

ID: CCA\_2020100911394344

UILC: 6201.01-06

Number: **202123008**

Release Date: 6/11/2021

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**From:** [REDACTED]

**Sent:** Friday, October 9, 2020 11:39:44 AM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Bcc:**

**Subject:** RE: Closing Package - Potential Westbrooks Case ( )

This is a Westbrooks case. Restitution payable to the United States is imposed as a condition of supervised release, and the condition specifically states that restitution is imposed under 18 USC 3563(b)(2) and not under 18 USC 3663A. Restitution payable to the United States is omitted from the criminal monetary penalties portion of the judgment. While the defendant was convicted under a plea agreement, the court retains discretion at sentencing, and here the court imposed the sentence as a condition of supervised release. While the court might have had the power to impose restitution as an independent part of the sentence under 18 USC 3663(a)(3) because of the plea agreement, it did not do so, and the judgment, having become final, binds the parties.

Please call if you have any further questions on this matter.