United States Court of Appeals
For the Eighth Circuit

No. 21-3987

United States of America

Plaintiff - Appellee

v.

Amy Jurisic

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Eastern

Submitted: September 19, 2022
Filed: November 10, 2022
[Unpublished]

Before COLLOTON, WOLLMAN, and STRAS, Circuit Judges.

PER CURIAM.

Amy Jurisic used her job as a postal worker to steal checks from the mail. Although she claims that the district court's[1] intended-loss calculation is too high,

[1]The Honorable C.J. Williams, United States District Judge for the Northern District of Iowa.

see U.S.S.G. § 2B1.1(b), and that she should pay less in restitution, *see* 18 U.S.C. §§ 3663A, 3664, we affirm.

I.

The Dubuque post office started receiving complaints about stolen checks. The most frequent victim of the scheme was Flexsteel, a Dubuque-based furniture company. An anonymous tipster pointed the finger at Jurisic, who would snatch business envelopes and sell the checks inside.

Once her customers started cashing the checks, the investigation picked up steam. Investigators discovered that she had "numerous conversations with different individuals discussing checks and/or stealing mail (checks and credit cards)" on Facebook. One time she even asked a potential customer whether he "could do anything with a business-to-business check."

After investigators connected Jurisic to the stolen checks, she pleaded guilty to mail theft. *See* 18 U.S.C. § 1709. The district court held her responsible for stealing dozens of checks valued at more than $550,000. They became the basis for the intended-loss calculation, which was a key ingredient in the court's decision to give her a 33-month prison sentence. *See* U.S.S.G. § 2B1.1(b)(1) (specifying increases to the offense level of theft crimes based on the amount of the loss). Meanwhile, the value of the checks cashed provided the restitution amount, which was $62,456.33. *See* 18 U.S.C. §§ 3663A, 3664.

II.

Jurisic takes aim at both calculations. *See United States v. Smith*, 929 F.3d 545, 547–48 (8th Cir. 2019) (reviewing both for clear error). In her view, "anyone could have stolen and cashed" the missing checks. Based on the record, however, the district court concluded otherwise. *See id.* at 547 (explaining that, under clear-error review, courts reverse only "with a firm and definite conviction that a mistake has been made").

A.

For theft crimes like this one, the recommended sentencing range depends on the scheme's financial impact. The district court relied on the grand total of the checks, including those that were never cashed and are still missing, to measure "the pecuniary harm [Jurisic] purposely sought to inflict." U.S.S.G. § 2B1.1 cmt. n.3(A)(ii) (defining "[i]ntended loss"); *see United States v. Killen*, 761 F.3d 945, 950 (8th Cir. 2014) (explaining that intended loss includes "expected" loss because "a person is presumed to have intended the natural and probable consequences of his or her actions" (quotation marks omitted)). Our task is to determine whether the district court's finding that the intended loss was greater than $550,000 was clearly erroneous. *See Killen*, 761 F.3d at 948.

We conclude it was not. It was fair to infer from the evidence that Jurisic stole the missing checks. After all, she marketed the checks on Facebook, sent photographs of them to a potential customer, told the customer that she had "more" available, and had a connection to a house where investigators discovered a stash of them. There was little chance, as the district court noted, that two postal workers were stealing checks from the same post office at the same time. Based on these findings, the intended-loss calculation stands.

B.

So does the restitution award. Restitution is available "only to the extent sufficient evidence has proven [a victim's] ultimate loss." *See United States v. Adejumo*, 848 F.3d 868, 870 (8th Cir. 2017). If the district court "reasonably estimated the loss, we will affirm." *Smith*, 929 F.3d at 548 (quotation marks and brackets omitted).

The district court's estimate was a reasonable one. Like the intended-loss calculation, the restitution award reflected the well-supported finding that Jurisic stole the checks herself. For that reason, we cannot say that the district court clearly erred when it ordered restitution based on the total value of the checks cashed. *See id.* (explaining that the actual copies of checks and testimony by those familiar with the fraud can guide a district court's restitution calculation).

III.

We accordingly affirm the judgment of the district court.