defendants received a fair trial. They were not entitled to a perfect trial; indeed, they wanted a speedy trial, separate from their other co-defendants.

N. Records relevant to a fair trial. Defendants speculate that insurance company records would have assisted them at trial. Yet, the jury was properly instructed that Health Care Fraud can be accomplished through an attempt to execute a scheme to defraud [DE-349, p. 24] and that it need not be proved that the decision-maker actually relied on the statement [DE-349, p. 25].

Wherefore, Defendants' Motion to Vacate Judgment or For a New Trial [DE-452] is

Denied.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this
21st day of January, 2022.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:
Counsel of Record

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

UNITED STATES OF AMERICA

v.

DANIEL MARKOVICH

§ **JUDGMENT IN A CRIMINAL CASE**
 §
 §
 § Case Number: **0:21-CR-60020-WPD(3)**
 § USM Number: **10584-509**
 §
 § Counsel for Defendant: **Marissel Descalzo**
 § Counsel for United States: **James V. Hayes**

THE DEFENDANT:

<input type="checkbox"/>	pleaded guilty to count(s)	
<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 checked="" type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	As to counts 1, 5-6, 10, 12, 16

The defendant is adjudicated guilty of these offenses:

<u>Title & Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:U.S.C. §1349 Conspiracy To Commit Health Care Fraud and Wire Fraud	10/31/2020	1
18:U.S.C. §1347 Health Care Fraud	10/31/2020	5
18:U.S.C. §1347 Health Care Fraud	10/31/2020	6
18:U.S.C. §371 Conspiracy To Pay and Receive Kickbacks	10/31/2020	10
18:U.S.C. §220(A)(2)(B) Payment and Offer Of Kickbacks In Exchange For Use Of Services	03/13/2019	12

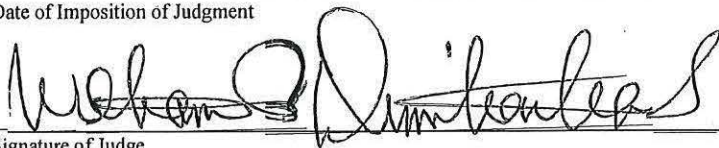
The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
- All remaining counts 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.

March 18, 2022

Date of Imposition of Judgment


 Signature of Judge

**WILLIAM P. DIMITROULEAS
 UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

March 24 2022
 Date

**EXHIBIT
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DEFENDANT: DANIEL MARKOVICH
CASE NUMBER: 0:21-CR-60020-WPD(3)

ADDITIONAL COUNTS OF CONVICTION

<u>Title & Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:U.S.C.§220(A)(2)(B)Payment and Offer Of Kickbacks In Exchange For Use Of Services	08/20/2019	16

DEFENDANT: DANIEL MARKOVICH
CASE NUMBER: 0:21-CR-60020-WPD(3)

IMPRISONMENT

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

Total term of 97 months imprisonment. 97 months as to count 1, 5, 6, 12, and 16; 60 months as to count 10. Terms to run concurrent.

The court makes the following recommendations to the Bureau of Prisons:
Placement at a South Florida facility.

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 [REDACTED] to

at [REDACTED], with a certified copy of this judgment.

UNITED STATES MARSHAL

By
DEPUTY UNITED STATES MARSHAL

DEFENDANT: DANIEL MARKOVICH
CASE NUMBER: 0:21-CR-60020-WPD(3)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of : **three (3) years as to all counts. Terms to run concurrent.**

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: DANIEL MARKOVICH
CASE NUMBER: 0:21-CR-60020-WPD(3)

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: DANIEL MARKOVICH
CASE NUMBER: 0:21-CR-60020-WPD(3)

SPECIAL CONDITIONS OF SUPERVISION

Financial Disclosure Requirement: The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

Health Care Business Restriction: The defendant shall not own, directly or indirectly, or be employed, directly or indirectly, in any health care business or service, which submits claims to any private or government insurance company, without the Court's approval.

No New Debt Restriction: The defendant shall not apply for, solicit or incur any further debt, included but not limited to loans, lines of credit or credit card charges, either as a principal or cosigner, as an individual or through any corporate entity, without first obtaining permission from the United States Probation Officer.

Related Concern Restriction: The defendant shall not own, operate, act as a consultant, be employed in, or participate in any manner, in the healthcare industry during the period of supervision.

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

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: DANIEL MARKOVICH
 CASE NUMBER: 0:21-CR-60020-WPD(3)

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	\$600.00	\$1,850,000.00	\$.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 **\$1,850,000.00**. 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: DANIEL MARKOVICH
CASE NUMBER: 0:21-CR-60020-WPD(3)

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 \$600.00 due during the period of supervised release.

It is ordered that the Defendant shall pay to the United States a special assessment of \$600.00 for Counts 1, 5, 6, 10, 12 and 16, which shall be due during the period of supervised release. 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:
\$76,195.00

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.