

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CASE NO. 4:09-CR-00099-01 BSM

RANDEEP MANN

DEFENDANT

RESTITUTION ORDER

Defendant Randeep Mann was convicted on August 9, 2010, and was sentenced on February 28, 2011. The only issue remaining is the amount of restitution defendant will be required to pay to Dr. Trent Pierce, the victim of the crimes committed by defendant. The parties have briefed the issues and a hearing was conducted on May 11, 2011, during which the government offered the testimony of Pam Faulkner, a CPA, and defendant offered the testimony of Jay Marsh, an economist. Having read the briefs, listened to weeks of trial testimony and the testimony given during the sentencing and restitution hearings, restitution is set at \$1,136,355.30.

The parties agree to restitution payments totaling \$475,561.49, including: (1) \$404,751.38 to Golden Rule Insurance Company for past medical payments; (2) \$33,995.64 to Encompass Insurance Company for past medical payments, and property damages payments for Dr. Pierce's home and automobile; and (3) \$36,814.47 to Dr. Pierce for past medical expenses and out of pocket expenses. That is where the agreement ends.

The government argues that defendant should pay restitution to Dr. Pierce for his future medical costs totaling \$323,475, including: (1) plastic surgery in the amount \$255,600;

(2) otolaryngology in the amount of \$40,000 to \$50,000 for hearing aids during the remainder of his life; (3) ophthalmology in the amount of \$17,875 for prosthetic eye polishing and replacement during the remainder of his life. Defendant objects, stating that the documents supporting these expenses are imprecise and call for speculation. Although there is some merit to defendant's argument, there is no question, based on all of the evidence introduced at trial, that Dr. Pierce will need ongoing medical treatment for the remainder of his life. It is also true that, given the injury suffered, the future medical expenses presented by Dr. Pierce are quite reasonable. Therefore, Dr. Mann is required to pay restitution to Dr. Pierce in the amount of \$323,475 for his future medical expenses. These expenses merely seek to return Dr. Pierce, to the extent possible, to the position he occupied prior to suffering his injuries.

The government asserts that Dr. Mann is required to pay restitution to Dr. Pierce for past lost income in the amount of \$214,226.74. Dr. Mann agrees to restitution in the amount of \$198,233.27. Based on the testimony of the experts at the hearing, Dr. Mann shall pay restitution to Dr. Pierce for past lost income in the amount of \$214,226.74.

The major dispute is regarding the amount of restitution that Dr. Mann should pay to Dr. Pierce for his future loss of income. The government offered the testimony of Pam Faulkner in support of its position that Dr. Pierce will suffer future lost income totaling \$824,252.39, while defendant offered the testimony of Jay Marsh in support of his position that the maximum amount of lost income Dr. Pierce will suffer in the future totals \$123,092.07. Having listened to the experts' testimony, the analysis provided by Marsh

seems to be more thorough than that of Faulkner; however, the determination that Dr. Pierce will suffer only \$123,092.07 in future lost earnings as a result of the injuries he sustained seems unreasonable. That being the case, the determination that Dr. Pierce will suffer \$824,252.39 in future income loss as a result of his injuries also seems unreasonable. For these reasons, Dr. Mann is ordered to pay restitution in the amount of \$123,092.07 for Dr. Pierce's future lost income. This amount is being ordered because it is the maximum amount agreed to by the parties. This will in no way affect Dr. Pierce's right to pursue additional damages in his personal injury lawsuit and should not be interpreted as an affirmation of the accuracy of Jay Marsh's testimony or calculations.

For all of the reasons set forth above, restitution is set at \$1,136,355.30 and shall be payable as follows: (1) \$404,751.38 to Golden Rule Insurance Company; (2) \$33,995.64 to Encompass Insurance Company; and (3) \$697,608.28 to Dr. Trent Pierce.

IT IS SO ORDERED this 13th day of May, 2011.


UNITED STATES DISTRICT JUDGE