

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

Vs.

Nos. 96-40082-01-SAC

THOMAS W. HARRIS,

Defendant.

MEMORANDUM AND ORDER

The defendant Thomas W. Harris filed his own single-page handwritten document which the clerk docketed as a motion to waive fines and restitution. ECF# 233. In his filing, Mr. Harris asserts:

I arrived here at FCI Seagoville 11-7-19 to participate in the RDAP program. Upon arriving here it was brought to my attention that after 20 years of incarceration all fines and restitutions were waived. I am writing asking that my financial responsibilities be waived. If after 20 years of incarceration the restitution is considered exempt I would appreciate it.

ECF# 233. Mr. Harris cites no legal authority for his position that 20 years of incarceration entitles him to a waiver of restitution and fines.

When he was sentenced, Mr. Harris received a \$500 assessment and was ordered to pay restitution in the amount of \$7,437.83. There was no term in his sentence for an adjustment or waiver of these ordered payments after serving 20 years of his 30-year term of incarceration.

Apparently, Mr. Harris brings his motion under 18 U.S.C. § 3613(b), which presently reads, “the liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the release from imprisonment of the person ordered to pay restitution.” This provision “authorizes collection of restitution until 20 years after a prisoner’s release and [because] Mr. McGuire has not been released, he would still owe restitution under the terms” of this statute. *United States v. McGuire*, 636 Fed. Appx. 445, 446 (10th Cir. Jan. 15, 2016)(no violation of the Ex Post Facto Clause in imposing this statutory provision enacted in 1996). Because Mr. Harris has yet to be released and because this statutory provision extends his liability for restitution until 20 years after his release from imprisonment, his motion is denied.

IT IS THEREFORE ORDERED that defendant Thomas Harris’s motion to waive fines and restitution (ECF# 233) is denied.

Dated this 13th day of March, 2020, Topeka, Kansas.

s/Sam A. Crow
Sam A. Crow, U.S. District Senior Judge