

FOURTH CIRCUIT UPDATE
September 21, 2006

Court has no authority to remit restitution under the Mandatory Victim Restitution Act

United States v. Roper, 05-4236 (September 7, 2006)

The Court held that Judge Thornburg had no authority to remit restitution under the Mandatory Victim Restitution Act (MVRA), even for indigent defendants.

In *Roper*, the defendants were before the court on supervised release violations, and the court remitted their restitution and special assessment on the grounds that it would be impossible for them to pay. The Court concluded that no statutory authority provides district courts with the power to remit restitution orders imposed under the MVRA.

However, note that the MVRA does give the district court discretion to determine the manner of payment (i.e., amount and frequency of installments) and to allocate restitution among multiple defendants based upon their contribution to the victim's loss and their economic circumstances.