

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Criminal No. 16-20637

Plaintiff,

HON. THOMAS L. LUDINGTON
United States District Court Judge

v.

BENJAMIN SCHWARTZ,

Offense: Count One
18 U.S.C. §922(a)(1)(A)
Dealing in Firearms without a License

Defendant.

Statutory Penalties:
Imprisonment – up to 5 years
Supervised Release – up to 3 years
Fine – up to \$250,000

RULE 11 PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, defendant and the government agree as follows:

1. GUILTY PLEA

A. Count of Conviction

Defendant will waive indictment and enter a plea of guilty to count one of the information, which charges defendant with dealing in firearms without a license, in violation of Title 18, United States Code Section 922(a)(1)(A).

B. Elements of Offense

The elements of count one are: (1) defendant engaged in the business of dealing in firearms; (2) defendant was not then a federally- licensed firearms dealer; and, (3) defendant acted willfully.

C. Factual Basis for Guilty Plea

The parties agree that the following facts are true, and are a sufficient basis for defendant's guilty plea:

Beginning in November 2012, and continuing until about August 20, 2015, defendant was engaged in the business of selling firearms. During this period defendant was not a federally licensed firearm dealer. Defendant would rent space at gun shows in the state of Michigan including several in the Birch Run area. Defendant was observed displaying 20 to 40 firearms for sale at various gun shows. Defendant had both long guns and hand guns for sale.

During the same period confidential informants and undercover officers had several conversations with defendant regarding specifications of the types of firearms they wanted to purchase and negotiated the purchase price with defendant. Undercover purchases of firearms generally took place in public parking lots in Birch Run or Bay City, Michigan. Between February 16, 2013 and November 5, 2013, six undercover purchases were made with defendant. These purchases resulted in the transfer of 23 firearms including 19 semi-automatic assault rifles and 4 handguns. The total purchase price for these 23 firearms was \$24,500.00.

On October 20, 2013, defendant contacted an undercover officer and told him he had 8 firearms for sale. Specifically, he advised that he had the following firearms for sale:

*CZ, model 75, 9mm pistol for \$475
Beretta, model 96, .40 caliber pistol for \$475
Sig-Sauer, model 229, .40 caliber pistol for \$675
Springfield, model Champion, .45 caliber pistol for \$475
HK, model 93, rifle for \$600
HK, model 51, .308 caliber rifle for \$1500
Arsenal, 7.62 caliber rifle for \$1300
AR 15 rifle for \$900*

After several conversations, arrangements were made for delivery of the firearms on November 5, 2013. The undercover officer met defendant at a pre-determined location in Bay City and received 8 firearms in exchange for \$6,300.00.

A federal search warrant was executed at defendant's residence on August 20, 2015. Seized from the residence were sixty-six (66) firearms, firearms receipts, and firearms sales records. During the execution of the warrant, defendant told officers he had been selling firearms for several years. He would primarily sell at the Birch Run Gun show but had also attended similar shows in Grand Rapids, Lansing and Houghton Lake. Additionally, he had sold firearms on Gunbroker.com and utilized Eagle Valley Outfitters as his dealer for the transfers. Typically, he would make between \$75 and \$100 off the sale of a firearm.

2. SENTENCING GUIDELINES

A. Standard of Proof

The court will find sentencing factors by a preponderance of the evidence.

B. Agreed Guideline Range

There are no sentencing guideline disputes. Except as provided below, defendant's guideline range is 18 to 24, as stated in the attached worksheets. If the court finds: (a) that defendant's criminal history category is higher than reflected on the attached worksheets, or (b) that the offense level should be higher because, after pleading guilty, defendant made any false statement to or withheld information from his/her probation officer; committed a new offense; otherwise demonstrated a lack of acceptance of responsibility for his/her offense; or obstructed justice, and if any such finding results in a higher guideline range, the higher guideline range becomes the agreed range.

Neither party may take a position concerning the applicable guidelines that is different from that reflected in the attached worksheets, except as necessary to the court's determination regarding defendant's criminal history, acceptance of

responsibility, and obstruction of justice.

Based on the present circumstances, the U.S. Attorney recommends that defendant be granted a reduction of two levels for acceptance of responsibility. The U.S. Attorney may recommend against giving defendant credit for acceptance of responsibility if, after the guilty plea has been entered, the U.S. Attorney's office learns of information inconsistent with the adjustment. Additionally, the U.S. Attorney agrees that defendant has assisted the authorities, within the meaning of USSG §3E1.1(b), in the prosecution of defendant's own misconduct by timely notifying authorities of the intention to plead guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the court to allocate their resources efficiently. The U.S. Attorney therefore moves that defendant be granted a third level reduction for acceptance of responsibility.

3. SENTENCE

The court will impose a sentence pursuant to 18 U.S.C. §3553, and in doing so must consider the sentencing guideline range.

A. Imprisonment

Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the parties agree that a variance is appropriate and that defendant's sentence in this case will be a term of probation.

B. Supervised Release

A term of supervised release, if imposed, follows any term of imprisonment. There is no agreement on supervised release. In other words, the court may impose any term of supervised release up to the statutory maximum term, which in this case is three (3) years. The agreement concerning imprisonment described above in Paragraph 3A does not apply to any term of imprisonment that result from any later revocation of supervised release.

C. Special Assessment

Defendant will pay a special assessment of \$100.00.

D. Fine

The court may impose a fine on each count of conviction in any amount up to the statutory maximum.

E. Restitution

Restitution is not applicable to this case.

F. Forfeiture

As part of this agreement, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. §2461, defendant agrees to forfeit his interest in the following as property involved in violations of 18 U.S.C. §§922(g)(1):

*one Romarm Cugir, model Mini Draco, 762 caliber pistol,
serial number PD-2372-2014RO;*

*four Berettas, model 1951, 9 millimeter pistols,
serial numbers V34185, V33552, V34371, V34532;*

one North American Arms, model unknown, 22 caliber revolver, serial number R12349;

one Zastava, model PAPM92PV, 762 caliber pistol, serial number M92PV036040;

one Sig Arms, model P230SL, 9 millimeter pistol, serial number S034990;

one Ruger, model unknown, 22 caliber pistol, serial number 1655554;

one Ruger, model LC9, 9 millimeter pistol, serial number 32245222;

one Magnum Research, model MLR 1722, 22 caliber rifle, serial number ML11999;

five Russian, model 44, 7.62x54 caliber rifles and bayonets, serial numbers 009501, 4641, 181049, 004648, 003011;

one Colt, model AR15, 9 millimeter rifle, serial number LTA001172;

one SKB Arms Company, Japan, model XL, 12 caliber shotgun, serial number S1355081;

one Black Rain Ordnance, model Fall Out 15, multi/7.62 pistol with scope, serial number BR013819;

one Remington, model 870 Express Magnum, 12 gauge shotgun, serial number B913023M;

one Stevens, model 320, 12 gauge shotgun, serial number 125547G;

one Sun City Machinery Co., model Stevens 320, 12 gauge shotgun, serial number 120728P;

one Russian, .762 caliber rifle, serial number M3816004;

one rifle, model M24/47, serial number ZH919;

one rifle, model K Kale, serial number 14182;

two Italy, model Carcano, 6.5 millimeter rifles, serial numbers BG9009, KQ6978;

two CZ rifles, serial numbers 07217, E565;

one Omega, model 100, .22 caliber revolver, serial number 57952;

*one Romarm Cugir, model WASR - 10/53, 7.62 caliber rifles,
serial number AH5347;*

*one Para, model Hi Cap Warthog, .45 caliber pistol,
serial number P212604;*

*one Smith & Wesson, model 642-1, .38 caliber, 5-shot revolver,
serial number CFA2684;*

*one Serbian, model M92PV, 7.62 caliber rifle,
serial number M92PV008004;*

*one Zastava Serbia, model PAPM92PZ, 7.62x39 pistol,
serial number M92PV041037;*

two Czech, 8 millimeter rifles, serial numbers GR17775, AR10707;

one Mossberg, model 590, 12 gauge shotgun, serial number R400482;

one Mossberg, model 500, 12 gauge shotgun, serial number U763884;

one Ruger, model Mini 14, .223 caliber rifle, serial number 18593509;

one Turkish, model 1944, 8 millimeter rifle, serial number 199943;

*one Hesse, model R1A1 Sporter, .308 caliber rifle with scope,
serial number 003268;*

*one Winchester, model, 71-238, .348 caliber rifle,
serial number 27211;*

one Armalite, model AR30, rifle with scope, serial number US210795;

one shotgun, serial number 1509715;

*one Remington, model 870 Youth Express, 20 gauge shotgun,
serial number R532129R;*

one Ruger, model M77 Mark, 243 Win rifle, serial number 781-97507;

one Armalite, model AR30, rifle, serial number US213141;

*one Springfield, model M1 Garland, .30 caliber rifle,
serial number 3859261;*

one Colt, model Sporter, 7.62 caliber rifle, serial number LH009096;

*one Romarm Cugir, model WASR-10/53, 7.62 caliber rifle,
serial number KN3326;*

one China, model unknown, 7.62 caliber rifle, serial number 10713;

one Remington, model 700, .308 caliber rifle, serial number E6640699;

*any and all ammunition including: 5 Rounds of CCI .22 caliber
ammunition; 14 rounds of .22 caliber ammunition; 10 rounds of .45
caliber ammunition; 5 rounds of .38 caliber ammunition; 30 rounds
of 7.62 caliber ammunition.*

With respect to the above identified property, defendant agrees to the entry of one or more orders of forfeiture of his/her interest in such property upon application by the United States at, or any time before sentencing in this case. Defendant further agrees to hold the United States, its agents and employees, harmless from any claims whatsoever in connection with the seizure or forfeiture of property covered by this Plea Agreement.

In entering into this agreement with respect to forfeiture, defendant knowingly, voluntarily, and intelligently waives any challenge to the above-described forfeiture based upon the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

Defendant further waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging

instrument, pronouncement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment. Defendant acknowledges that he/she understands that the forfeiture of assets is part of the sentence that may be imposed in this case and waives any failure by the court to advise him/her of this, pursuant to Rule 11(b)(1)(J), at the time his/her guilty plea is accepted. Defendant acknowledges that he/she understands that the forfeiture of the above-described assets is part of the sentence that may be imposed in this case and waives any failure by the court to advise him/her of this, pursuant to Rule 11(b)(1)(J), at the time his/her guilty plea is accepted.

4. OTHER CHARGES

If the court accepts this agreement, the government will not bring additional charges against defendant based on any of the conduct reflected in the attached worksheets.

5. EACH PARTY'S RIGHT TO WITHDRAW FROM THIS AGREEMENT

The government may withdraw from this agreement if the court finds the correct guideline range to be less than that recommended by the government.

Defendant may withdraw from this agreement, and may withdraw his guilty plea, if the court decides to impose a sentence higher than the maximum allowed by this agreement. This is the only reason for which defendant may withdraw from this agreement. If defendant decides not to withdraw his guilty plea pursuant to this provision, the sentence that the court imposes may be greater than that allowed by this agreement.

6. WAIVER OF APPEAL

If the sentence imposed does not exceed the maximum allowed by Part 3 of this agreement, defendant waives the right to appeal his conviction or sentence on any grounds. If the sentence imposed is within the guideline range determined by Paragraph 2B, the government agrees not to appeal the sentence but retains its right to appeal any sentence below that range. Nothing in this waiver shall be construed to bar a claim of ineffective assistance of counsel, provided that the defendant properly raises such claim by collateral review under 28 U.S.C. § 2255.

7. CONSEQUENCES OF WITHDRAWAL OF GUILTY PLEA OR VACATION OF CONVICTION

If defendant is allowed to withdraw his guilty plea, or if any conviction entered pursuant to this agreement is vacated, any charges dismissed pursuant to this agreement and additional charges which relate directly or indirectly to the conduct underlying the guilty plea or to any conduct reflected in the attached worksheets, may be filed against defendant within six months after the order vacating defendant's conviction or allowing him to withdraw his guilty plea becomes final. Defendant waives his right to challenge the additional charges on the ground that they were not filed in a timely manner, including any claim that they were filed after the limitations period expired.

8. PARTIES TO PLEA AGREEMENT

Unless otherwise indicated, this agreement does not bind any government agency except the United States Attorney's Office for the Eastern District of Michigan.

9. SCOPE OF PLEA AGREEMENT

This agreement, which includes all documents that it explicitly incorporates, is the complete agreement between the parties. Except as provided in the next paragraph, this agreement supersedes all other promises, representations, understandings and agreements between the parties concerning the subject matter of this plea agreement that were made at any time before the guilty plea is entered in court. Thus, no oral or written promises made by the government to defendant or to the attorney for the defendant at any time before defendant pleads guilty are binding except to the extent they have been explicitly incorporated into this agreement.

However, unless expressly stated herein, this agreement does not supersede or abrogate the terms of any cooperation agreement between the parties, and each party retains whatever obligations and protections that exist under such cooperation agreement. Similarly, unless expressly stated herein, this agreement does not supersede or abrogate the terms of any proffer letter (often referred to as a "Kastigar letter"), pursuant to which defendant agreed to provide information to the government to assist the government in determining how to resolve the matter, but which also provided defendant certain protections in the form of agreed upon restrictions on the government's ability to use the information

provided. Unless expressly stated herein, the terms and conditions of any such proffer letter are not abrogated by this plea agreement, and remain operative and binding on the parties according to the terms of that proffer letter.

This agreement also does not prevent any civil or administrative actions against defendant, or any forfeiture claim against any property, by the United States or any other party.

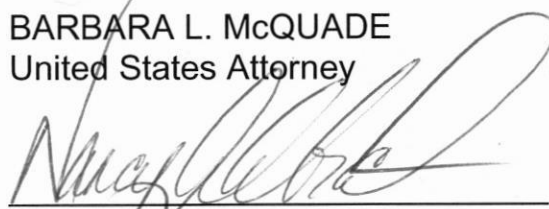
10. ACKNOWLEDGMENT

Defendant understands that a felony conviction makes it illegal under most circumstances for a person to possess or receive a firearm or ammunition that has been shipped in or affects commerce.

11. ACCEPTANCE OF AGREEMENT BY DEFENDANT


This plea offer expires unless it has been received, fully signed, in the Office of the United States Attorney by 5:00 pm. on September 9, 2016. The government reserves the right to modify or revoke this offer at any time before defendant pleads guilty.

BARBARA L. McQUADE
United States Attorney



NANCY A. ABRAHAM
Assistant United States Attorney

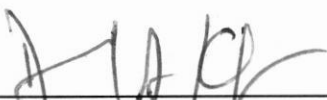
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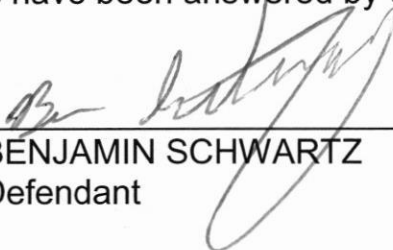
CRAIG F. WININGER
Assistant United States Attorney
Chief, Branch Offices

By signing below, defendant acknowledges having read (or been read) this entire document, understanding it, and agreeing to its terms. Defendant also acknowledges being satisfied with defense attorney's advice and representation.

Defendant acknowledges having had a full and complete opportunity to confer with counsel, and that all of defendant's questions have been answered by counsel.



DAVID A. KOELZER
Attorney for Defendant



BENJAMIN SCHWARTZ
Defendant

Date: 9-9-16

Defendant: BENJAMIN SCHWARTZ Count: ONE
 Docket No. _____ Statute: 18 USC 922(a)(1)(A)

WORKSHEET A (Offense Levels)

Complete one Worksheet A for each count of conviction (taking into account relevant conduct and treating each stipulated offense as a separate count of conviction) before applying the multiple-count rules in U.S.S.G. ch. 3, pt. D. However, in any case involving multiple counts of conviction, if the counts of conviction are all "closely related" to each other within the meaning of U.S.S.G. § 3D1.2(d), complete only a single Worksheet A.

1. BASE OFFENSE LEVEL AND SPECIFIC OFFENSE CHARACTERISTICS (U.S.S.G. ch. 2)

<u>Guideline Section</u>	<u>Description</u>	<u>Levels</u>
2K2.1(7)	Base Offense Level	12
2K2.1(b)(1)(C)	25 to 99 Firearms	6

2. ADJUSTMENTS (U.S.S.G. ch. 3, pts. A, B, C)

<u>Guideline Section</u>	<u>Description</u>	<u>Levels</u>

3. ADJUSTED OFFENSE LEVEL

Enter the sum of the offense levels entered in Items 1 and 2. If this Worksheet A does not cover every count of conviction (taking into account relevant conduct and treating each stipulated offense as a separate count of conviction), complete one or more additional Worksheets A and a single Worksheet B.

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If this is the only Worksheet A, check this box and skip Worksheet B.

X

If the defendant has no criminal history, check this box and skip Worksheet C.

X

Defendant: BENJAMIN SCHWARTZ Count: ONE
 Docket No. _____ Statute: 18 USC 922(a)(1)(A)

WORKSHEET D (Guideline Range)

1. (COMBINED) ADJUSTED OFFENSE LEVEL

Enter the adjusted offense level entered in Item 3 of Worksheet A or the combined adjusted offense level entered in Item 8 of Worksheet B.

18

2. ADJUSTMENT FOR ACCEPTANCE OF RESPONSIBILITY (U.S.S.G § 3E1.1)

-3

3. TOTAL OFFENSE LEVEL

Enter the difference between Items 1 and 2.

15

4. CRIMINAL HISTORY CATEGORY

Enter "I" if the defendant has no criminal history. Otherwise, enter the criminal history category entered in Item 6 of Worksheet C.

I

5. CAREER OFFENDER/CRIMINAL LIVELIHOOD/ARMED CAREER CRIMINAL/DANGEROUS SEX OFFENDER (U.S.S.G. ch. 4, pt. B)

a. Total Offense Level: If the career offender provision (U.S.S.G. § 4B1.1), the criminal livelihood provision (U.S.S.G. § 4B1.3), the armed career criminal provision (U.S.S.G. § 4B1.4), or the dangerous sex offender provision (U.S.S.G. § 4B1.5) results in a total offense level higher than the total offense level entered in Item 3, enter the higher offense level total.

b. Criminal History Category: If the career offender provision (U.S.S.G. § 4B1.1), the armed career criminal provision (U.S.S.G. § 4B1.4), or the dangerous sex offender provision (U.S.S.G. § 4B1.5) results in a criminal history category higher than the criminal history category entered in Item 4, enter the higher criminal history category.

6. GUIDELINE RANGE FROM SENTENCING TABLE (U.S.S.G. ch. 5, pt. A)

Enter the guideline range in the Sentencing Table (see U.S.S.G. ch. 5, pt. A) produced by the total offense level entered in Item 3 or 5.a and the criminal history category entered in Item 4 or 5.b.

18 to 24 months

7. STATUTORY RESTRICTIONS ON OR SUPERSESSION OF GUIDELINE RANGE

If the maximum sentence authorized by statute is below, or a minimum sentence required by statute is above, the guideline range entered in Item 6, enter either the guideline range as restricted by statute or the sentence required by statute. (See U.S.S.G. § 5G1.1.) If the sentence on any count of conviction is required by statute to be consecutive to the sentence on any other count of conviction, explain why.

months

Defendant: BENJAMIN SCHWARTZ Count: ONE
 Docket No. _____ Statute: 18 USC 922(a)(1)(A)

WORKSHEET E (Authorized Guideline Sentences)

1. PROBATION (U.S.S.G. ch. 5, pt. B)

a. Imposition of a Term of Probation (U.S.S.G. § 5B1.1)

1. Probation is not authorized by the guidelines (minimum of guideline range \geq 10 months or statute of conviction is a Class A or a Class B felony). If this box is checked, go to Item 2 (Split Sentence).

2. Probation is authorized by the guidelines (minimum of guideline range = zero months).

3.3. Probation is authorized by the guidelines, provided the court imposes a condition or combination of conditions requiring intermittent confinement, community confinement, or home detention satisfying the minimum of the guideline range (minimum of guideline range $>$ 0 months but \leq 9 months).

b. Length of Term of Probation (U.S.S.G. § 5B1.2)

1. At least 1 year but not more than 5 years (total offense level \geq 6).

2. No more than 3 years (total offense level $<$ 6).

c. Conditions of Probation (U.S.S.G. § 5B1.3)

The court must impose certain conditions of probation and may impose other conditions of probation.

2. SPLIT SENTENCE (U.S.S.G. § 5C1.1(c)(2), (d)(2))

a. A split sentence is not authorized (minimum of guideline range = 0 months or \geq 15 months).

b. A split sentence is authorized (minimum of guideline range $>$ 0 months but \leq 12 months). The court may impose a sentence of imprisonment that includes a term of supervised release with a condition that substitutes community confinement or home detention for imprisonment, provided that at least one-half of the minimum of the guideline range is satisfied by imprisonment (if the minimum of the guideline range is 10 or 12 months), or that at least one month is satisfied by imprisonment (if the minimum of the guideline range is 1, 2, 3, 4, 6, 8 or 9 months). The authorized length of the term of supervised release is set forth below in Item 4.b.

3. IMPRISONMENT (U.S.S.G. ch. 5, pt. C)

A term of imprisonment is authorized by the guidelines if it is within the applicable guideline range (entered in Item 6 of Worksheet D). (See U.S.S.G. § 5C1.1.)

Defendant: BENJAMIN SCHWARTZ Count: ONE
 Docket No. _____ Statute: 18 USC 922(a)(1)(A)

(WORKSHEET E, p. 2)

4. SUPERVISED RELEASE (U.S.S.G. ch 5., pt. D)

a. Imposition of a Term of Supervised Release (U.S.S.G. § 5D1.1)

The court must impose a term of supervised release if it imposes a term of imprisonment of more than one year, or if it is required to do so by statute. The court may impose a term of supervised release if it imposes a term of imprisonment of one year or less.

b. Length of Term of Supervised Release (U.S.S.G. § 5D1.2)

1. At least 3 years but not more than 5 years, where the count of conviction is a Class A or a Class B felony, i.e., an offense carrying a maximum term of imprisonment \geq 25 years.

2. At least 2 years but not more than 3 years, where the count of conviction is a Class C or a Class D felony, i.e., an offense carrying a maximum term of imprisonment \geq 5 years but $<$ 25 years.

3. 1 year, where the count of conviction is a Class E felony or a Class A misdemeanor, i.e., an offense carrying a maximum term of imprisonment $>$ 6 months but $<$ 5 years.

4. The statute of conviction requires a minimum term of supervised release of _____ months.

c. Conditions of Supervised Release (U.S.S.G. § 5D1.3)

The court must impose certain conditions of supervised release and may impose other conditions of supervised release.

5. RESTITUTION (U.S.S.G. § 5E1.1)

1. The court *must* order full restitution to the victim(s) of the offense(s) of conviction. (See 18 U.S.C. §§ 3556, 3663A, 3664.) The court will determine who the victims are and their restitution amounts.

2. The court *must* order full restitution to the victim(s) of the offense(s) of conviction. (See 18 U.S.C. §§ 3556, 3663A, 3664) The parties agree that full restitution is \$_____.

3. The parties agree that the court *may* order restitution to the victim(s) of the offense(s) of conviction in any amount up to and including \$_____. (See 18 U.S.C. §§ 3663(a)(3), 3664.)

4. The parties agree that the court *may also* order restitution to persons other than the victim(s) of the offense(s) of conviction in any amount up to and including \$_____. (See 18 U.S.C. §§ 3663(a)(1)(A), 3663A(a)(3), 3664.)

5. Restitution is not applicable.

Defendant: BENJAMIN SCHWARTZ Count: ONE
 Docket No. _____ Statute: 18 USC 922(a)(1)(A)

(WORKSHEET E, p. 3)

6. FINE (U.S.S.G. § 5E1.2)

a. Fines for Individual Defendants

The court must impose a fine unless "the defendant establishes that he [or she] is unable to pay and is not likely to become able to pay any fine." (See U.S.S.G. § 5E1.2(a).) Generally, the fine authorized by the guidelines is limited to the range established in the Fine Table. (See U.S.S.G. § 5E1.2(b).) However, there are exceptions to this general rule. (See U.S.S.G. § 5E1.2(b), (c)(4).)

b. Fine Range from Fine Table (U.S.S.G. § 5E1.2(c)(3))

<u>Minimum Fine</u>	<u>Maximum Fine</u>
\$ <u>7,500</u>	\$ <u>75,000</u>

7. SPECIAL ASSESSMENT(S) (U.S.S.G. § 5E1.3)

The court must impose a special assessment on every count of conviction. The special assessments for individual defendants are

- \$100.00 for every count charging a felony (\$400 for a corporation)
- \$ 25.00 for every count charging a Class A misdemeanor (\$125 for a corporation),
- \$ 10.00 for every count charging a Class B misdemeanor (\$50 for a corporation), and
- \$ 5.00 for every count charging a Class C misdemeanor or an infraction (\$25 for a corporation).

The defendant must pay a special assessment or special assessments in the total amount of \$ 100.

8. FORFEITURE (U.S.S.G. § 5E1.4)

Assets of the defendant will be forfeited.

Assets of the defendant will not be forfeited.

9. ADDITIONAL APPLICABLE GUIDELINES, POLICY STATEMENTS, AND STATUTES

List any additional applicable guideline, policy statement, or statute.

10. UPWARD OR DOWNWARD DEPARTURE (U.S.S.G. ch. 5, pts. H & K)

List any applicable aggravating or mitigating circumstance that might support a term of imprisonment above or below the applicable guideline range.
