UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

UNITED STATES OF AMERICA	)	
	)	
v.	)	1:11-cr-00185-JAW
	)	
JAMES STILE	)	

ORDER ON MOTION TO APPLY FUNDS SEIZED FROM DEFENDANT TO ADMINISTRATIVE OFFSET ACCOUNT

On October 30, 2014, James Stile pleaded guilty to robbery of controlled substances from a DEA registered pharmacy, a violation of 18 U.S.C. § 2118(a). *Minute Entry* (ECF No. 541). On May 29, 2015, the Court sentenced Mr. Stile to 120 months incarceration, $13,306.93 in restitution, a $100.00 special assessment, and five years of supervised release. *J.* (ECF No. 579). On May 29, 2015, Mr. Stile filed a notice of appeal. Notice of Appeal (ECF No. 581). On July 16, 2015, Mr. Stile moved for an order, requiring the Government to apply $696.00 in cash that it seized from him to the amount the Court ordered in restitution to the victim. *Mot. to Apply Funds Seized From Def. to Admin. Offset Account* (ECF No. 600). On July 21, 2015, the Court dismissed the motion because the criminal case against Mr. Stile was still proceeding and the seized money may have been evidence in future proceedings. On January 3, 2017, the Court of Appeals for the First Circuit issued an opinion rejecting Mr. Stile's appeal of his sentence, *United States v. Stile*, 845 F.3d 425 (1st Cir. 2017), and judgment issued affirming his sentence. *J. of the First Circuit* (ECF No. 626). On November 20, 2017, the Court ordered that the judgment be amended to require

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that Mr. Stile pay the full restitution in the total amount of $13,306.93, with $1,000.02 payable to E.W. Moore & Son Pharmacy as a first priority and then $12,306.91 payable to Hanover Insurance Company as a second priority upon completion of the $1,000.02 payment, with a full credit for any restitution payments he has previously made. *Order on Mot. for Sentencing Court to Set Restitution Amount* at 23 (ECF No. 676).

On June 13, 2018, Mr. Stile renewed his request that the $696.00 seized be applied to his restitution obligation. *Mot. to Apply Funds Seized From Def. to Admin. Offset Account* (ECF No. 696) (*Def.'s Mot.*). On June 29, 2018, the Government responded, indicating that it does not oppose making the funds available "to the Clerk's Office for disbursement to the victim-payees E.W. Moore & Son Pharmacy as a first priority and then to Hanover Insurance Company as a second priority, and will do as ordered by the Court." *Gov't's Resp. to Def.'s Mot. (ECF No. 696)* (ECF No. 697). In his motion, Mr. Stile specifies that he wants to make the funds "available to the victim Chester Hibbard." *Def.'s Mot.* at 1. Chester Hibbard is the pharmacist and owner of E.W. Moore & Son Pharmacy, the victim-payee in this case. *Opp'n by United States of America in Resp. to Def.'s Mot. Concerning Payment of Restitution* Attach. 2 *Decl. of Chet Hibbard* at 1 (ECF No. 663). Thus, the Court understands Mr. Stile and the Government to agree that the funds should be made available to fulfill Mr. Stile's restitution obligation to E.W. Moore & Son Pharmacy.

Given that the First Circuit has ruled on Mr. Stile's appeal, the Court's previous concern about the availability of the seized funds for evidentiary purposes

has evaporated. The Court GRANTS Mr. Stile's Motion to Apply Funds Seized from Defendant to Administrative Offset Account (ECF No. 696) and ORDERS the Government to deposit the monies in the amount of $696.00 seized from Mr. Stile with the Clerk's Office for distribution in accordance with Mr. Stile's restitution obligation outlined in the criminal judgment, as amended by the Court's Order on Motion for Sentencing Court to Set Restitution Amount (ECF No. 676).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 1st day of August, 2018