UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

Report of Offender Under Supervision

Name of Offender: DERWIN LAMAR MONTGOMERY Docket Number: 1:22CR00282-1

Name of Sentencing Judicial Officer: The Honorable Loretta C. Biggs

Date of Original Sentence: June 8, 2023

Original Offense: Theft Concerning Programs Receiving Federal Funds in violation of 18 U.S.C. § 666

(a)(1)(A).

Original Sentence: Five (5) Years Probation.

Type of Supervision: Probation Date Supervision Commenced: June 8, 2023

Date Supervision Expires: June 7, 2028

Assistant U.S. Attorney: Joanna G. McFadden Defense Attorney: Christopher Clifton

NONCOMPLIANCE SUMMARY

The offender has not complied with the following condition(s) of supervision:

Violation 1- Restitution in the amount of \$38,618.30 is due immediately. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of the term of probation, the defendant shall make payments in equal, monthly installments of \$500 to begin 60 days after the commencement of the term of probation and continuing during the entire term of probation or until paid in full. The monthly payment amount is subject to re-evaluation by the U.S. Probation Office to determine if the amount can be increased.

Violation 2- A fine in the amount of \$22, 270.00 is due immediately. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of the term of probation, the defendant shall make payments in equal, monthly installments of \$100 to begin 60 days after the commencement of the term of probation and continuing during the entire term of probation or until paid in full.

Mr. Montgomery has failed to make monthly restitution payments as instructed by the Court and is approximately \$5,500.00 in arrears. Furthermore, he has failed to pay the fine and is \$1,100.00 in arrears. Mr. Montgomery's restitution balance is \$37,518.30 and the fine balance is \$22,270.00.

U. S. Probation Officer Action:

Records show that Mr. Montgomery's special assessment fee was paid in full, and \$1,100.00 has been collected towards restitution. The U.S. Probation Office has been working to understand Mr. Montgomery's financial status for the last year. Recently, Mr. Montgomery provided a monthly report detailing his expenses for June 2024 totaling \$4,075.75. He reported a monthly income of \$4,033.71 from employment by providing

a copy of a check from First Calvary Baptist Church for \$3,033.71, and a letter from his mother reporting payment of \$250 weekly for upkeeping properties under their family's ownership. It should be noted that in reviewing and discussing the monthly expenses, Mr. Montgomery admitted to being in default on his water, gas, and car bills. Mr. Montgomery reported working approximately 20-30 hours a week as a pastor for Calvary Baptist Church. Furthermore, he assists with the family rental properties 6-12 hours a day, Tuesday through Friday. Mr. Montgomery showed the U.S Probation Office photographs of the ongoing work being completed on the family properties in South Carolina.

Recommendation:

The U.S. Probation Office encouraged Mr. Montgomery to complete a budgeting/financial literacy course by August 30, 2024. Mr. Montgomery has agreed to complete a course and provide a certificate to the U.S. Probation Office.

The U.S. Probation Office recommends that Mr. Montgomery's financial arrearage be held in abeyance and that he be continued on probation without further action from the Court at this time. The U.S. Probation Office will monitor Mr. Montgomery's restitution and fine payments once he completes financial counseling.

Respectfully submitted,

Aliza Alston

U.S. Probation Officer

Approved by:

Edward R. Cameron

Supervisory U.S. Probation Officer

July 11, 2024

Date