

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 20-cr-0168 (WMW/ECW)

Plaintiff,

RESTITUTION ORDER

v.

Montez Terriel Lee, Jr.,

Defendant.

Before the Court is Plaintiff United States of America and Defendant Montez Terriel Lee, Jr.'s joint motion for restitution. (Dkt. 91.) Lee pleaded guilty on July 22, 2021, to arson on property used in interstate commerce, in violation 18 U.S.C. § 844(i). At sentencing, the Court ordered Lee to pay mandatory restitution, pursuant to the Mandatory Victims Restitution Act (MVRA), 18 U.S.C. § 3663A, but reserved its decision as to the amount of restitution to permit the United States time to ascertain the amount of restitution sought by Lee's victims. The Court now orders Lee to pay restitution as specified herein.

The MVRA requires a sentencing court to order restitution to identifiable victims of certain offenses, including arson. *United States v. Farish*, 535 F.3d 815, 826 (8th Cir. 2008). Any victim who is "directly and proximately harmed" as a result of the offense may obtain restitution. *Id.* (quoting 18 U.S.C. § 3663A(a)(2)). After the district court identifies the victims, "the next step is to determine 'the full amount of each victim's losses.'" *United States v. Frazier*, 651 F.3d 899, 903 (8th Cir. 2011) (quoting

18 U.S.C. § 3664(f)(1)(A)). When there is a dispute as to the amount of loss, the United States must prove the amount of restitution by a preponderance of the evidence. *Id.* (citing 18 U.S.C. § 3664(e)).

The parties agree that the MVRA applies in this case and that D.M., the individual identified by the United States, is a victim of Lee's offense. The parties also agree as to the restitution amount payable to Lee's victim. In a joint motion filed on January 24, 2022, the parties identify a total loss of \$842 suffered by D.M. As there is no dispute in the amount of loss sustained by the victim and the amount of restitution owed, the Court orders Lee to pay restitution in this amount.

ORDER

Based on the foregoing analysis and all the files, records and proceedings herein,
IT IS HEREBY ORDERED:

1. Defendant Montez Terriel Lee, Jr., is ordered to pay restitution in the amount of \$842 to victim D.M. This amount is due and payable immediately to the Clerk of Court, who will forward payment to the victim. The interest requirement is waived.

2. While incarcerated, Lee must make payments toward his restitution obligation as follows: if he is working UNICOR, he must make monthly payments of at least 50 percent of his earnings. If he is not working UNICOR, he must make quarterly payments of at least \$25.

3. After his release from prison, Lee shall begin making payments toward any remaining restitution obligation within 30 days of his release. He shall make monthly payments of at least \$25. In the event that Lee's probation officer determines that Lee

can pay more than \$25 per month, Lee shall pay restitution in the amount directed by his probation officer.

4. The Court will enter an amended judgment consistent with this Order.

Dated: April 13, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge