[redacted]

[redacted] Laffitte has not shown that excusing Juror 93 based on her need for medication was a plain error that affected his substantial rights.

b. The district court made clear that it replaced Juror 88 based on her significant emotional distress.

The district court did not violate Laffitte's Sixth Amendment rights when it excused Juror 88 because, as with Juror 93, its decision was unrelated to Juror 88's views of the evidence. The court called Laffitte's claim that Juror 88 was replaced because of her disagreement with other jurors "simply untrue." JA2411. It explained that it spoke with Juror 88 only "because she indicated that she was anxious and needed to be replaced with an alternate," and its "singular focus was on [her] ability to perform her duties as a juror." JA2411. The court conscientiously (and correctly) avoided any discussion of her position with respect to the other jurors, her views of the evidence, or the allegations that a juror was unwilling to deliberate or follow the court's instructions. JA2410-2411; *see Spruill*, 808 F.3d at 593 (holding district court's discretion in removing deliberating jurors extends to deciding "whether, and to what degree, to question a deliberating juror regarding circumstances that may give cause for removal"). It "never had to address" the potential issue of dissension

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juror's subjective perceptions cannot trigger constitutional concerns." *Anderson v. Miller*, 206 F. Supp. 2d 352, 361 (E.D.N.Y. 2002). [redacted]

and "never got into what's going on in the jury room or anything like that" with either of the excused jurors. JA2282; JA2283. As with Juror 93, *Warren Brown*'s "substantial possibility" test wasn't triggered when Juror 88 requested to be removed.

First, [redacted] *see Warren Brown*, 823 F.2d at 596, [redacted] *see Spruill*, 808 F.3d at 594. JA3310-3311 (sealed). [redacted] JA3361 (sealed). [redacted] there is no evidence that the court dismissed "a dissenting juror." *See Corrine Brown*, 996 F.3d at 1186. The *Warren Brown* line of cases is therefore inapplicable. *Kemp*, 500 F.3d at 304.

More importantly, even if Juror 88 had expressed doubts about the Government's case, the district court would not have abused its discretion by excusing her based on her debilitating mental state. The D.C. Circuit has explained that, "[w]ere a holdout juror to request dismissal because he was experiencing a heart attack, [*Warren*] *Brown* would not prevent a district court from excusing that

juror . . . even if the record suggested that juror independently had doubts about the sufficiency of the evidence." *Id.* That Juror 88's impairment was emotional, not physical, rendered it no less incapacitating. It was an independent and justified basis for excusing Juror 88, and there was no "causal link" between the Juror 88's view of the evidence and her dismissal. *See Ginyard*, 444 F.3d at 652.

The court found Juror 88 was "visibly anxious," JA2401; she asked the court to "give [her] a minute" to compose herself before she started talking, JA2401; it was "obvious that [she] was under considerable stress," JA2409; she was "in obvious distress and advised the Court that she was not capable of performing her duties as a juror," JA2409; [redacted] JA3438 (sealed); and after observing her "demeanor, her note to the Court, and her responses to the Court's questions, it was obvious that she was unable to perform her duties as a juror." JA2411. Like the D.C. Circuit, this Court should be "highly reluctant to second guess the conclusion of an experienced trial judge, when, as here, that conclusion was based in large measure upon personal observations that cannot be captured on a paper record." *McGill*, 815 F.3d at 871-72 (cleaned up).

[redacted] Br. 55, Laffitte seems to accuse the district court of doing exactly what it said it would not—allow a dissenting juror to be bumped off the jury based on her views. The court said it didn't "want anybody else ganging

up on somebody and trying to bump them off a jury," JA2277-2278, and it wouldn't "let a juror be bumped out one way or the other," JA2278. And it plainly stated why it replaced Juror 88: when she "advised the Court she was unable to perform her duties and it was apparent from her demeanor she was in significant emotional distress," she "effectively disqualified herself as a juror." JA2411. The district court excused Juror 88 because of her debilitating anxiety and her representation that she was unable to continue deliberations. JA2411. Laffitte has given this Court no reason not to take the district court at its word. *Cf. United States v. Shatley*, 448 F.3d 264, 268 (4th Cir. 2006).

Juror 88's extreme anxiety justified her dismissal wholly independent of her views of the evidence, so there was no Sixth Amendment violation. If there was, it was harmless beyond a reasonable doubt. *Supra* Part II.D.3.a.

* * *

The district court cautiously considered how to address Juror 93 and 88's notes. It repeatedly asked for Laffitte's input. Where he didn't explicitly agree, he didn't object either. He suggested one alternative, and the court rejected it *for fear that it was unfavorable to Laffitte*. *See* JA2272. The court did what it clearly believed all parties had agreed to do. It excused Juror 93, met with Juror 88, and "took action" on her request to be replaced. Now that the dust has settled, Laffitte wants to

backdate his objections. There's a term for that tactic: sandbagging. *See Runyon*, 707 F.3d at 518. The Court shouldn't entertain his claims.

III. THE DISTRICT COURT DID NOT ABUSE ITS DISCRETION BY EXCLUDING IRRELEVANT, CONFUSING EVIDENCE THAT WAS NOT PROBATIVE OF BIAS OR MOTIVE.

A. Standard of Review

Decisions to admit or exclude evidence are reviewed for an abuse of discretion. *Vidacak*, 553 F.3d at 348. A district court's decision to admit or exclude evidence under Rule 403 is reviewed "under a broadly deferential standard" and will not be reversed "in the absence of 'the most extraordinary circumstances' in which the court's 'discretion has been plainly abused.'" *United States v. Hassouneh*, 199 F.3d 175, 183 (4th Cir. 2000).

B. The district court did not abuse its discretion by excluding evidence that was not probative of bias or motive and would have confused the jury.

The district court did not abuse its considerable discretion by barring Laffitte from (1) eliciting testimony from his witnesses about how newer Board members were moving toward trying to sell the bank and (2) introducing Charlie Laffitte's memo to the Board addressing members' desire to position the bank to sell. Br. 66-67. Laffitte did not preserve an objection to the exclusion of the former, and the latter was inadmissible. Moreover, the evidence was not probative of bias or motive so it

was not relevant, it would have led to a trial within a trial, and it would have confused the jury. Finally, any error in excluding the evidence was harmless.

1. Laffitte did not preserve his challenge to the exclusion of testimony about selling the bank.

Under Federal Rule of Evidence 103(a)(2), a party may not claim error in a ruling to exclude evidence unless he informed the district court of the substance of the evidence by an offer of proof and the error affected his substantial rights. "[I]t is paramount that the proponent inform the court in an offer of proof the substance of the evidence sought to be admitted, unless that substance is apparent from the context of the request." *United States v. Liu*, 654 F. App'x 149, 154 (4th Cir. 2016) (argued but unpublished). An offer of proof serves two purposes: It "informs the trial court of the content of the evidence and its relevance to the case, which enables the court to make an informed evidentiary ruling," and it "permits the appellate court to evaluate whether the exclusion of evidence affected the substantial rights of the party seeking its admission." *Id.* Laffitte did not sufficiently proffer the anticipated testimony, and this issue is not preserved for appeal. *See U.S. ex rel. Ubl v. IIF Data Sols.*, 650 F.3d 445, 455 n.2 (4th Cir. 2011).

Laffitte asserts that "counsel attempted to ask other board members about the 'new Board members, family members that came in, and' how 'they started moving toward trying to sell the bank.'" Br. 66 (quoting JA1556). But he quotes an exchange with the court (not a witness) that followed questions defense counsel asked Charles

Laffitte, III, about the Shareholder Repurchase Program—not the sale of the bank. JA1556. And Laffitte has not appealed the exclusion of evidence about the Shareholder Repurchase Program.

Later in Charles Laffitte's testimony, defense counsel asked whether he had attended a Board retreat in 2020 and what the purpose of the retreat was. JA1561. The Government objected based on relevance, and defense counsel told the court this was "the same issue"—meaning the Shareholder Repurchase Program. JA1561. Laffitte did not proffer expected testimony about anything different. Laffitte told the court the excluded evidence related to an issue entirely separate from the sale of the bank, and he did not proffer any specific statements about selling the bank. So he did not preserve any challenge to the exclusion of evidence about selling the bank during Charles Laffitte's testimony. *See Liu*, 654 F. App'x at 154.

During Charlie Laffitte's testimony, defense counsel asked when the "tone or collegiality" of the Board changed. JA1608. The court sustained the Government's objection because the question was "not relevant based on [its] prior rulings." JA1608. Defense counsel responded, "Okay." JA1609. He made no offer of proof regarding the testimony he sought to elicit and no effort to explain how the testimony was relevant or showed motive or bias.

Defense counsel then tried to admit minutes of a special Board meeting from September 19, 2021. JA1619. The Government objected based on relevance and the

court's prior rulings. JA1620. Defense counsel said he was not using the evidence to impeach prior witnesses; he was trying to "show there's a tremendous riff on the Board" and there was "a motive for action" (not a motive to testify). JA1620, JA1622. The court excluded the evidence based on its understanding that it "was an attempt to prove that -- damage the credibility of the Laffittes," and "[y]ou can't prove it by extrinsic evidence." JA1621. Laffitte did not argue that the Board minutes went to motive to testify or bias, not general credibility. And he has not appealed the exclusion of the minutes.

It was during a break in Gray Henderson's testimony that counsel first expressed a desire to use defense witnesses to demonstrate factions on the bank Board showed the Government's witnesses had "bias and motive for testifying." JA1675-1677. But defense counsel never proffered any specific evidence they sought to elicit; they made only vague assertions like that there were "factions within this family." JA1677. The substance of the testimony they were seeking is far from "apparent from the context," Fed. R. Evid. 103(a)(2), and counsels' argument was insufficient to inform the district court of the content of the evidence and how it was relevant. *See Liu*, 654 F. App'x at 154. Laffitte's challenges to the exclusion of questions about selling the bank are not preserved for appeal.

After the court ruled the defense was improperly seeking to impeach with extrinsic evidence, JA1680, defense counsel asked to "make a proffer to the Court,"

JA1683. Counsel then proffered Defense Exhibit 81—a memo from Charlie Laffitte to the bank's Board. JA1684-1686. That is the only offer of proof sufficient to preserve the issue under Rule 103(a)(2). But as explained below, Exhibit 81 was still inadmissible.

2. Defense Exhibit 81 was inadmissible because it was hearsay and it could not be authenticated.

Charlie Laffitte's memo to the Board was inadmissible. First, the memo was hearsay barred by Federal Rule of Evidence 801. Laffitte's theory that there was a riff on the Board related to selling the bank is based on a report issued by a consultant after a 2020 Board retreat. JA1684-1685. But defense counsel told the court the report is "not in evidence and we don't have it. And I am not asking for that." JA1685. Instead, counsel proposed to introduce a purported memo from Charlie Laffitte to the Board relaying the contents of the report—that several Board members wanted to position the bank to sell over the next decade. JA1685. The memo relayed the report's statements, and Laffitte wanted to introduce it for the truth of those statements—that some members were considering selling the bank. *See* Fed. R. Evid. 801(c). It was inadmissible hearsay.

Second, none of Laffitte's remaining witnesses could authenticate the memo, which he did not proffer until after Charlie Laffitte, its author, testified and was released. JA1653-1654. The memo does not name Russell or Charlie Laffitte or any of the Government's witnesses. JA3300. It is unsigned and unaddressed. JA3300.

None of Laffitte's remaining witnesses could have authenticated it, and the district court did not abuse its discretion by excluding it regardless of whether it somehow showed bias or motive. *See United States v. McNatt*, 931 F.2d 251, 255 (4th Cir. 1991).

3. Laffitte's proposed evidence was properly excluded because it did not show bias or motive; it would have led to a trial within a trial; and it would have confused the jury.

If Laffitte's challenge to the excluded testimony was properly preserved and Exhibit 81 was otherwise admissible, the district court still did not abuse its discretion by excluding them under Federal Rules of Evidence 608(b), 401, and 403.

a. The court did not abuse its discretion by excluding the evidence under Rules 608(b) and 401.

Rule 608(b) prohibits the use of extrinsic evidence "to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness." "[B]ut no such limit applies to credibility attacks based upon motive or bias." *Quinn v. Hayes*, 234 F.3d 837, 845 (4th Cir. 2000). The motive exception applies to extrinsic evidence that tends to show "motive for the witness to testify untruthfully." *United States v. Thorn*, 917 F.2d 170, 176 (5th Cir. 1990). And "[t]he point of a bias inquiry is to expose to the jury the witness's special motive to lie, by revealing facts such as pecuniary interest in the trial [or] personal animosity or favoritism toward the defendant[.]" *United States v. Greenwood*, 796 F.2d 49, 54 (4th Cir. 1986) (quotation marks and citation omitted). "A successful showing of

bias on the part of a witness would have a tendency to make the facts to which he testified less probable in the eyes of the jury than it would be without such testimony." *United States v. Abel*, 469 U.S. 45, 51 (1984).

Contrary to Laffitte's arguments, Br. 67, the district court consistently showed that it understood—and applied—the proper legal standard. When the court thought the defense was attempting to impeach prior witnesses using extrinsic evidence, it correctly ruled that evidence inadmissible under Rule 608(b). *E.g.*, JA1620 ("You are trying to undermine the credibility of prior witnesses on the basis of extrinsic evidence. That is not allowed."); JA1621 ("You can't use him to prove that someone else is lying by extrinsic evidence."); JA1621 ("It was only offered, as I understood it, was an attempt to prove that -- damage the credibility of the Laffittes. You can't prove it by extrinsic evidence."). After defense counsel argued the evidence was meant to show bias or motive—not to impeach the general credibility of the Government's witnesses—the court's analysis changed, and it gave defense counsel numerous opportunities to explain how the proposed evidence would show any of the Government's witnesses had bias or motive. *See* JA1677-JA1678; JA1680. They did not do so.

The district court did not abuse its discretion by finding the proposed evidence about disagreements over selling the bank did not establish any bias or motive to lie on the part of any of the Government's witnesses. The court gave defense counsel at

least a half-dozen opportunities to explain how the proposed evidence would show any of the Government's witnesses had bias or motive. *See, e.g.*, JA1677 ("Motives for whom?"); JA1677 ("point me to the testimony [of] the witness you seek to impeach by their motive"); JA1677 ("Give me a specific witness and how it's relevant to that specific witness."); JA1678 ("Give me a specific witness by name and why that's relevant to that testimony."); JA1678 ("Give me what specific testimony is evidence of bias."); JA1680 ("You haven't pointed me to one thing, one specific evidence, that somehow would be evidence of their bias.").

In response, Laffitte pressed several theories about the relevance of this evidence at trial: "there are factions within this family, some that have worked at the bank for years, some that have come into the bank more recently. And so the testimony that we have been trying to elicit . . . is about the *motives for testifying relating to things like selling the bank*," JA1677 (emphasis added); "wanting to sell the bank goes to [Norris Laffitte's] motivation for then wanting to testify against Mr. Laffitte," JA1678; and "the rush to judgment" and "the Monday morning quarterbacking that's going on with the Government's witnesses" were produced by bias, JA1679-1680. None of these generalities can properly be characterized as evidence of any specific witness's bias toward Laffitte. More importantly, none of these is the claim Laffitte presses on appeal.

Laffitte first raised the argument he makes now in his post-trial briefing: the Government was permitted to ask Board members why they voted to remove him, and evidence about the disagreement over selling the bank would have shown the "bias and underlying motive in their answers."[17] JA2318; Br. 68-69. The district court can hardly be faulted for not addressing a theory of admissibility that counsel never advanced during trial. But even under this theory, the court did not abuse its discretion by excluding the evidence.

Laffitte's claim seems to be that (1) in 2020, some Board members expressed an interest in selling the bank; (2) the Government's witnesses were the Board members who wanted to sell, while Laffitte and his immediate family members did not; (3) after the 2020 retreat, there was an ongoing divide among the Board members; (4) when Laffitte and Murdaugh's criminal conduct came to light in the Fall of 2021, those who wanted to sell the bank used it as a pretext to fire Laffitte so that—although his immediate family members, who also did not want to sell the bank, would stay on the Board—they would somehow have an easier time making

[17] Although Laffitte raised this general argument in his post-trial briefing, he did not argue the court erred by excluding evidence he sought to introduce through *his* witnesses. Instead, he argued in his Rule 33 motion only that the court's alleged limitation of his right to cross-examine the Government's witnesses on the sale of the bank violated the Confrontation Clause. JA2316-2319. The court found Laffitte's argument was "wholly without merit." JA2422. He did not renew his Confrontation Clause claim on appeal and has therefore waived it. *United States v. Al-Hamdi*, 356 F.3d 564, 571 n.8 (4th Cir. 2004) ("[C]ontentions not raised in the argument section of the opening brief are abandoned.").

the sale; and (5) after voting to fire Laffitte, those Board members believed it would advance their interest in selling the bank to testify falsely against him at trial.

Laffitte essentially argues his "collateral evidence should have been permitted so that he could argue the possibilities of rivalry and if there was a rivalry, the possibilities of motivation, and if there was motivation, the possibilities of untruthful testimony. Resourceful as this argument may be, it is too speculative, too remote, too attenuated." *See United States v. Anderson*, 859 F.2d 1171, 1178 (3d Cir. 1988) (quotation marks omitted). And it does not show bias or motive to lie on the part of any Government witness.

After giving defense counsel numerous opportunities to identify with specificity which witnesses their proposed evidence would show had bias or a motive to lie and to explain how Laffitte's theory was relevant to the case, the court found, "I think you are just, you know, just dressing it up and calling it motive. This is classic impeachment evidence. But it's impeachment evidence irrelevant to the case. And it is -- you are trying to prove it by extrinsic evidence." JA1680. The district court did not abuse its discretion by finding Laffitte did not show his proposed evidence was probative of bias or motive. JA1678; JA1680; JA1686; JA1687; *see McNatt*, 931 F.2d at 256. "[I]t was an effort to attack [the witnesses'] credibility by extrinsic evidence," and the court "properly excluded it" under Rule

608(b). *Id.* Because it did not show bias or motive, the court also properly found it was irrelevant under Rule 401. JA1678; JA1680; JA1686.

b. The court did not abuse its discretion by excluding the evidence under Rule 403.

Even if Rule 608(b) allowed the evidence, the district court did not abuse its discretion by excluding it because it would have led to a "trial within a trial" and confused the jury. JA1678; JA1686. Under Rule 403, evidence admissible under Rule 608(b) "still might be properly excluded 'if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury.'" *United States v. Hill*, 322 F.3d 301, 305-06 (4th Cir. 2003) (quoting Fed. R. Evid. 403); *see* Fed. R. Evid. 608, 2003 Amend. cmt. ("the amendment leaves the admissibility of extrinsic evidence offered for other grounds of impeachment (such as . . . bias . . .) to Rules 402 and 403").

Although a witness's bias is "always relevant," *Davis v. Alaska*, 415 U.S. 308, 316 (1974), "a trial court may, of course, impose reasonable limits on defense counsel's inquiry into the potential bias of a prosecution witness, to take account of such factors as" confusion of the issues or questioning that would be "only marginally relevant," *Olden v. Kentucky*, 488 U.S. 227, 232 (1988) (cleaned up). Assessing the probative value of proposed evidence "and weighing any factors counseling against admissibility is a matter first for the district court's sound judgment under Rules 401 and 403[.]" *Abel*, 469 U.S. at 54.

Here, admitting Laffitte's proposed evidence "would have necessitated an exhaustive case within a case that would have confused the jury as to the issues to be decided." *Hill*, 322 F.3d at 306. At the very least, the jury would have had to (1) determine which members of the Board wished to explore selling the bank and which did not; (2) consider whether any Government witness's feelings about exploring a sale of the bank in 2020 led to an ongoing riff with Laffitte in the Fall of 2021; (3) decide whether any ongoing riff motivated any of the Government's witnesses to vote to fire Laffitte when his criminal conduct was uncovered; and (4) decide whether their motivations for firing Laffitte would motivate them to lie on the stand or make their testimony less credible. In rejecting Laffitte's "invitation to go down this path, the district court acted rationally and reasonably." *Id.* The court found the evidence would have led to a "trial within a trial" and confused the jury. JA1678; JA1686. The court did not abuse its discretion by excluding it.

4. Any error in excluding the proposed evidence was harmless.

An evidentiary error "is harmless if it's highly probable that it did not affect the judgment." *United States v. Burfoot*, 899 F.3d 326, 340 (4th Cir. 2018) (cleaned up). Exclusion of evidence relevant to bias or motive is harmless if "the jury is in possession of sufficient information to make a discriminating appraisal of the witness' possible motives for testifying falsely in favor of the government." *United States v. James*, 609 F.2d 36, 47 (2d Cir. 1979). The jury had sufficient evidence to

examine the possible bias or motive of the Government's witnesses, and there was overwhelming evidence of Laffitte's guilt. Any exclusion of Laffitte's proposed evidence was harmless.

Defense counsel argued in opening that there were "two different sides of the family"—one that "actually works at the bank and has worked at the bank for generations, while the other side . . . no longer works at the bank. And they have sort of completely different interests in the bank and with each other." JA209. The jury knew that Laffitte and his father, brother, and sister all worked day-to-day in the bank, and others on the Board did not. JA370 (Norris Laffitte testimony); JA1052 (Spann Laffitte testimony); JA1093 (Lucius Laffitte testimony); JA1136 (Becky Laffitte testimony); JA1548, JA1555 (Charles Laffitte, III, testimony); JA1601-1602 (Charlie Laffitte testimony); JA1655-1656 (Gray Henderson testimony). They knew the Government's witnesses were shareholders and heard several of them testify that they voted to fire Laffitte because of their duty as Board members to protect the bank's shareholders. JA367-368, JA372 (Norris Laffitte testimony); JA713-714, JA745-746 (Malinowski testimony); JA1056 (Spann Laffitte testimony); JA1137, JA1165-1166 (Becky Laffitte testimony). And they knew Laffitte's father, brother, and sister were the only Board members who did not vote to fire him. JA1092 (Lucius Laffitte testimony).

Defense counsel asked Jan Malinowski whether Board members were worried about avoiding personal liability for the money stolen from Murdaugh's clients and "if somehow Russell Laffitte is painted as a rogue board member or rogue bank employee or rogue Board officer, and did all this on his own, . . . wouldn't it be less of a chance for the Board members to be personally responsible?" JA713-714. He underscored that argument in closing: "And the Board members testified, understandably, they were worried about personal liability, so they wanted to pin everything on Russell." JA2152. Counsel also argued, "a really key piece of this was the motivation for people to testify. And on direct examination by the Government, their own witnesses, these Board members, testified that they were shareholders of the bank. And they kept talking about how much they wanted to look out for what was in the best interest of the shareholders." JA2187-2188. Counsel emphasized, "it helps to know what people's intentions and motivations are based on." JA2188. The court also charged the jury before the trial and before deliberations that, in deciding what weight to give a witness's testimony, it should consider whether the witness has "an interest in the outcome of the case or any bias or prejudice concerning any party or any matter involved." JA174; JA2229.

The record was more than sufficient to "put the jury on notice" of the supposed reasons the Government's witnesses had for testifying, *see James*, 609 F.2d at 47,

and the jury had overwhelming evidence of Laffitte's guilt, *supra* n. 14; *infra* Part IV.B. Any error in excluding the evidence was harmless.

IV. THE EVIDENCE WAS SUFFICIENT TO CONVICT LAFFITTE OF BANK AND WIRE FRAUD AS AN AIDER AND ABETTOR AND A PRINCIPAL.

A. Standard of Review

The Court reviews the denial of a motion for acquittal de novo, taking the evidence in the light most favorable to the Government. *United States v. Wiley*, 93 F.4th 619, 632 (4th Cir. 2024). The Court cannot consider the credibility of witnesses and assumes the jury resolved any contradictions in testimony in the Government's favor. *Id.* Reversal is warranted only if "no reasonable juror could have found the essential elements of the crime charged beyond a reasonable doubt," *id.* (quotation marks omitted), and it "must be confined to cases where the prosecution's failure is clear," *United States v. Palomino-Coronado*, 805 F.3d 127, 130 (4th Cir. 2015) (quotation marks omitted).

B. The evidence was more than sufficient to convict Laffitte of bank and wire fraud.

A reasonable juror could convict Laffitte of bank and wire fraud as both an aider and abettor and a principal. Counts Two and Three related to Laffitte's conspiracy with Alex Murdaugh to obtain money from and defraud Murdaugh's clients. Count Two alleged Laffitte committed bank fraud and aided and abetted bank fraud by negotiating and distributing a check totaling $101,369.49 from the Badger

settlement to Hannah Plyler, in violation of 18 U.S.C. §§ 1344(2) and 2. JA39; JA30 n.1. Count Three alleged Laffitte committed wire fraud and aided and abetted wire fraud when he distributed $33,789.83 in Badger funds into Murdaugh's personal account, in violation of 18 U.S.C. §§ 1343 and 2. JA40, JA30 n.1. The jury was instructed that it could convict Laffitte as a principal or as an aider and abettor. JA2253-2256. And it convicted him of bank and wire fraud as the principal, aider and abettor, and/or co-participant in a jointly undertaken criminal activity. JA2287-2288. Those convictions should be affirmed.

1. The evidence was sufficient to convict Laffitte of aiding and abetting bank and wire fraud.

The evidence was sufficient to prove that, at the very least, Laffitte aided and abetted Murdaugh in committing bank and wire fraud. A defendant is guilty of aiding and abetting if he "(1) takes an affirmative act in furtherance of [an] offense, (2) with the intent of facilitating the offense's commission." *Rosemond v. United States*, 572 U.S. 65, 71 (2014). The second element is satisfied when a person "actively participates in a criminal scheme knowing its extent and character[.]" *Id.* at 77. Laffitte has not appealed his aiding and abetting convictions, and they should be affirmed.

First, the evidence supported the jury's finding that Laffitte took affirmative action in furtherance of the bank and wire fraud scheme. Murdaugh asked Laffitte to serve as Hannah Plyler's conservator. Laffitte then extended himself and

Murdaugh hundreds of thousands of dollars in loans from Hannah's conservatorship. For three years, he moved money from Hannah's conservatorship to Murdaugh's accounts to cover Murdaugh's overdraft. Murdaugh had Laffitte appointed as conservator or personal representative for additional clients—Natasha Thomas, Hakeem Pinckney, and Donna Badger—and the pair used money stolen from those clients to pay Hannah back.

When Pinckney and Thomas's settlement funds were disbursed in December 2011, Pinckney was deceased and Thomas was 19. JA1294, JA1297 (Thomas testimony). Neither needed a conservator. JA1990 (Russell Laffitte testimony). But Laffitte signed their disbursement sheets as conservator anyway, and he collected $75,000 in conservator fees despite never managing any money for them. JA2873; JA2878. Those disbursement sheets said Palmetto State Bank was supposed to get $325,000 for Thomas and $309,581.46 for Pinckney. JA2873; JA2878.

On December 20, Murdaugh asked Laffitte to call him. SA005. The same day, the law firm issued checks payable to Palmetto State Bank in the amount of $325,000 for "Settlement Proceeds; Natasha Thomas," JA2909, and $309,581.46 for "Settlement Proceeds, Hakeem L. Pinckney," JA2911. The next day, both checks were deposited at the bank. JA1374 (Womble testimony). Laffitte used Pinckney and Thomas's settlement funds to repay loans he had extended Murdaugh from Hannah Plyler and Malik Williams's conservatorships; to repay a personal loan from

Laffitte's father; and to make payments on Murdaugh's boat. JA3151. He also sent money to Murdaugh's father and wife. JA3151. The day after he distributed the settlement money, Laffitte filed documents telling the probate court no money had come through the conservatorships, and he asked the court to close them out because neither Pinckney nor Thomas needed a conservator. SA008-013.

The day Arthur Badger signed his disbursement sheet—November 19, 2012—Murdaugh had a meeting at the bank. JA2883-2884. The disbursement sheet said $1,325,000 was to go to Palmetto State Bank to fund a structure.[18] JA2882. It also showed $35,000 from Arthur's settlement would go to "Russell Laffitte (Personal Representative Fee)"—even though he did not serve as Arthur's personal representative or manage any funds for the estate. JA2882. Two days later, Laffitte deposited that $35,000 PR fee and used it to pay off loans he had taken from Hannah's account. JA1313-1314 (Womble testimony); JA3137.

In February 2013, Murdaugh emailed Laffitte and asked him to email Murdaugh requesting that check number 43162, dated November 19, 2012 (the same day Arthur's disbursement sheet was signed and the same day Murdaugh had a

[18] At his bond hearing in September 2022, Laffitte testified that he had seen the disbursement sheet, which was consistent with an earlier statement to the FBI. JA1969; JA3222 (Laffitte's bond hearing testimony); JA2003-2004 (Laffitte's trial testimony). Although Laffitte testified at trial that he was not sure when he first saw the disbursement sheet, JA2004, evidence supports his earlier, contrary testimony. And the Court is to assume the jury resolved the contradiction in the Government's favor. *Wiley*, 93 F.4th at 632.

meeting at the bank), for $1,325,000 (the same amount that Palmetto State Bank was supposed to receive to fund Arthur's structure) be recut into four smaller checks. JA2933. Laffitte created a new email chain and asked Murdaugh to have the law firm's CFO recut the check into four smaller ones. JA2932. Murdaugh forwarded that email to the CFO, JA2932, and the checks were recut as Laffitte requested, JA3297. Laffitte deposited one of the recut Badger checks into Hannah Plyler's conservatorship four days later. JA2886-2887. He directed the second check to one of Murdaugh's law partners and the third to Murdaugh's father. JA2885; JA2888.

As the scheme continued, the fourth check recut at Laffitte's behest—for $709,586.45—was voided and cut into 11 smaller checks. JA1397-1398 (Womble testimony); JA3297. Laffitte deposited one of those checks—for $101,369.49 with "Estate of Donna Badger" in the memo line, JA2890—into Hannah Plyler's conservatorship. That check was the basis for the bank fraud charge in Count Two. Laffitte negotiated another of the checks—for $33,789.83 with "Estate of Donna Badger" in the memo line—directly into Murdaugh's account. JA2903-2904. Laffitte wrote "for deposit only" on the check and Murdaugh's account number on the deposit slip—which also said "Donna Badger"—and gave it to a teller to deposit:

JA2903-2904; JA2012-2013 (Russell Laffitte testimony). That check was the basis for the wire fraud charge in Count Three.

In another example, on October 22, 2013, Laffitte emailed Murdaugh asking for a deposit. JA2934. Murdaugh was nearly $65,000 in overdraft. JA1007-1008 (Swinson testimony). He responded, "Can u make a loan from Hannah and I will

pay it as we discussed." JA2934. Laffitte answered the next day, "I transferred 70k this morning." JA2934. He had transferred $70,000 from Hannah's account into Murdaugh's. JA1321 (Womble testimony). Five days later, Laffitte negotiated $101,369 from Arthur Badger's settlement to pay back Hannah. JA2892-2893. The trend continued until Hannah turned 18.

In sum, Laffitte negotiated every single one of the Pinckney, Thomas, and Badger checks for Murdaugh's benefit, even though the checks were drafted to Palmetto State Bank and referenced the victims on the memo lines. Purporting to have authority to direct disbursement of the Badger settlement funds, he asked the law firm to recut Arthur's check into smaller amounts, making it easier for Murdaugh to steal it. He directed stolen client funds into the conservatorship accounts he was charged with managing to repay loans he had extended Murdaugh to cover Murdaugh's overdraft. He even structured cash withdrawals for Murdaugh. JA2000-2001 (Russell Laffitte testimony). Overwhelming evidence supported the jury's finding that Laffitte took affirmative action in furtherance of the bank and wire fraud scheme. He has not argued otherwise.

Second, the evidence was sufficient to prove Laffitte intended to facilitate the bank and wire fraud. The jury found Laffitte guilty of conspiracy to commit wire and bank fraud, JA2287-2288, with the object of "obtain[ing] money and property by means of false and fraudulent pretenses, representations, and promises, and

[defrauding Murdaugh's] personal injury clients," JA37-38. In convicting him, the jury necessarily found that Laffitte and Murdaugh agreed to commit wire and bank fraud, that Laffitte knew of that unlawful purpose, and that he willfully joined the agreement with the intent to further the unlawful purpose. *See United States v. Vinson*, 852 F.3d 333, 351 (4th Cir. 2017); 18 U.S.C. § 1349. Laffitte has not appealed that conviction. And the same evidence proving he joined the conspiracy with intent to further the bank and wire fraud scheme "prov[es] guilt of aiding and abetting as well." *United States v. Burgos*, 94 F.3d 849, 873 (4th Cir. 1996) (en banc) (cleaned up).

In short, helping Murdaugh helped Laffitte. Laffitte admitted he took actions to help Murdaugh because Murdaugh was a customer, JA1996, JA2009, JA2013-2014, JA2049, JA2053 (Russell Laffitte testimony)—a "large customer" who earned the bank a lot of money and who Laffitte admitted got more leeway than others, JA1842-1843, JA2046 (Russell Laffitte testimony). Keeping Murdaugh happy benefitted Laffitte's bank.

It also benefitted Laffitte personally. He collected $110,000 from Pinckney, Thomas, and Badger without managing any money for them or even meeting them in his capacity as their conservator or PR. And he didn't pay taxes on that income because he knew he could hide it from the IRS. JA2043-2044 (Russell Laffitte testimony). His fee checks (like all of the settlement checks) were drafted to

Palmetto State Bank instead of to him directly.[19] JA2043-2044 (Russell Laffitte testimony). Laffitte helped Murdaugh defraud his clients, and in exchange, Laffitte made about $458,000 in conservator and PR fees. JA3157. Laffitte acted with intent to facilitate bank and wire fraud.

The Government proved Laffitte aided and abetted Murdaugh in committing bank and wire fraud. He's made no argument to the contrary, and his convictions should be affirmed. *See United States v. Ealy*, 363 F.3d 292, 298 (4th Cir. 2004) (holding that when a defendant is convicted based on alternative theories and evidence is sufficient to convict on one, the Court need not consider the other).

2. The evidence was sufficient to convict Laffitte of bank and wire fraud as a principal.

Laffitte's convictions should also be affirmed because there was sufficient evidence for the jury to find he committed bank and wire fraud as a principal. As relevant here, Count Two required the Government to prove beyond a reasonable doubt that Laffitte knowingly executed a scheme to obtain property held by a financial institution "by means of" false or fraudulent pretenses. 18 U.S.C. § 1344(2); *see United States v. Chittenden*, 848 F.3d 188, 195 n.4 (4th Cir.), *cert granted, judgment vacated on other grounds*, 583 U.S. 971 (2017). Count Three required the Government to prove that Laffitte devised, or intended to devise, a

[19] Laffitte amended his tax returns in 2021, after his crimes were uncovered. JA1975-1976 (Russell Laffitte testimony).

scheme or artifice to defraud or for obtaining money or property "by means of" false or fraudulent pretenses, representations, or promises. 18 U.S.C. § 1343; *see United States v. Raza*, 876 F.3d 604, 614 (4th Cir. 2017).

Loughrin v. United States, 573 U.S. 351, 362-63 (2014), held the bank fraud statute's "by means of" language imposes a textual limitation on its reach: there must be a "relational" connection between the false statement and the obtaining of bank property, meaning "[t]he criminal must acquire (or attempt to acquire) bank property 'by means of' the misrepresentation." Contrary to Laffitte's claims, Br. 70-74, a reasonable juror could find the $101,369.49 and $33,789.83 transactions were induced by Laffitte's misrepresentations (1) that he had authority to direct disbursement of the Badger money and (2) that the Badger money belonged to Murdaugh.[20]

[20] Laffitte's claim that it is a "critical" element of the wire fraud statute that the transaction be effectuated "by means of" misrepresentations, Br. 70-71, seems to conflict with this Court's precedent. *Elbaz*, 52 F.4th at 603 n.4 (noting "scheme or artifice" under wire fraud statute "may alternatively be" one "to defraud" or one "for obtaining money or property by means of false or fraudulent pretenses, representations, or promises"); *Vinson*, 852 F.3d at 355 ("[T]he essential elements of wire fraud 'are (1) the existence of a scheme to defraud and (2) the use of a wire communication in furtherance of the scheme.'"). But if the *Loughrin* standard does apply to the wire fraud statute, it is satisfied here.

a. Laffitte's misrepresentation that he had authority to direct disbursement of the Badger settlement funds induced the bank and wire fraud transactions.

Murdaugh had Laffitte appointed as the personal representative for Donna Badger's estate. JA1887 (Russell Laffitte testimony). He had a disbursement sheet for Arthur's settlement prepared listing Laffitte as the PR and Palmetto State Bank as the payee for $1,325,000. JA2882; JA451 (Seckinger testimony). Then he emailed Laffitte, asking Laffitte to email him requesting to have the $1,325,000 settlement check recut. JA2933. Laffitte didn't ask any questions. He didn't tell Murdaugh to do it himself. He didn't respond to Murdaugh's email directly or forward it to the law firm. Instead, he created a new email thread and asked Murdaugh to have the law firm's CFO recut Arthur's check. JA2932; JA2933. Laffitte misrepresented himself to have authority to direct disbursement of the funds, knowing the firm would listen to him. A reasonable juror could easily find that misrepresentation was integral to ensuring the success of the scheme.

Explaining why the firm recut the checks, the law firm's CFO, Jeanne Seckinger, testified she was relying on Laffitte: "[W]e were relying on the fact that Alex was telling us the truth and that this is where the money should go, and *relying on the banker that we have a long relationship, who is also my brother-in-law*." JA531 (Seckinger testimony) (emphasis added). Cross-examined about the $1,325,000 check that got recut, she said, "at this point, we were relying -- if they

had never gotten a check, the question in my mind is, *why didn't [Laffitte] say, what check, and what is this for?*" JA558 (Seckinger testimony) (emphasis added). Relying on Laffitte—the PR for the estate—Seckinger thought the recut checks "were going to be funds that were invested for the various children, the beneficiaries of Donna Badger." JA531 (Seckinger testimony).

Murdaugh's law partner, Ronnie Crosby, testified that when he uncovered Murdaugh and Laffitte's emails about recutting the Badger check in early 2022, he was "alarmed and shocked at what [he] was seeing." JA833 (Crosby testimony). He said, "everything just fit like a perfect glove. And the way Alex had asked Russell to do this, instead of him asking, you know, Jeanne to do it, he got Russell to do it. And then Russell replied, *not back to that e-mail copying Jeanne, but it was a totally separate e-mail that did not have Alex's request on it*. And I found it very concerning." JA834 (Crosby testimony) (emphasis added). Even Laffitte testified, "I realized how [that email] implicated me." JA1894 (Russell Laffitte testimony).

Laffitte argues the money involved in Counts Two and Three belonged to Arthur Badger, not Donna's estate, and "Laffitte was not personal representative—or anything else—for him." Br. 73. But as the Government argued at trial, "to the extent there was any confusion about these funds, that was all part of the scheme." JA2070. Laffitte was Donna's PR, but he took a $35,000 PR fee from Arthur's settlement. JA2882. That fee check had Arthur's name—not Donna's—in the memo

line.[21] JA3137. The $101,369.49 and $33,789.83 checks came from Arthur's settlement, but they said "Estate of Donna Badger" in the memo lines. JA2890; JA2903; JA1900 (Russell Laffitte testimony). Laffitte and Murdaugh blurred the lines between the estate's settlement and Arthur's. And they used the confusion to further their scheme to get Arthur's money.

The evidence was sufficient to prove Laffitte misrepresented that he had authority to direct the disbursement of the $1,325,000. Then he negotiated $101,369.49 he knew belonged to the Badgers to repay unsecured loans he had extended Murdaugh from Hannah Plyler's conservatorship, and he deposited $33,789.83 of Badger money into Murdaugh's account. Laffitte's bank and wire fraud convictions should be affirmed.

b. Laffitte's misrepresentations that the Badger money was Murdaugh's induced the bank and wire fraud transactions.

The evidence is also sufficient to convict Laffitte as a principal because every time he negotiated a check involving stolen settlement funds, he misrepresented to the bank that the money belonged to Murdaugh. Without those misrepresentations, the bank and wire fraud transactions would not have happened. *See Loughrin*, 573

[21] Laffitte says collecting his PR fee from Arthur's settlement, instead of Donna's, was just a "mistake." Br. 10 (citing JA2005). It wasn't. Laffitte testified that only $500 went through Donna's estate. JA2054 (Russell Laffitte testimony). It would have been impossible—and illegal absent court approval—for Laffitte to collect a $35,000 fee from an estate with only $500 in it. JA1767-1769; JA1812-1813.

U.S. at 363 (noting "by means of" requirement is satisfied "most clearly, when a defendant makes a misrepresentation to the bank itself").

The checks underlying Counts Two and Three were made out to Palmetto State Bank—not Murdaugh—and said "Estate of Donna Badger" in the memo lines. JA2890; JA2903. Laffitte said he did not know the money came from Badger's settlement, *e.g.*, JA1900-1901 (Russell Laffitte testimony), but the jury did not believe him. Regardless, Laffitte admitted he knew the money belonged to the bank because it was the payee on the checks. *See* JA1903 (Russell Laffitte testimony). The bank's compliance officer—Laffitte's first witness—said he would not have negotiated those checks for Murdaugh like Laffitte did, and any bank teller would have known not to. JA1507, JA1509, JA1512 (John Peters testimony). If the money had been Murdaugh's, the checks would have been made payable to Murdaugh. JA1510-1511 (Peters testimony).

When Laffitte negotiated the checks for Murdaugh's benefit, he misrepresented to the bank that the $101,369.49 and $33,789.83 belonged to Murdaugh. A reasonable juror could find those misrepresentations induced the bank to part with the money. Without them, the transactions would not and could not have occurred.

Any argument that Laffitte could not have defrauded the bank because he could not have defrauded himself fails twice over. First, Laffitte was a banker, but

he was not the bank. *See* JA593 (Malinowski testimony); JA1272-1273 (Rich testimony). Second, the evidence supported a finding that Laffitte used tellers to effectuate the transfers. When the $33,789.83 check underlying Count Three was deposited into Murdaugh's account on January 21, 2014, at 11:33 am, so was another check for $50,684.75 that also said "Estate of Donna Badger" in the memo line. JA2895-2896; JA2903-2904. Laffitte wrote "for deposit only" on both checks, and both deposit slips had Donna Badger's name and Murdaugh's account number on them. JA2895-2896; JA2903-2904. Laffitte testified that he gave the $50,684.75 check to a teller to deposit. JA2011 (Russell Laffitte testimony). The jury was entitled to infer that he gave her the $33,789.83 check at the same time. And when he did, he misrepresented to the bank that the money was Murdaugh's.

Laffitte's misrepresentations induced the bank and wire fraud transactions, and his convictions should be affirmed.

V. THE DISTRICT COURT PLAINLY AND REVERSIBLY ERRED BY WAIVING INTEREST ON RESTITUTION WITHOUT FIRST FINDING LAFFITTE IS UNABLE TO PAY.

A. Standard of Review

The Government did not object to the waiver of interest on restitution, so review is for plain error.

B. The district court plainly erred by waiving Laffitte's obligation to pay restitution interest without first finding Laffitte is unable to pay, as required by statute.

The Mandatory Victims Restitution Act (MVRA) requires district courts to order restitution in the full amount of the victims' loss caused by certain offenses—including Laffitte's—without regard to the defendant's financial condition or ability to pay. 18 U.S.C. §§ 3663A, 3664. Section 3612(f) of Title 18 requires district courts to impose interest on restitution orders exceeding $2,500 if they're not paid with 15 days of the judgment. 18 U.S.C. § 3612(f)(1). Interest may be waived *only* if the court first "determines that the defendant does not have the ability to pay interest." 18 U.S.C. § 3612(f)(3)(A). The court did not make the required finding in Laffitte's case. That was plain error.

In *United States v. Dawkins*, 202 F.3d 711, 716 (4th Cir. 2000), this Court vacated and remanded a restitution order where the district court did not make the factual findings required by the MVRA. The statute requires district courts to (1) consider several statutory factors before determining how restitution is to be paid and (2) "make a factual finding keying the statutory factors to the type and manner of restitution ordered;" courts "must find that the manner of restitution ordered is feasible." *Id.* The Court explained that "[s]uch fact-finding requirements are necessary to facilitate effective appellate review," and district courts may comply with them by announcing their findings on the record or "by adopting adequate

proposed findings contained within a presentence report." *Id.* (quotation marks omitted).

The court in this case did neither. There was no discussion at sentencing about whether Laffitte could pay restitution interest. JA2654-2859. The court did not announce its "finding" in the negative until it issued a written judgment. JA2644. And although the court adopted the PSR as its findings of fact, JA2701, the PSR did not contain a finding—or factual information to support a finding—that Laffitte could not pay restitution interest.

The PSR did include a recommended special condition of supervision stating interest on any restitution order would be waived. JA3522. It also noted Laffitte's "ability to pay the required restitution may be impacted should a fine be imposed," and "it d[id] not appear the defendant will have the ability to pay a fine in addition to" restitution. JA3518. But the PSR estimated restitution to be $4,352,582.78, and the guideline fine range was $30,000 to $300,000 per count. JA3518; JA3522. The final restitution order was nearly $800,000 less than the amount estimated in the PSR, and the district court did not impose a fine. JA3522; JA3454. So the district court's adoption of the PSR as its factual findings did not amount, and could not have amounted, to a finding that Laffitte could not pay restitution interest.

At sentencing, Laffitte objected to an $85,854.73 forfeiture money judgment for conservator fees he had not disgorged. Counsel argued, "[the court] made a

comment earlier about, you know, the fine and victims having priority," and "there is going to be an ability-to-pay problem at the end of the day here." JA2717. The court responded, "I'm not sure that's true." JA2717. It told defense counsel, "You know, the PSR, which I've adopted as the findings of fact for purposes of sentencing, shows he has assets of $10 million and liabilities of 5 million. But I've just assessed restitution of $3,555,884. So, there should be sufficient funds, so I'm not sure that's a factor." JA2719-2720. The court seemed to suggest Laffitte's assets and liabilities would weigh in favor of a finding that he could also pay restitution interest.

The district court's waiver of interest without finding Laffitte cannot pay runs directly counter to the plain language of the statute and this Court's directive in *Dawkins*. The error is plain. *See United States v. Goode*, 342 F.3d 741, 744 (7th Cir. 2003) (holding imposition of interest was proper because it is mandatory under § 3612(f)(1) and the "interest obligation could not be disturbed because the court made no determination at sentencing under § 3612(f)(3) that [the defendant] was unable to pay").

The error also affects the Government's substantial rights. *United States v. Perkins*, 108 F.3d 512, 517 (4th Cir. 1997) ("Under *Olano*, the government can demonstrate an effect on substantial rights if the plain error prejudiced the outcome of the proceedings."); *see United States v. Blatstein*, 482 F.3d 725, 732-33 (4th Cir.

2007). Had the district court considered whether Laffitte can pay interest on restitution, it could not have reasonably concluded he cannot.

[redacted]

The restitution judgment was $3,555,884.80. JA2641. At a rate of 5.34% (the rate under § 3612(f)(2)(B) as of August 11, 2023), Laffitte would accrue about $190,000 in annual interest. It would take over four years for the ordered restitution plus interest to reach the original restitution number included in the PSR—$4,352,582.78—which the Probation Office found Laffitte had the ability to pay. *See* JA3518 (noting Laffitte's ability to pay restitution would be impacted only if a fine were imposed). The district court could not have reasonably found Laffitte is unable to pay interest. Waiving interest without making a finding on his ability to pay therefore affected the outcome of the proceeding.

Additionally, waiving interest has a substantial negative effect on Laffitte's

22 [redacted] The court enjoined Laffitte from liquidating or transferring any interest in those assets. JA2856-2857. Laffitte has not liquidated them and therefore has not yet incurred any tax liability.

victims. Money depreciates over time, and "the 'time-value' of money means that restitution paid sooner is more valuable for the victim[s]." *United States v. Pincus*, No. 19-cr-436, 2023 WL 3571218, at *3 (E.D.N.Y. May 19, 2023). Laffitte's bank and Murdaugh's law firm paid millions to make Laffitte and Murdaugh's victims financially whole. Laffitte has means to repay them, and every day he doesn't, the victims lose more money. They should be paid the statutorily mandated interest.

Finally, the district court's error seriously affects the fairness, integrity, and public reputation of judicial proceedings. The MVRA makes restitution mandatory, and § 3612 makes interest mandatory unless a defendant is unable to pay. Laffitte is able to pay. Allowing him not to despite the law's unequivocal directive diminishes the purpose of restitution in making victims whole. It also weakens public trust in the criminal sentencing scheme by allowing similarly situated defendants to face disparate consequences.

Laffitte and Murdaugh's crimes have attracted substantial attention from across the world, and they have seriously undermined public faith in the legal system, particularly in South Carolina. Allowing Laffitte to escape paying required interest on the restitution he owes his victims risks further eroding the public's trust in judicial proceedings. The waiver of interest should be vacated, and the case should be remanded for factual findings on Laffitte's ability to pay.

CONCLUSION

Laffitte received a full and fair trial before an impartial jury of his peers, and his convictions should be affirmed. But the district court's order waiving restitution interest should be vacated, and the case should be remanded for further factual findings.

STATEMENT ON ORAL ARGUMENT

Nearly all of Laffitte's claims are either waived or forfeited and the remainder are meritless. The United States respectfully suggests that oral argument is not necessary.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

No. 23-4509 (L); 23-4566 Caption: United States v. Russell Laffitte

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