STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT COURT

STATE OF NEW MEXICO, ex rel.,
Marco White, Mark Mitchell,
And Leslie Lakind,
Plaintiffs,

Vs. No. D-101-CV-2022-00473

Couy Griffin,
Defendant.

DEFENDANT'S REPLY TO "PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTION TO QUASH AND DISMISS" and OBJECTION FOR FAILURE TO JOIN AN INDISPENSABLE PARTY

Defendant Couy Griffin denies his Motion is procedurally deficient, denies that his Motion "lacks merit as a matter of law", based on reasons set out herein, shows good cause why his motion should not be summarily denied, he replies to Plaintiffs' Opposition (PO) and raises a specific objection supported by NMRA Rule 1-019 and caselaw, as follows:

1. Defendant's Motion to Quash and Dismiss is a dispositive motion showing this Court that it lacks subject matter jurisdiction, based on the facts that private relator Plaintiffs brought their action against Defendant, specifically under Quo Warranto statute §44-3-4(B) and, therefore lack Standing under well-established caselaw. A lack of subject matter jurisdiction may be raised at any time; a direct attack at trial, post-trial or even in a collateral attack on an action in another Court, such as a Petition for a Writ in a higher court. See generally: *Chavez v. County v. of Valencia*, 1974-NMSC-035, ¶ 15, 86 N.M. 205, 521 P.2d 1154.

2. The parties do not dispute that Defendant is an elected local county commissioner, thus,* there can be no reasonable dispute that Defendant's status places him squarely within NMSA 1978 §§10-4-1 through 10-4-29. On page 3 of Plaintiffs' PO, Plaintiffs misrepresent to this court both the facts and law relating to Defendant's legal argument "This argument fails for two independent reasons", PO, page 3. Plaintiffs then cite *Lopez v. Kase*, 1999-NMSC-011, ¶6, 126 N.M. 733, 975 P.2d 346, which, on its face, shows that NMSA 1978 §§10-4-1 to 29 (providing for removal of local officers) is the more specific remedy. Plaintiffs' view of *Kase* is unavailing for their claim that Quo Warranto is the appropriate remedy.

3. On page 4 of their PO, Plaintiffs then make a frivolous argument that a county officer may be removed "only for misconduct provided for in Section 10-4-4" [Sic] (10-4-2). Plaintiffs may have possibly overlooked §10-4-2(F): "F. any other act or acts, which in the opinion of the court or jury amount to corruption in office or gross immorality rendering the incumbent unfit to fill the office." (emphasis added) Compare §10-4-2(F) with §44-3-4(B) "by the provisions of law, shall work a forfeiture of his office". (emphasis added)

4. Defendant agrees with Plaintiffs' statement that a later enacted statute supersedes a previous statute, however, that distorts the legal reality that a specific statute that treats a subject in a more specific way than a later enacted general statute must be construed in pari materia etc., and that the Legislature is presumed to know pre-existing law when writing newer general legislation. See: "[t]he Legislature is presumed to know existing statutory law and to take that law into consideration when enacting new law." *Gutierrez v. W. Las Vegas Sch. Dist.*, 2002-NMCA-068, ¶ 15, 132 N.M. 372, 48 P.3d 761.

5. Plaintiffs further attempt to distort the law applicable to this case by alleging that Quo Warranto statutes are newer law; 1919, as opposed to §10-4-1, *et seq.*; 1909. Plaintiffs' frivolous allegation shows a lack of knowledge of caselaw, as Quo warranto is merely the 1919 statutizing of an ancient common-law writ, "the origins of which are obscured by time." See: *State ex rel. Anaya v. McBride*, 1975-NMSC-032, 88 N.M. 244, 539 P.2d 1006; and see:

Albright v. Territory, 1905-NMSC-010, ¶11, 13 N.M. 64, 79 P. 719; {11}*** whether the relator is the proper person and will be allowed to file such a proceeding is a preliminary inquiry of the court, and on that inquiry, whether made before or after the information is filed, the court will ascertain what interest the relator has in the information. It is well settled in England, that the relator, though not necessarily a claimant of the office must have a special interest in the matter of inquiry. * * *. (emphasis added) also see:

State Ex Rel. Community Ditches v. Tularosa Community Ditch, 1914-NMSC-069, ¶17, 19 N.M. 352, 143 P. 207; {17} *** "Even under a statute extending the remedy to 'any person or persons desiring to prosecute the same,' the question of the relator's interest will be deemed decisive as to the exercise of the jurisdiction, and the relief will be granted only in behalf of one whose interests are affected by the matter in controversy." High's Extraordinary Legal Remedies, Sec. 699.
"But the statute of 9th Anne allowed informations at the relation of any person desiring to sue or prosecute them and under that statute the rule was that a *private relator must have an interest.* Our act, which substantially incorporates the provision of the British statute, has received the same construction. This court has construed the words 'any person or persons desiring to prosecute the same' to mean any person *who has an interest to be affected.* They do not give a private relator the writ in a case of public right, involving no individual grievance." (emphasis added)

6. NMSA 1978 §§10-4-1 through 10-4-29, originating in 1909, is most assuredly newer than our Quo Warranto statutes, §44-3-1 *et seq*, which are based on the 1710 statute of 9th Anne and shown in New Mexico caselaw that; "the origins of which are obscured by time." *State ex rel. Anaya v. McBride*, 1975-NMSC-032, *supra*. §§10-4-1 through 10-4-29 treats local officers in a more specific way, appears to be hundreds of years newer than the common-law based Quo Warranto statutes, and; as a matter of law, neither set of statutes specifically address a violation of an oath of office, such as this complaint attempts to bring.

7. This Court is respectfully requested to consider how both *Albright v. Territory*, 1905-NMSC-010, ¶11, supra, and *State Ex Rel. Community Ditches v. Tularosa Community Ditch*, 1914-NMSC-069, ¶17, supra, relates to §44-3-4(B) and how the following specific provisions of that statute must be construed together in light of ¶11 of *Albright*, and ¶17 of *Community Ditches*. §44-3-4:

> 44-3-4. [Who may bring action; private relators; when action lies.] (1919)
> An action may be brought by the attorney general or district attorney in the name of the state, upon his information or upon the complaint of any private person, against the parties offending in the following cases:
> A. when any person shall usurp, intrude into or unlawfully hold or exercise any public office, civil or military, or any franchise within this state, or any office or offices in a corporation created by authority of this state; or,
> B. when any public officer, civil or military, shall have done or suffered an act which, by the provisions of law, shall work a forfeiture of his office; or, ***
> When the attorney general or district attorney refuses to act, ***or*** *when the office usurped pertains to a county,* incorporated village, town or city, or school district, *such action may be brought in the name of the state by a private person on his own complaint.* (emphasis added)

8. Further, §44-3-4(A), has already been construed, in relation to the last provision of that statute by the NMSC in the same manner Defendant now suggests this Court construe §44-3-4(B), as *State Ex Rel. Huning v. Los Chavez Zoning Comm'n*, 1979-NMSC-088, ¶13, 93 N.M. 655, 604 P.2d 121, was reversed because the challenged statute required a showing that the AG had refused to act before the private relators could file the action; see:

> *State Ex Rel. Huning v. Los Chavez Zoning Comm'n*, 1979-NMSC-088, ¶13, 93 N.M. 655, 604 P.2d 121; {13} "We can understand that the district attorney may be considered to refuse to act since he must represent the Special Zoning District Commission. However, there has been no showing that the attorney general of the State of New Mexico has refused to act on behalf of the private litigant plaintiffs. Since the statutory requirement for quo warranto has not been met in this respect, there is no authority in the plaintiffs to file this application in quo warranto".

9. *State Ex Rel. Huning v. Los Chavez Zoning Comm'n*, 1979-NMSC-088, although not specifically mentioning ¶11 of *Albright*, or ¶17 of *Community Ditches*, effectively directly

upheld that doctrine of Standing, in spite of seemingly contrary statute "***or***" language, same as applicable to this case. Because Plaintiffs' position on their Standing to sue is diametrically opposed to Defendant's position, which he now cites in reply to Plaintiffs' PO and having previously cited multiple cases relating to both prudential standing, statutory standing and modern jurisdictional elements, Defendant respectfully requests this Court follow guidelines set out for a district Court to follow in *Howse v. Roswell Independent School Dist.*, 2008-NMCA-095, ¶19, 144 N.M. 502, 188 P.3d 1253, in order to properly consider the differing positions on Standing presented by opposing parties in this case.

10. Further, Plaintiffs have requested relief in this case which cannot be granted as a matter of law under Quo Warranto; based on the status of Defendant as a county commissioner, the sole remedy allowed under the New Mexico Quo Warranto statutes goes only to remove him from his elected office and is not the proper remedy to test his alleged misconduct or stand in the shoes of the United States Congress. See: *White v. Clevenger*, 1962-NMSC-144, 71 N.M. 80, 376 P.2d 31 (Quo warranto is not proper remedy to test alleged misconduct of a corporate officer as grounds for removal). And see: *State of N.M. ex rel. King v. Sloan*, 2011-NMSC-020, ¶9, 149 N.M. 620, 253 P.3d 33; {9}*** "One of the primary purposes of quo warranto is to ascertain whether one is constitutionally authorized to hold the office he claims," and "the court will go no further under its common law powers than to oust the wrongful possessor of the office" (emphasis added, pinpoint citations omitted)

11. Using a STATE Quo Warranto proceeding to have a state district judge remove a county commissioner from office for allegedly committing an act of insurrection sufficient to violate his oath of office, which the Congress of the United States is required to enact legislation, pursuant to Section Five of the Fourteenth Amendment, can only result in a state

Judicial branch Court usurping the power solely invested in the federal Legislative branch, pursuant to the clear language of Sections Three and Five of the Fourteenth Amendment. It is black-letter law that Constitutional provisions relating to a single subject must be construed together under *pari materia* principles, in this case, Sections Three and Five of the Fourteenth Amendment.

12. Plaintiffs, both in their CQWR and in their PO, continue to miss the bulls-eye requirement of Section 3 of the Fourteenth Amendment, as; Insurrection and/or Rebellion against the United States CANNOT consist of people adhering to the tenets of one political party (Republican), which is registered within constraints and structure of the existing United States Government, demonstrating in mass protests against people of another political party (Democrat), also registered within constraints and structure of the existing United States Government, for acts perceived to have been done illegally by the opposing party under our existing state and the United States' laws.

13. Such politically based activities done by Defendant and many, many, others, ARGUED WITHIN, AND BASED UPON THE UNITED STATES' SYSTEM OF LAWS, are a far cry from the cases cited by Plaintiffs (decided in the late 1800s), as even a cursory reading of those cases show that the defendants therein actively held offices under the confederate states, which everyone with capacity to understand logic and reason can agree was definitely **rebellion or insurrection** against the United States, its laws and its system of government.

IN CONCLUSION

14. Private relator Plaintiffs demonstrate a fundamental lack of understanding of both, (1), what the only remedy allowed in Quo Warranto proceedings is, what Standing requires in this

case, and, (2), by attempting to mislead this Court into believing it should have the power to substitute itself, as a state judicial branch Court, for the federal legislative branch of the United States. It is a legal oxymoron and circular reasoning at best to attempt to prove that mass demonstrations and protests, based on a belief by certain Republicans that certain Democrat operatives had not followed the laws of the United States and the several States, amounts to an insurrection against the United States itself and its system of laws.

OBJECTION FOR FAILURE TO JOIN AN INDISPENSABLE PARTY

15. Without waiving his jurisdictional challenges, Defendant Objects to this honorable Court; Plaintiffs have failed to join the United States as an Indispensable Party in this action. If the Court allows this case to proceed, Plaintiffs should be required to Join the United States as an Indispensable Party based on the following:

16. Plaintiffs have extensively cited various federal judges' opinions commenting on Defendant's acts occurring at the U.S. Capitol on federal land.

17. Plaintiffs have listed federal personnel as witnesses; (1), Inspector John Erickson, U.S. Capitol Police, (2), Inspector Lanelle Hawa, U.S. Department of Homeland Security, and (3), Officer Daniel Hodges, D.C. Metropolitan Police Department. Those listed federal witnesses are three out of eight listed preliminary witnesses and out of those eight, all witnesses are in regards to incidents occurring on federal U.S. Capital grounds.

18. Both in Plaintiffs' CQWR, and in their Opposition to Defendant's Motion, the gravamen of their claim is based on Defendant's activities on Federal land which supposedly was an overt act of insurrection or rebellion egregious enough to somehow work a violation of his oath of office, even though he was only convicted of a federal misdemeanor trespass statute,

see: Judgment and sentence, 18 U.S.C. 1752(a)(1) Entering and Remaining in a Restricted Building, attached herewith as Exhibit "A".

19. This Court should take Judicial Notice of the fact that Section Three of the Fourteenth Amendment is not self-enacting/executing, as it is qualified by Section Five of the Fourteenth Amendment; Section Five, [Power to Enforce This Article] "*The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.*" (emphasis added)

20. These three strictly private relator Plaintiffs and the highly distinguished authors of the Amici Brief currently filed in this action seem to have overlooked the fact that Congress has enacted "*appropriate legislation*" to enforce the "Disqualification Clause", as it relates to rebellion or insurrection.

21. This legislation is in Title 18 of the U.S.C., §**2383**, *aptly titled* "**Rebellion or insurrection**". Congress, along with enacting a punishment of fine and imprisonment, specifically inserted "*and* shall be incapable of holding any office under the United States" (emphasis added). Use of the conjunctive term "*and*", directly implicates a requirement of conviction under that statute. Presumably, Congress knew the pre-existing federal caselaw and knew the difference between "the United States" and the several States, counties within those States, etc., when they enacted §**2383**...

ELEMENTS FOR JOINDER

22. The interests of the United States will in all likelihood be impacted by the outcome of this case and presumably other similar cases, due to the multitude of state and federal cases and litigation *already* spawned by the January 6th events and the fact Defendant is currently on supervised probation see, Exhibit "A", and how a ruling detrimental to Defendant in this

case may affect that federal case... The absence of the United States will be prejudicial to Defendant in this case, as this Court will lack information specifically within the knowledge of the United States directly relating to what degree of criminality it considers this specific Defendant's Jan. 6th activities to have consisted of, sufficient under a modern federal statutory and Constitutional analysis, and how it may now differ in substance and procedure from the miniscule amount of off-point 1800s caselaw offered by Plaintiffs and Amici so far in this case... A judgment rendered in the absence of the United States will be inadequate in this case, as further explained in paragraphs 23 and 24, set out below... Plaintiffs will suffer no harm whatsoever if this case is dismissed for non-joinder, as their Counsel of record has already somewhat eloquently stated to this Court that they have not suffered any amount of injury based on the fact that they brought this action purely under their interpretation of statutory standing in §44-3-4; PO, page 7, starting at D.:

"Plaintiffs have standing under the *quo warranto* statute, which permits a suit by a "private person." Plaintiffs' standing here is express, as provided by Section 44-3-4, and carries no requirement that they have suffered any direct injury as a result of Defendant's disqualifying conduct." PO, page 7.

23. The fact that a portion of Section Three of the Fourteenth Amendment has been dormant for approximately 150 years should give pause to this Court to require, at the very least, the United States to be joined as an indispensable party, because of the overwhelming amount of federal questions which have already risen in this action regarding the several different Articles and Sections of the United States Constitution, several federal statutes, listed federal witnesses, and the interplay of the civil and criminal powers of this State and the Federal Government, which are integral to this action, further;

24. Due to the thousands of citizens attending and/or protesting at the massive January 6th event at the U.S. Capitol, and the hundreds of criminal prosecutions currently being conducted by

the federal government, this Court should be informed by the United States, as a party, of the type and kind of prosecutions, the federal reasoning behind their usage of which prosecuting statutes, and, which federal statutes, with definitions, can be used to show acts of insurrection sufficient to prove violation of oath of office. The United States would be the best entity to fully inform this Court as to all these federal issues and the proper interpretations thereof from the federal perspective. See:

State Game Comm'n v. Tackett, 1962-NMSC-154, ¶7, 71 N.M. 400, 379 P.2d 54; {7} *** "*** If the controversy involves a question concerning the legality of a state lease, the eligibility of the lessee thereunder, the matter of performance of the lease, reservations, if any, in the lease, or a matter of public policy requiring passage thereon by the commissioner of public lands, then the commissioner is not only a necessary party, but is an indispensable party. ***" (pinpoint citations omitted)

Elephant Butte Irrigation Dist. v. Gatlin, 1956-NMSC-030, 61 N.M. 58, 294 P.2d 628. (Since relief sought, in suit to enjoin federal officials from using certain waters, would reach beyond right to waters claimed, affecting public domain and treasury and interfering with public administration, United States was an indispensable party).

In action by gamblers against financial institutions and government agencies, the Indian casinos were indispensable parties because of their need to protect the legal interests. *Srader v. Verant*, 1998-NMSC-025, 125 N.M. 521, 964 P.2d 82.

WHEREFORE, in conclusion, Defendant requests this Honorable Court to; issue an Order denying Plaintiffs' PO, Quash Plaintiffs' CQWR and dismiss this action on Defendant's grounds listed in his Motion and herein, or; issue an Order to Plaintiffs to Join the United States as a Party pursuant to NMRA Rule 1-019 and; grant Defendant all costs and fees he is entitled to, including attorney's fees as appropriate and; grant any other or further relief deemed necessary by the Court.

Respectfully submitted by

Cory Griffin, Defendant-Appellant

[redacted]

Couygriffin@hotmail.com

CERTIFICATE OF SERVICE

I, Couy Griffin, certify under penalty of law that I sent a copy of this "Defendant's Reply to "Plaintiffs' Opposition to Defendant's Motion to Quash and Dismiss" and Objection for Failure to Join an Indispensable Party" to the following counsel of record by e-mail on the date of August 8 2022:

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AO 245B (Rev. 09/19) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

District of Columbia

UNITED STATES OF AMERICA
v.
COUY GRIFFIN

JUDGMENT IN A CRIMINAL CASE

Case Number: 21-cr-92 (TNM)

USM Number: 26138-509

Nicholas D. Smith
Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s) which was accepted by the court.

☑ was found guilty on count(s) after a plea of not guilty. 1 of the Information filed on 2/8/2021

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1752 (a)(1)	Entering and Remaining in a Restricted Building	1/6/2021	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/17/2022
Date of Imposition of Judgment

Signature of Judge

Trevor N. McFadden, U.S. District Judge
Name and Title of Judge

6/17/22
Date

DEFENDANT: COUY GRIFFIN
CASE NUMBER: 21-cr-92 (TNM)

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
FOURTEEN (14) DAYS on Count 1, with credit for time served.

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: COUY GRIFFIN
CASE NUMBER: 21-cr-92 (TNM)

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

TWELVE (12) MONTHS.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
   - ☑ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☑ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☑ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: COUY GRIFFIN
CASE NUMBER: 21-cr-92 (TNM)

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____ Date 6-23-22

AO 245B (Rev. 09/19) Judgment in a Criminal Case
Sheet 3D — Supervised Release

DEFENDANT: COUY GRIFFIN
CASE NUMBER: 21-cr-92 (TNM)

SPECIAL CONDITIONS OF SUPERVISION

Financial Obligation: You must pay the balance of any financial obligation owed at a rate of no less than $300 each month. Full payment of all financial obligations stated herein is a specific requirement of your supervised release.

Community Service - You must complete 60 hours of community service within the next 10 months. The probation officer will supervise the participation in the program by approving the program. You must provide written verification of completed hours to the probation officer.

The Court authorizes supervision and jurisdiction of this case to be transferred to the United States District Court for the District of New Mexico.

The Probation Office shall release the presentence investigation report to all appropriate agencies, which includes the United States Probation Office in the approved district of residence, in order to execute the sentence of the Court. Treatment agencies shall return the presentence report to the Probation Office upon the defendant's completion or termination from treatment.

ACKNOWLEDGMENT OF CONDITIONS

Supervision is for 12 months commencing 06/17/22.

I have read or have had read to me the conditions of supervision set forth in this judgement and I fully understand them. I have been provided a copy of them.

I understand that upon a finding of a violation of probation or supervised release, the Court may (1) revoke supervision (2) extend the term of supervision and or (3) modify the conditions of supervision.

Defendant — 6.23.22
Date

U. S. Probation Officer — 06/23/22
Date

DEFENDANT: COUY GRIFFIN
CASE NUMBER: 21-cr-92 (TNM)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 25.00	$ 500.00	$ 3,000.00	$ 0.00	$ 0.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☑ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage
Architect of the Capitol Office of the Chief Financial Officer ATTN: Kathy Sherrill, CPA Ford House Office Building Room H2-205B Washington, DC 20515		$500.00	

TOTALS	$ 0.00	$ 500.00

☐ Restitution amount ordered pursuant to plea agreement $ _____

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☑ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☑ the interest requirement is waived for the ☑ fine ☑ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.