

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 03-3063

September Term, 2003

(No. 01cr00113-02)

Filed On: February 19, 2004 [804321]

United States, Appellee

v.

David Pearson, Appellant

Appeal from the United States District Court
for the District of Columbia

Before: GINSBURG, *Chief Judge*, HENDERSON, *Circuit Judge*, and WILLIAMS, *Senior Circuit Judge*.

JUDGMENT

This cause was considered on the record from the United States District Court for the District of Columbia and on the briefs of the parties. It is

ORDERED AND ADJUDGED that the judgment of the district court be affirmed. In his plea agreement with the Government, the appellant agreed “to pay restitution in whatever amount up to \$153,600.00 is ordered by the Court.” The appellant had previously paid \$100,470.00 in restitution to his victim pursuant to a settlement agreement in a civil action. Under the terms of the plea agreement, however, the district court was free to regard that settlement as not dispositive of whether full restitution had been made. Thus, the district court did not abuse its discretion in ordering the appellant to pay the sum of \$52,130.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or for rehearing en banc. *See* Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY:

Deputy Clerk