

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA

v.

PAUL J. MANAFORT, JR.,

Defendant.

Crim. No. 1:18-cr-83 (TSE)

GOVERNMENT’S MOTION FOR CORRECTED RESTITUTION ORDER

The United States of America, by and through Special Counsel Robert S. Mueller, III, respectfully files this motion for a corrected restitution order pursuant to Rules 35(a) and 36 of the Federal Rules of Criminal Procedure. In support of its motion, the government submits the following:

Full restitution to victims is required by the Mandatory Victims Restitution Act. 18 U.S.C. § 3663A(a)(1); *see, e.g., United States v. Roper*, 462 F.3d 336, 337-38 (4th Cir. 2006) (“This language [18 U.S.C. § 3663A(a)(1)] clearly states that a restitution order imposed under the MVRA is mandatory.”). Moreover, “[i]n each order of restitution, the court shall order restitution to each victim in the full amount of each victim’s losses as determined by the court and without consideration of the economic circumstances of the defendant.” 18 U.S.C. § 3664(f)(1)(A); *Roper*, 462 F.3d at 339 (noting that MVRA removed district court discretion to order restitution for less than the full amount of the victim’s loss, even when defendant lacked the ability to pay).

Moreover, Federal Rule of Criminal Procedure 35(a) permits a district court within 14 days after sentencing to “correct a sentence that resulted from arithmetical, technical, or other clear

error.” Additionally, Rule 36 provides that “[a]fter giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.” *See, e.g., United States v. Roibal-Bradley*, No. CR 15-3253 JB, 2017 WL 3052523, at *3 (D.N.M. June 20, 2017) (increasing restitution order pursuant to Rule 36 to correct a clerical error).

On March 7, 2019, the Court sentenced Paul Manafort, Jr. and directed the government to submit a restitution order after the hearing. *See* Doc. No. 320. On March 12, 2019, the government submitted a proposed restitution order to the Court that identified the total amount of restitution as \$24,815,108.74 with \$2,577,724.80 owed to Citizens Bank (Lender B). *See* Doc. No. 321. The Court signed the restitution order on March 13, 2019. *See* Doc. No. 322.

After the Court signed the restitution order, the government identified an arithmetical or other clear error in the restitution order concerning the amount of restitution owed to Citizens Bank (Lender B). The actual amount of restitution owed to Citizens Bank (Lender B) is \$3,260,103.66, which is the outstanding principal balance on the Howard Street property for two loans correctly reflected in paragraph 64 of the Presentence Report (“PSR”).¹ Manafort obtained two loans simultaneously on the Howard Street property – a residential mortgage and line of credit with outstanding principal balances of \$2,577,724.80 and \$682,378.86 respectively (totaling \$3,260,103.66). PSR ¶ 64. The parties used the outstanding principal loan balances on the Howard Street property to determine the amount of restitution due to Citizens Bank.

However, when calculating the amount of restitution owed to Citizens Bank, both the probation

¹ As stated in the PSR, Citizens Bank timely submitted a letter to the probation officer requesting restitution that included the line of credit and residential mortgage outstanding principal balances. *See* PSR ¶ 68 n.10.

office and government inadvertently failed to include the \$682,378.86 of outstanding principal balance Manafort owed from the line of credit on the Howard Street property.² See PSR ¶ 68. This arithmetical error – due to accidentally omitting the \$682,378.86 of outstanding principal balance on the line of credit – was an oversight and clear error. When the balance on the Howard Street property line of credit is correctly added, Citizens Bank’s total loss – and the amount of restitution owed to the Bank – is \$3,260,103.66 not \$2,577,724.80 as listed in the original order. Accordingly, the accurate total amount of restitution owed by Manafort is \$25,497,487.60 not \$24,815,108.74.

The government has conferred with defense counsel and they have no objection to the language or form of the attached proposed corrected restitution order. Nevertheless, Mr. Manafort continues to decline to sign the corrected restitution order as he did the original restitution order.

A redacted corrected restitution order is attached to this motion. The government will submit the unredacted proposed order directly to the Clerk’s office so it may be transmitted to chambers.

² The \$682,378.86 of outstanding principal balance on the line of credit was included in the PSR’s loss calculation but not restitution calculation. See PSR ¶¶ 64, 68.

Respectfully submitted,

Dated: March 20, 2019

Uzo Asonye
Assistant United States Attorney
Eastern District of Virginia

/s/

Andrew Weissmann
Greg D. Andres
Brandon L. Van Grack
Senior Assistant Special Counsels
Special Counsel's Office
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
Telephone: (202) 616-0800
Attorneys for United States of America

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2019, I will cause to be filed electronically the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Thomas E. Zehnle (VA Bar No. 27755)
Law Office of Thomas E. Zehnle
601 New Jersey Avenue, N.W., Suite 620
Washington, D.C. 20001
tezehnle@gmail.com

Jay R. Nanavati (VA Bar No. 44391)
Kostelanetz & Fink LLP
601 New Jersey Avenue, N.W., Suite 620
Washington, D.C. 20001
jnanavati@kflaw.com

/s/ Uzo Asonye
Assistant United States Attorney
U.S. Attorney's Office
Eastern District of Virginia
2100 Jamieson Avenue
Alexandria, VA 22314
uzo.asonye@usdoj.gov
Phone: (703) 299-3700
Fax: (703) 299-3981
Attorney for the United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 1:18-cr-83 (TSE)
)	
PAUL J. MANAFORT, JR.,)	
)	
<i>Defendant.</i>)	
_____)	

CORRECTED RESTITUTION ORDER

1. Pursuant to 18 U.S.C § 3663A(a)(1), the defendant is ordered to pay restitution in the amount of **\$25,497,487.60**, and no more than that amount, jointly and severally with any other defendants who are ordered to pay restitution for the same losses.
2. Pursuant to 18 U.S.C § 3583(d), as a condition of supervised release, the defendant is ordered to pay restitution to the Internal Revenue Service in the amount of **\$6,164,032**.
3. The amount of restitution paid to any entity shall not exceed the entity's total loss from the offenses of conviction. Any amount paid to an entity under an order of restitution shall be reduced by an amount later recovered for the same loss by the entity in any Federal or State civil proceeding.
4. The entities' names, addresses, and respective total loss amounts are listed in Attachment A to this Corrected Restitution Order.
5. Interest:

 X is waived.

 accrues as provided in 18 U.S.C § 3612(f).
6. Notwithstanding any other provision of this Corrected Restitution Order or the sentence imposed, including the directive to make periodic payments, restitution is due in full and payable immediately from assets known and unknown and including assets identified in the Presentence Report. The Government may enforce restitution at any time.
7. If incarcerated, the Court encourages the defendant to participate in the Bureau of Prisons' Inmate Financial Responsibility Program, to comply with the provisions of the

financial plan, and to meet the defendant's financial obligation, pursuant to 28 C.F.R. § 545.10-11.

8. If restitution is not paid in full immediately, the defendant and any other defendants who are ordered to pay restitution for the same losses, shall pay to the Clerk at least \$100 per month or 25 percent of net income, whichever is greater, beginning 60 days after release from any period of confinement, or 60 days after sentencing if no confinement is imposed.
9. All payments shall be made to the Clerk of Court, United States District Court, 401 Courthouse Square, Alexandria, Virginia 22314.
10. Within 30 days of (a) any change of name, residence, or mailing address; and/or (b) any material change in economic circumstances that affects the ability to pay restitution, the defendant shall notify the Clerk of Court and the Special Counsel's Office, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, D.C. 20530.
11. No delinquent or default penalties will be imposed except upon Order of the Court.
12. Pursuant to 18 U.S.C. § 3664(i), the priority of payments to entities shall be:
 - a. All direct entities shall be paid in full first on a *pro rata* basis.
 - b. Internal Revenue Service shall be paid last.

Honorable T.S. Ellis, III
United States District Judge

ENTERED this ____ day of _____, 2019.

at Alexandria, Virginia

WE ASK FOR THIS:

Uzo Asonye
Assistant United States Attorney
Eastern District of Virginia

ROBERT S. MUELLER, III
Special Counsel

/s/

Andrew Weissmann
Greg D. Andres
Brandon L. Van Grack
Special Counsel's Office
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530
Telephone: (202) 616-0800

Attorneys for the United States of America

REDACTED ATTACHMENT A TO CORRECTED RESTITUTION ORDER

Entity:	Loss Amount:
Citizens Bank (Lender B)	\$3,260,103.66
Banc of California (Lender C)	\$685,448.55
Federal Savings Bank (Lender D)	\$15,387,903.39
Internal Revenue Service	\$6,164,032
Total due from defendant:	\$25,497,487.60

FILED UNDER SEAL PURSUANT TO THE E-GOVERNMENT ACT OF 2002

SEALED ATTACHMENT A TO CORRECTED RESTITUTION ORDER

Entity:	Loss Amount:
Citizens Bank (Lender B) [REDACTED]	\$3,260,103.66
Banc of California (Lender C) [REDACTED]	\$685,448.55
Federal Savings Bank (Lender D) [REDACTED]	\$15,387,903.39
IRS-RACS [REDACTED]	\$6,164,032
Total due from defendant:	\$25,497,487.60