

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 6:15-cr-10010-JTM-1

JOSEPH ANDREW DERUSSE,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on the United States' motion for an order of restitution. Dkt. 44. The motion seeks restitution from the defendant in the amount of \$401.62, which represents the amount of health insurance and medication co-pays incurred by the victim as a result of the offense of conviction. Defense counsel has informed the court that defendant has no objection to the motion.

At the sentencing hearing of November 4, 2015, the court granted the United States thirty days to file a request for restitution. Dkt. 45 at 92. The motion is therefore timely. Moreover, notwithstanding the prior entry of judgment and the filing of a notice of appeal, the court retains jurisdiction to grant such a request pursuant to 18 U.S.C. § 3664(d)(5). *See also United States v. Dando*, 287 F.3d 1007, 1010 (10th Cir. 2002). Finally, the court finds that the requested restitution represents the cost of necessary medical care required by the victim as a direct and proximate result of the offense.

IT IS THEREFORE ORDERED this 4th day of January, 2016, that the United States' Motion for an Order of Restitution (Dkt. 44) is GRANTED. The U.S. Probation Office is directed to prepare and submit an Amended Judgment that includes defendant's obligation to make restitution in the amount of \$401.62.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE