

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

No. 3:15-CR-64 (VLB)

v.

GEORGE GALLO

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Order on Motion to Update Clerk's Records and Distribute Funds to Victims

[Dkt. 58]

As described below, the Court GRANTS the Government's motion to direct the Clerk to update her records concerning victim information in this case, and then disburse restitution funds in accordance with the updated information.

A. Victim Information

The Clerk is directed to update her records to include the victims' address information, as recorded in Ex. A [Dkt. 60 (Gallo List of Victims)]. Per 18 U.S.C. § 3662A, the Clerk is further directed to immediately disburse all restitution funds that the Clerk is holding to the victims on a *pro rata* basis until the restitution owed to the victims is satisfied in full.

B. Deceased Victims

Since the entry of the Court's judgment in 2015, two of the victims are now deceased. [Dkt. 60-1 (Ex. B-1)] and [Dkt. 60-4 (Ex. C-1)]. Under 18 U.S.C. § 3663A(a)(2), where a District Court orders restitution and the victim dies, the representative of the victim's estate or another family member "may assume the victim's rights under this section."

The Court appoints the individuals identified in Exhibit C-2 [Dkt. 60-5] and the individual identified in Exhibits B-2 [Dkt. 60-2] and B-3 [Dkt. 60-3] as representatives of the respective deceased victims. Each identified individual may assume all the right to any remaining restitution owed to the deceased victim whose rights are assumed. The identified individuals and their addresses are included in Ex. A [Dkt. 60].

C. Amendment of Restitution Amount in Judgment

Under Federal Rule of Criminal Procedure 36:

After giving any notice it considers appropriate, the court may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.

Fed. R. Crim. P. 36.

There is an error in the record in this case. The Presentence Report [Dkt. 15] included an approximate loss amount in paragraph 25 of \$117,266.63 and the correct loss amount in paragraphs 26 and 28 of \$117,617.63. Prior to entry of the judgment, the Defendant tacitly conceded the actual monetary loss amount resulting from his offense was \$117,617.63. [Dkt. 36 (Def.'s Sentencing Mem.) at 1]. The Government agreed. [Dkt. 42 (Govt.'s Sentencing Mem.) at 1]. Due to a clerical error the judgment erroneously included a restitution figure less than the approximate loss amount. [Dkt. 46]. Accordingly, the judgment is amended to correct the scrivener's error and reflect the correct amount of restitution of \$117,617.63. An Amended Judgment has been entered.

The Court finds no prior notice need be given because the amendment reflects the understanding of all the parties at the time judgment entered, the Government has requested the amendment, and that the difference is nominal.

It is so ordered.

Dated at Hartford, Connecticut this 10th day of February, 2020.

_____/s/_____
Hon. Vanessa L. Bryant
United States District Judge