

- VIII The District Court erred when it refused to dismiss the criminal forfeiture count of the indictment in light of the nature of the real estate and the dictates of the Religious Freedom and Restoration Act.
- IX Under the mistaken belief that restitution is mandatory in this case, the District Court has ordered York to pay over a half of million dollars in restitution. Such an order ignores any of York's current expenses and financial responsibilities. As the acts requiring restitution occurred prior to April of 1996, the proper guidelines for determining restitution is 18 U.S.C. § 3663 and not § 3663A. Any other application would violate the ex post facto protections of the Federal constitution.