APPENDIX A

[DO NOT PUBLISH]

In the United States Court of Appeals

For the Eleventh Circuit

No. 19-12283

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES JOSEPH BRYANT,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 6:18-cr-00188-PGB-TBS-1

Before WILSON, BRASHER, and ABUDU, Circuit Judges.

PER CURIAM:

James Joseph Bryant appeals his sentence of 120-months' imprisonment and 5 years' supervised release for firearm possession as a felon, arguing that: (1) the district court lacked jurisdiction because the indictment failed to allege that Bryant knew he was a felon; (2) the district court erred in accepting Bryant's plea because he was not informed that the government had to prove he was a felon; (3) the felon-in-possession statute exceeds congressional power under the Commerce Clause; (4) the district court erred in sentencing him under the Armed Career Criminal Act (ACCA) because his prior Florida conviction for aggravated assault does not qualify; (5) the district court erred in sentencing him under ACCA because the fact that his prior convictions were separate occasions was not an element of the offenses, proven to a jury beyond a reasonable doubt, or admitted by Bryant; and (6) the district court erred in sentencing Bryant above 18 U.S.C. § 924(a)(2)'s maximum penalty and the ACCA requirements were not charged in an indictment and proven to a jury beyond a reasonable doubt. After careful review, we affirm.

I. Background

In August 2018, Bryant was charged by indictment with possessing a firearm as a convicted felon. The indictment charged that Bryant:

> having been previously convicted in any court of a crime punishable by imprisonment for a term exceeding one year, including [four prior convictions], did knowingly possess, in and affecting interstate commerce, a firearm and ammunition, that is, a 9 mm Jimenez Arms, model JA Nine, pistol and Winchester ammunition. In violation of 18 U.S.C. §§ 922(g)(1) and 924(e).

The presentence investigation report (PSR) recommended that Bryant be sentenced pursuant to ACCA due to the four prior qualifying convictions: aggravated battery, aggravated assault, and two counts of possession of cocaine base with intent to distribute on different occasions, January 8, 1999, and January 15, 1999, respectively, that were resolved in the same federal case. Bryant never objected to the PSR's statement of the offense dates or the recommendation that the district court sentence him under ACCA based on those crimes. Ultimately, Bryant entered a guilty plea pursuant to a plea agreement in September 2018. The district court found the sentencing guidelines range to be 180 months, in part because of ACCA's application. While deciding ACCA applied, the district court ultimately imposed a prison term of 10 years (120 months) and a supervised release term of 5 years on May 29, 2019.

II. The District Court Did Not Lack Jurisdiction

"We review questions of subject matter jurisdiction de novo." *United States v. Morales*, 987 F.3d 966, 978 (11th Cir. 2021). However, "[u]nder the prior precedent rule, we are bound to follow a prior binding precedent 'unless and until it is overruled by

this court *en banc* or by the Supreme Court.'" *United States v. Vega-Castillo*, 540 F.3d 1235, 1236 (11th Cir. 2008) (quoting *United States v. Brown*, 342 F.3d 1245, 1246 (11th Cir. 2003)). A case is overruled only when there is actual conflict, not when there is merely inconsistent reasoning. *Id.* at 1237.

Someone previously convicted of a felony may not possess a firearm "in or affecting commerce." 18 U.S.C. § 922(g). At the time Bryant possessed the firearm, 18 U.S.C. § 924(a) provided that "[w]hoever knowingly violates subsection . . . (g) . . . of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both." 18 U.S.C. § 924(a)(2) (2006) (amended 2018 and 2022). We have applied the Supreme Court holding from *Rehaif v. United States*[1] to say that "18 U.S.C. § 922(g), when read in conjunction with § 924(a)(2), requires not only that the defendant know that he possesses a firearm, but also . . . know that he is a felon." *United States v. Bates*, 960 F.3d 1278, 1295 (11th Cir. 2020).

Generally, "[t]he standard for whether an indictment sufficiently alleges a crime is not demanding. An indictment tracking the statutory language and stating approximately the time and place of an alleged crime is sufficient." *United States v. Moore*, 954 F.3d 1322, 1332 (11th Cir. 2020). An omission of an element of a crime "does not strip the district court of jurisdiction." *Id.* at 1334. Specific to this statute, omission of the knowledge-of-felon-status element is not jurisdictional. *Id.* at 1336 (noting that *Rehaif* reached

[1] 139 S. Ct. 2191 (2019).

the merits and did not dismiss for lack of jurisdiction). We have further held that 18 U.S.C. § 924(a) need not be charged in addition to § 922(g), because § 922(g) is already a complete criminal prohibition. *Id.* at 1337.

Here, prior precedent establishes that failure to allege knowledge of felony status or charge a violation of § 924(a) does not compromise the subject matter jurisdiction of the district court. While this omission may render an indictment insufficient, as held in *Moore*, this fact alone will not invalidate jurisdiction. *Id.* at 1334. Therefore, Bryant's claim to the contrary cannot stand, and jurisdiction was not implicated in this case.

III. The District Court Did Not Plainly Err in Accepting Bryant's Guilty Plea

We "review[] the issue of a Fed. R. Crim. P. Rule 11 violation for plain error when it was not raised before the district court." *United States v. James*, 210 F.3d 1342, 1343 (11th Cir. 2000). Plain error places the burden on the defendant to establish (1) an error; (2) that is plain; (3) that has affected the defendant's substantial rights; and (4) the error seriously affects "the fairness, integrity or public reputation of judicial proceedings." *Greer v. United States*, 141 S. Ct. 2090, 2096–97 (2021). For an error to be plain, the issue must be specifically resolved by the operative text or by precedent from us or the Supreme Court. *United States v. Lejarde-Rada*, 319 F.3d 1288, 1291 (11th Cir. 2003).

When a defendant seeks to invalidate a guilty plea on Rule 11 grounds, under plain error review, the defendant must

demonstrate his substantial rights were affected by "show[ing] a reasonable probability that, but for the error, he would not have entered the plea." *United States v. Dominguez Benitez*, 542 U.S. 74, 83 (2004). The Supreme Court has suggested that at least a certain class of constitutional error relieves the defendant of this obligation. *Id.* at 84 n.10 (noting that "when the record of a criminal conviction obtained by guilty plea contains no evidence that a defendant knew of the rights he was putatively waiving, the conviction must be reversed" (citation omitted)). However, neither we nor the Supreme Court have made a distinction between the Rule 11 and due process analyses in cases analyzing *Rehaif* errors; both have required the defendant to show a reasonable probability that, but-for the error, they would not have pled guilty. *Greer*, 141 S. Ct. at 2096–98; *Bates*, 960 F.3d at 1295–96; *United States v McLellan*, 958 F.3d 1110, 1118–20 (11th Cir. 2020). We review the whole record to determine if there was a substantial effect on the defendant's rights. *United States v. Dudley*, 5 F.4th 1249, 1256 (11th Cir. 2021).

In *Greer*, the Supreme Court held that the defendant had not established plain error for failure to inform him that the government would be required to prove that he knew he was a felon, in part because "[i]f a person is a felon, he ordinarily knows he is a felon." 141 S. Ct. at 2097. We have reviewed other evidence that the defendants making challenges under *Rehaif* knew they were felons. *Moore*, 954 F.3d at 1337–38 (noting defendants had served lengthy sentences, had previously been charged under § 922(g), stipulated to their felony convictions, and one bore a tattoo stating the duration of his prior sentence).

Here, Bryant's claim does not survive plain error review. As an initial matter, it was plainly erroneous for the district court not to inform Bryant that the government would be required to prove his knowledge of felony status, and this error is the only defect in his plea colloquy. But Bryant has not asserted that he would not have pled guilty had he been properly informed. Moreover, he likely knew he was a felon as he had been released from a 160-month sentence in 2011, something he is unlikely to forget, and expressed no confusion at being classed as a felon. The bottom line: Bryant has not alleged he did not know he was a felon, nor has he shown a reasonable probability that he would not have pled guilty absent the error. Therefore, under plain error review, Bryant's claim necessarily fails.

IV. 18 U.S.C. § 922(g) is Constitutional

Challenges to the constitutionality of statutes are reviewed de novo if raised below and otherwise for plain error. *United States v. Wright*, 607 F.3d 708, 715 (11th Cir. 2010).

As a preliminary matter, Congress has the power "[t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." U.S. Const. art. I, § 8, cl. 3. However, as demonstrated in *United States v. Lopez*,[2] Congressional acts will be struck down when they lack a jurisdictional element ensuring the prohibition in question affects interstate commerce.

---

[2] 514 U.S. 549, 561–62 (1995) (striking down a prohibition on possessing firearms near schools in part because it lacked a jurisdictional element).

Congressional prohibitions will also not pass muster if the claimed effects on interstate commerce are considered too attenuated. *United States v. Morrison*, 529 U.S. 598, 614–18 (2000). Neither *Lopez* nor *Morrison* struck down § 922(g). Importantly, we have upheld § 922(g) against challenges that it exceeds congressional authority under the Commerce Clause, noting that it requires the firearm to have traveled in interstate commerce. *Wright*, 607 F.3d at 715–16.

We review the § 922(g)'s constitutionality for plain error, as Bryant raises the issue for the first time on appeal. The district court did not plainly err because neither the text of the Commerce Clause nor any binding caselaw resolves this issue in Bryant's favor. Though Bryant relies on *Lopez* and *Morrison*, both are distinguishable. In both *Lopez* and *Morrison*, the Supreme Court held the requisite jurisdictional element in the statutes at issue was lacking. *Lopez*, 514 U.S. at 561; *Morrison*, 529 U.S. at 613. Our court has found that the requisite jurisdictional element in § 922(g) has been met, as established in *Wright*, and therefore § 922(g) survives under a constitutional challenge. In sum, the caselaw that exists upholds § 922(g) against challenges like Bryant's under plain error, and his claim fails.

V. Aggravated Assault Qualifies as a Violent Felony Under ACCA

If not raised below, whether a defendant qualifies under ACCA will be reviewed only for plain error. *United States v. Jones*, 743 F.3d 826, 829 (11th Cir. 2014).

ACCA provides that "a person who violates section 922(g) . . . and has three previous convictions . . . for a violent felony or a serious drug offense, or both, committed on occasions different from one another" is to be given an enhanced sentence. 18 U.S.C. § 924(e)(1). "[T]he term 'violent felony' means any crime punishable by imprisonment for a term exceeding one year . . . that-- (i) has as an element the use, attempted use, or threatened use of physical force against the person of another." 18 U.S.C. § 924(e)(2)(B). To determine whether a state crime qualifies, courts apply the categorical approach. *United States v. Vereen*, 920 F.3d 1300, 1313 (11th Cir. 2019). This approach requires examining the elements of the state crime to determine if the minimal conduct which could result in a conviction satisfies the definition of an ACCA predicate. *Id.*; *United States v. Jackson*, 55 F.4th 846, 850 (11th Cir. 2022) ("[F]ederal law binds our construction of ACCA, and state law governs our analysis of elements of state-law crimes."). No crime which may be committed with the *mens rea* of recklessness satisfies the definition of violent felony. *Borden v. United States*, 141 S. Ct. 1817, 1825 (2021) (plurality opinion).

Under the categorical approach, courts "consult the law that applied at the time of that conviction." *McNeill v. United States*, 563 U.S. 816, 820 (2011) (applying the statutes in effect at the time of the contested conviction). However, "[w]hen the Florida Supreme Court . . . interprets [a] statute, it tells us what that statute always meant," so prior differing interpretations do not alter whether convictions qualify, even if the conviction occurred while the

interpretation was binding. *United States v. Fritts*, 841 F.3d 937, 942–43 (11th Cir. 2016).

Florida law criminalizes "aggravated assault," defined as "an assault: (a) With a deadly weapon without intent to kill; or (b) With an intent to commit a felony." Fla. Stat. § 784.021(1) (1975) (amended 2021). The Florida Supreme Court, in 2022, interpreted aggravated assault to "require[] not just the general intent to volitionally take the action of threatening to do violence, but also that the actor direct the threat at a target, namely, another person." *Somers v. United States*, 355 So. 3d 887, 892–93 (Fla. 2022). We have held, in reliance on that interpretation, that Florida law aggravated assault requires knowing conduct and qualifies as a violent felony under ACCA. *Somers v. United States*, 66 F.4th 890, 894 (11th Cir. 2023).

We review whether Bryant's Florida law aggravated assault conviction qualifies under ACCA for plain error. Bryant was convicted of aggravated assault under Florida law in 1993. The Florida Supreme Court has interpreted the statute as requiring intent and we have, therefore, found that Florida aggravated assault convictions qualify under ACCA. This interpretation states what Florida law always was and prior interpretations of the statute, even if binding on the court wherein Bryant was convicted, make no difference. To the extent Bryant argues that he was not properly convicted under this interpretation of the statute, the validity of his conviction is not at issue. Therefore, Bryant's claim fails under plain error review.

VI. Bryant's Prior Convictions Were Properly Determined to be Separate Offenses, Qualifying Him for ACCA Sentencing

ACCA only applies if the qualifying prior offenses occurred on separate occasions. 18 U.S.C. § 924(e)(1). We "determine whether two offenses occurred on the same 'occasion' based on the ordinary meaning of the word." *United States v. Penn*, 63 F.4th 1305, 1318 (11th Cir. 2023). "Several factors may be relevant to that determination: the amount of time between offenses, the proximity of the locations where the offenses occurred, and whether the offenses are part of the same scheme or achieve the same objective." *Id.* However, one factor may be dispositive. *Id.* For example, a defendant's two cocaine sales one month apart "no more occurred on the same occasion than two baseball games between the same teams at the same stadium one month apart." *Id.*

We have held that whether offenses occurred on separate occasions is a separate inquiry from the categorical approach used to determine whether the offense qualifies under ACCA. *Dudley*, 5 F.4th at 1258–59. Therefore, the district court need not rely solely on the elements of the prior offenses to determine if they occurred on the same occasion. *Id.*

A district court may rely on any statements in the PSR that the defendant did not object to "with specificity and clarity." *United States v. Bennett*, 472 F.3d 825, 832–33 (11th Cir. 2006). However, "[w]here a defendant objects to the factual basis of his sentence, the government has the burden of establishing the disputed fact."

Id. at 832. Notably, we have rejected the argument that *Descamps v. United States*[3] and *Mathis v. United States*[4] require jury trials to find separate occasions. *Dudley*, 5 F.4th at 1265.

We review the district court's findings that Bryant's prior offenses occurred on separate occasions for plain error. While Bryant initially objected to the facts of his prior offenses as described in the PSR, these objections appear to have been withdrawn or forfeited between the time the PSR was prepared and sentencing. Bryant agreed with the facts as reported in the PSR, twice stating at sentencing that he did not object to the facts in the PSR. Therefore, the district court was free to rely on those facts at sentencing. The facts reported by the PSR establish that Bryant's Florida law aggravated assault conviction and his two possessions with intent to distribute convictions occurred on different dates, separated by no less than seven days. They were, thus, on separate occasions, and Bryant's sentence withstands plain error review.

VII. Bryant's ACCA-Enhanced Sentence Does Not Plainly Violate the Fifth and Sixth Amendments

The argument that "judicially determining whether prior convictions were committed on different occasions from one another for [ACCA] purposes" violates the Fifth and Six Amendments has been "repeatedly rejected" by this court. *Dudley*, 5 F.4th at 1260. We have held that a defendant's prior convictions and the dates he

---

[3] 570 U.S. 254 (2013).

[4] 579 U.S. 500 (2016).

committed the crimes need not be alleged in the indictment, admitted in the defendant's plea, or proven beyond a reasonable doubt. *See id.* "[W]here there is evidence of confirmation of the factual basis for the plea by the defendant—be it express or implicit confirmation—a federal sentencing court is permitted to rely on those facts to conduct the different-occasions inquiry." *Id.* at 1262.

Because Bryant did not raise the issue below, we review this issue for plain error. As our precedent clearly affirms, the judicial determination of the different-occasions inquiry is not violative of the Fifth and Sixth Amendments. Here, Bryant confirmed the factual basis of his plea, and the district court used that information to determine his sentencing under ACCA. None of these acts infringed upon Bryant's Fifth or Sixth Amendment rights, and the district court did not err, much less plainly err, in sentencing Bryant in light of that information.

AFFIRMED.

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

December 29, 2023

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 19-12283-JJ
Case Style: USA v. James Bryant
District Court Docket No: 6:18-cr-00188-PGB-TBS-1

Electronic Filing
All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

Enclosed is a copy of the court's decision filed today in this appeal. Judgment has this day been entered pursuant to FRAP 36. The court's mandate will issue at a later date in accordance with FRAP 41(b).

The time for filing a petition for rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing or for rehearing en banc is timely only if received in the clerk's office within the time specified in the rules. Costs are governed by FRAP 39 and 11th Cir.R. 39-1. The timing, format, and content of a motion for attorney's fees and an objection thereto is governed by 11th Cir. R. 39-2 and 39-3.

Please note that a petition for rehearing en banc must include in the Certificate of Interested Persons a complete list of all persons and entities listed on all certificates previously filed by any party in the appeal. See 11th Cir. R. 26.1-1. In addition, a copy of the opinion sought to be reheard must be included in any petition for rehearing or petition for rehearing en banc. See 11th Cir. R. 35-5(k) and 40-1 .

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation for time spent on the appeal no later than 60 days after either issuance of mandate or filing with the U.S. Supreme Court of a petition for writ of certiorari (whichever is later) via the eVoucher system. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers
General Information: 404-335-6100 Attorney Admissions: 404-335-6122
Case Administration: 404-335-6135 Capital Cases: 404-335-6200
CM/ECF Help Desk: 404-335-6125 Cases Set for Oral Argument: 404-335-6141

OPIN-1 Ntc of Issuance of Opinion

APPENDIX B

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v

JAMES JOSEPH BRYANT

Case Number: 6:18-cr-188-Orl-40TBS

USM Number: 23713-018

Karla Mariel Reyes, FPD
Ste 300
201 S Orange Ave
Orlando, FL 32801-3417

JUDGMENT IN A CRIMINAL CASE

The defendant pleaded guilty to Count One of the Indictment. The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number
18 U.S.C. §§ 922(g)(1) and 924(e)	Possession of a Firearm After Having Been Convicted of a Felony Offense	February 22, 2018	One

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:

May 29, 2019

PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

May 30, 2019

James Joseph Bryant
6:18-cr-188-Orl-40TBS

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **ONE HUNDRED TWENTY (120) MONTHS** as to Count One of the Indictment.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

_____

_____

_____

_____

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By: _____
Deputy U.S. Marshal

James Joseph Bryant
6:18-cr-188-Orl-40TBS

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of **FIVE (5) YEARS** as to Count One of the Indictment.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of placement on supervision and at least two periodic drug tests thereafter as directed by the probation officer. You must submit to random drug testing not to exceed 104 tests per year.
4. You must cooperate in the collection of DNA as directed by the probation officer.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

The defendant shall also comply with the additional conditions as follows.

James Joseph Bryant
6:18-cr-188-Orl-40TBS

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame. After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when the defendant must report to the probation officer, and the defendant must report to the probation officer as instructed.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within **72 hours**.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature:_____ Date:_____

James Joseph Bryant
6:18-cr-188-Orl-40TBS

ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

1. The defendant shall participate in a mental health treatment program (outpatient and/or inpatient) and follow the probation officer's instructions regarding the implementation of this court directive. Further, the defendant shall contribute to the costs of these services not to exceed an amount determined reasonable by the Probation Office's Sliding Scale for Mental Health Treatment Services.

2. The defendant shall submit to a search of his or her person, residence, place of business, any storage units under the defendant's control, or vehicle, conducted by the United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

	Assessment	JVTA Assessment [1]	Fine	Restitution
TOTALS	**$100.00**	**N/A**	**Waived**	**N/A**

SCHEDULE OF PAYMENTS

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk, U.S. District Court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

FORFEITURE

Defendant shall forfeit to the United States those assets previously identified in the Plea Agreement and Order of Forfeiture, that are subject to forfeiture.

The defendant shall pay interest on any fine or restitution of more than $2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

---

[1] Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.