



physical, psychiatric, and psychological care,” “the cost of necessary physical and occupational therapy and rehabilitation,” and lost income, for each victim of his crime(s). Id. § 3663(b)(2). The restitution statute directs the government to gather this information and provide it to the probation officer, who must then prepare a report containing “information sufficient for the court to exercise its discretion in fashioning a restitution order.” Id. § 2664(a). If all this cannot be done at least 10 days before sentencing, the Court may set a later date “not to exceed 90 days after sentencing.” Id. § 3664(d)(5). As noted earlier, that is what the Court did in this case: it sentenced the defendant to pay restitution (among other things) and deferred until September 22, 2015, the determination of the exact amount.

In Dolan v. United States, 560 U.S. 605 (2010), the Supreme Court held that a sentencing court may impose a restitution order even after the 90-day deadline where, as here, the court made clear before the deadline's expiration that it would order restitution, leaving open only the amount. Id. at 611. Other courts have effectively extended the 90-day deadline on Dolan's authority. See, e.g., United States v. Rodriguez, 751 F.3d 1244, 1250 (11<sup>th</sup> Cir. 2014). The government respectfully requests that the Court do so here.

The government requires an additional six weeks to gather and compile information in support of restitution because the process has proved unexpectedly complex. The number of deceased and seriously injured victims, the magnitude of their losses, and the variety of medical and professional services and devices related

to their care, make the process of calculating their losses subject to restitution time-consuming. Additional time will allow the government to calculate those losses with the accuracy needed for purposes of a detention order.

Tsarnaev's attorneys have informed the government that, without waiving any objections to restitution, they assent to this motion for an enlargement of time.

WHEREFORE, the government respectfully requests that the Court extend to September 28, 2015, the time in which the government may submit information in support of claims for mandatory restitution pursuant to 18 U.S.C. § 3664, and further adjust the schedule to allow sufficient time for the defendant to file a response and the Court to conduct any necessary hearings.

Respectfully submitted,

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