

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

_____	)	
UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	Cr. No. 16-2 WES
	)	
	)	
NIMON NAPHAENG,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

WILLIAM E. SMITH, Chief Judge.

The Defendant in this case pleaded guilty to counts of mail and visa fraud. (ECF No. 50.) The Court subsequently sentenced him to 27 months of incarceration and ordered him to pay \$400,000 - an amount the Court noted was "subject to change." (ECF No. 50.)

The United States now asks that the Defendant pay \$581,880 in restitution on behalf of the victims of his mail and visa fraud. (ECF No. 57.) The Mandatory Victim's Restitution Act of 1996 requires a district court to order restitution to victims of certain offenses, 18 U.S.C. § 3663A(a)(1), including those to which the Defendant pleaded guilty, see id. at 3663A(c)(1).

After reviewing the relevant materials, including the plea agreement and Special Agent Halloran's testimony at the sentencing hearing, the Court finds that the Government has proved by the preponderance of the evidence that the losses in this case are

consistent with those amounts listed in the Government's Exhibit A. See (ECF No. 57-1); United States v. Kearney, 672 F.3d 81, 92 n.8 (1st Cir. 2012); United States v. Mahone, 453 F.3d 68, 74 (1st Cir. 2006) ("[O]nly a modicum of reliable evidence is required to establish a restitution award" (quotation marks omitted)).

Accordingly, the Court orders the Defendant pay a total of \$581,880 in restitution. See Bova v. St. Vincent De Paul Corp., 326 F.3d 300, 302 n.2 (1st Cir. 2003) ("[S]entencing courts have the authority to modify criminal restitution orders." (citing United States v. Timilty, 148 F.3d 1, 4 (1st Cir. 1998))).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "WESmith", written over a horizontal line.

William E. Smith  
Chief Judge  
Date: February 5, 2018