

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

21-594 (TSC)

JOSHUA HAYNES

SENTENCING MEMORANDUM REGARDING RESTITUTION

Defendant, Joshua Haynes, by and through undersigned counsel, does hereby submit this Memorandum Regarding Restitution.

This issues is governed by 18 U.S.C. Section 3664(d)(5). Pursuant to subsection (e), “The burden of demonstrating the amount of loss sustained by a victim as a result of the offense shall be on the attorney for the government. The burden of demonstrating the financial resources of the defendant...shall be on the defendant.”

With respect to defendant’s financial resources, defendant was deemed to be eligible for appointed counsel as had had no financial resources. Defendant has been incarcerated throughout the duration of these proceedings. Accordingly, he continues to have no financial resources and remains financially indigent.

18 U.S.C. Section. 3664 (3)(A)(B) states, “A restitution order may direct the defendant to make minimal periodic payments if the Court finds from the facts that the economic circumstances of defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of the full amount of a restitution order in the foreseeable future under any reasonable schedule of payments.”

Defendant notes that he has been incarcerated for a number of years. He is now being held at USP Hazleton with a release date of August 2, 2024. As evidenced in the presentence report, defendant has never held a position of employment for a substantial period of time and, as newly convicted felon, he will have very few employment prospects upon his release. It is safe to conclude that defendant will not be able to fulfill a reasonable Order of restitution.

Defendant assumes that all of the losses claimed in this matter were covered by insurance. Defendant respectfully requests the Court to determine as follows:

- a. Which items of equipment are covered by insurance?
- b. Who is the insurance carrier?
- c. Have insurance benefits been paid to the victim?
- d. Does the insurance policy include requirement of subrogation?

18 U.S.C. Section (j)(1) states, “If a victim has received compensation from insurance or any other source with respect to a loss, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation....”

Defendant has just received the documents that form the basis of the restitution claim and the amounts of the losses. Defendant requests a full evidentiary hearing wherein he can challenge the accuracy of the claimed losses.

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing Was served on this the 24th day of April, 2023 upon all counsel of record via the Court’s electronic system.

_____/s/_____
Steven R. Kiersh

