

sentence, you were subject to a joint and several order of forfeiture that remains unresolved, but that all other aspects of your sentence – imprisonment, probation, and costs – have been satisfied.

“Completion of all terms of sentence,” for purposes of restoration of voting rights, is defined under section 98.0751(2)(a), Florida Statutes, in pertinent parts as:

[A]ny portion of a sentence that is contained in the four corners of the sentencing document, *including but not limited to*:

1. Release from any term of imprisonment ordered by the court as a part of the sentence;
2. Termination from any term of probation or community control ordered by the court as a part of the sentence;
3. *Fullfillment of any term ordered by the court as a part of the sentence*;
4. Termination from any term of any supervision, which is monitored by the Florida Commission on Offender Review, including but not limited to, parole; and
 - 5.a. Full payment of restitution ordered to a victim by the court as a part of the sentence. A victim includes, but is not limited to, a person or persons, the estate or estates thereof, an entity, the state, or the Federal Government.
 - b. Full payment of fines or fees ordered by the court as a part of the sentence or that are ordered by the court as a condition of any form of supervision, including, but not limited to, probation, community control, or parole.

§98.0751(2)(a)1. – 5. (a) and (b), Fla. Stat. (emphasis added).

Records indicate that as part of your Plea Agreement in this case, in addition to agreeing to forfeiture of certain specified property, you agreed to entry of a money judgment, jointly and severally with co-defendants, in the amount involved in the violation to which you were pleading guilty. Thus, the Plea further stipulated that the money was therefore “property subject to forfeiture pursuant to Title 18, United States Code, Section 982(1)(1)...” *See* Plea Agreement. Pursuant to this Plea Agreement, the court imposed Judgment and Sentence, including terms of imprisonment, terms and conditions of supervision, criminal monetary penalties, and entered a Preliminary Judgment and Order of Forfeiture. The Judgment and Sentence specifically referred to and incorporated an Order of Forfeiture. The Preliminary Judgment and Order of Forfeiture provided for the forfeiture of specific property as well as a money judgment, jointly and severally with co-defendants in the sum of \$ [REDACTED]. An Amended Order of Forfeiture dismissed specified assets to a trustee but kept the money judgment in place.

In addition to conclusions drawn from the specific sentencing documents in this case, the legal provision and authority to which the Plea Agreement and Money Judgment and Forfeiture Orders cite and rely, 18 U.S.C. § 982(a)(1), indicates that forfeiture in such a case is a part of a criminal sentence. Specifically, this provision states:

The court, *in imposing sentence* on a person convicted of an offense in violation of section 1956, 1957, or 1960 of this title, shall order that the person forfeit to the

United States any property, real or personal, involved in such offense, or any property traceable to such property.

18 U.S.C. § 982(a)(1) (emphasis added). Case law too, clarifies that Federal forfeiture, with exception for third-party ancillary proceedings, is, and must be, a part of the criminal sentence. *See, e.g., United States v. Rashid*, 451 F. App'x 156, 159 (3d Cir. 2011); *United States v. Lamb*, 182 F. App'x 97, 99 (3d Cir. 2006).

Based upon the above Federal provision, case law, and specific factual circumstances in your case – including but not limited to the language of the Plea Agreement and the Judgment and Sentence, the Division finds that the Amended Order of Forfeiture, as was the original Preliminary Judgment and Order of Forfeiture, is a sentencing document by virtue of both its substance and its incorporation into the Judgment and Sentence, the remaining monetary terms of which¹ must be fulfilled in order to restore voting rights under Section 4, Article VI of the Florida Constitution (Amendment 4) and Section 98.0751, Florida Statutes

Thank you for submitting your request. Should you have any questions, please don't hesitate to contact us.

Sincerely,

Florida Division of Elections

¹ As previously noted, the Amended Forfeiture Order dismissed some specific property from the Order.