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**From:** [REDACTED]

**Sent:** Wednesday, May 5, 2021 13:43:13

**To:** [REDACTED]

**Cc:** [REDACTED]

**Bcc:**

**Subject:** RE: Criminal Restitution Counsel Opinion Westbrooks-

This is not a Westbrooks case. The defendant's plea agreement to a Title 26 crime states that he agrees to pay restitution, so the district court had the authority to impose restitution as an independent part of the sentence. While the payment of restitution is also specified as a condition of supervised release, it is not imposed solely as a condition of supervised release because restitution is also listed under Criminal Monetary Penalties. The schedule of payments specified in the judgment for the payment of restitution does not govern whether restitution was ordered as an independent part of the sentence and not solely as a condition of probation or supervised release, which is the central question we try to answer when deciding whether or not a case is subject to Westbrooks.

Please call if you have further questions about this matter.