

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA

v.

JIMMAR A. PAYNE

Defendant.

Criminal Action No. 2022-0013

Appearances:

Daniel H. Huston, Esq.,

Adam Francis Sleeper, Esq.,

St. Croix, U.S.V.I.

For the Government

Lisa L. Brown Williams, Esq.,

St. Croix, U.S.V.I.

For Defendant

ORDER

UPON CONSIDERATION of the Magistrate Judge’s Report and Recommendation (“R&R”) (Dkt. No. 41), in which the Magistrate Judge recommends that the Court grant Defendant’s “Motion to Dismiss Count Five” (Dkt. No. 34) over the Opposition of the United States (“the Government”) (Dkt. No. 37); the Government’s Objections to the R&R (Dkt. No. 43); and Defendant’s Response to the Government’s Objections (Dkt. No. 45); and for the reasons stated in the accompanying Memorandum Opinion, filed contemporaneously herewith, it is hereby

ORDERED that the Magistrate Judge’s Report and Recommendation (Dkt. No. 41) is **ADOPTED AS MODIFIED HEREIN**; and it is further

ORDERED that Defendant’s “Motion to Dismiss Count Five” (Dkt. No. 34) is **GRANTED**.

SO ORDERED.

Date: July 10, 2023

_____/s/_____
WILMA A. LEWIS
District Judge