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*Appendix A*

**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 23-2540

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UNITED STATES OF AMERICA,

v.

DEAMONTE LAW,

Appellant

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On Appeal from the United States District Court  
for the Western District of Pennsylvania  
(D.C. No. 2:20-cr-00341-001)  
District Judge: Honorable Cathy Bissoon

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Submitted pursuant to Third Circuit L.A.R. 34.1(a)  
March 27, 2025

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Before: BIBAS, PHILLIPS, and AMBRO,  
*Circuit Judges*  
(Filed: April 2, 2025)

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OPINION\*

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\* This disposition is not an opinion of the full Court and pursuant  
to I.O.P. 5.7 does not constitute binding precedent.

PHIPPS, *Circuit Judge*.

Section 922(g)(1) of Title 18 of the United States Code prohibits felons from possessing firearms or ammunition that have passed through interstate commerce:

It shall be unlawful for any person . . . who has been convicted in any court of[] a crime punishable by imprisonment for a term exceeding one year . . . to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

18 U.S.C. § 922(g)(1).

In August 2013, Deamonte Law was arrested and temporarily detained on three counts for violating federal drug and gun laws. And as part of a plea agreement, Law pleaded guilty in February 2015 to charges of conspiracy to possess with intent to distribute a quantity of cocaine base, *see* 21 U.S.C. § 846, and possession of a firearm in furtherance of a drug trafficking crime, *see* 18 U.S.C. § 924(c)(1)(A)(i). Because both offenses were punishable by over a year's imprisonment, he was thereafter subject to the prohibitions of § 922(g)(1).

In September 2020, Law lived at a halfway house in Pittsburgh as he was completing the sentence he received for those crimes – 90 months in prison (inclusive of time served) followed by a three-year term of supervised release. The Friday before

Labor Day, he went to the Crawford Village public housing project in nearby McKeesport to attend a video shoot for an amateur rapper. Police were surveilling the event through the complex's security cameras in search of another man, who was wanted on an arrest warrant and who announced on social media that he would be in attendance as the organizer of the video shoot. In the process of locating and arresting that other man, the officers noticed that Law ran off with his hand on his right hip, suggesting he was holding something. The surveillance videos showed Law duck beneath an SUV and discard an item in the same parking spot from which officers later recovered a Smith and Wesson M&P Shield .40 caliber pistol in the aftermath of the other man's arrest. A federal grand jury later indicted Law on one count of being a felon in possession of a firearm in violation of § 922(g)(1).

Law disputed that charge both legally and factually. Before trial, citing *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022), he moved to dismiss the indictment on the ground that § 922(g)(1) was unconstitutional, facially and as applied to him. *See* Fed. R. Crim. P. 12(b)(3)(B). The District Court denied that motion. Although Law did not testify at trial, his possession of the handgun was the only issue before the jury, and he disputed that fact. The jury, however, returned a guilty verdict. After the trial, Law sought reconsideration of his motion, in particular to revisit his as-applied challenge in light of this Court's intervening decision in *Range v. Att'y Gen.*, 69 F.4th 96 (3d Cir. 2023)(en banc), *vacated sub nom. Garland v. Range*, 144 S. Ct. 2706 (2024). The District Court denied that motion.

Through a timely notice of appeal, Law invoked the appellate jurisdiction of this Court, and he now argues that applying § 922(g)(1) to him under these circumstances violates the Second Amendment. *See* 28 U.S.C. §1291.<sup>1</sup>

The problem for Law is that he was still under a criminal sentence when he possessed a firearm. And this Court has recognized that the Second Amendment permits the disarming of convicts in that circumstance. *See United States v. Moore*, 111 F.4th 266, 271-272 93d Cir. 2024) (explaining that at the Founding, “[c]onvicts could be required to forfeit their weapons and were prevented from reacquiring firearms until they had finished serving their sentences” and “hold[ing] that convicts may be disarmed while serving their sentences on supervised release”); *see also United States v. Quales*, 126 F.4th 215, 223 (3d Cir. 2025) (holding that felons on probation may be disarmed while serving their terms). Thus, the application of § 922(g)(1) to Law’s possession of a firearm in September 2020 does not

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<sup>1</sup> The parties disagree whether Law preserved his as-applied challenge. If Law did preserve it, the District Court’s legal conclusions would be reviewed *de novo*, and its factual determinations for clear error. *See United States v. Stock*, 728 F.3d 287, 291 (3d Cir. 2013). If Law, did not preserve his challenge, but instead forfeited it, it would be reviewed for plain error. *See* Fed. R. Crim. P. 52(b); *United States v. Olano*, 507 U.S. 725, 732 (1993); *United States v. Williams*, 974 F.3d 320, 340-341 (3d Cir. 2020). Either way, because plain error’s first step, evaluating whether an error occurred, “uses the standard of review that would have applied had the argument been preserved,” Law must demonstrate that the District Court made an error of law concluding that § 922(g)(1) is constitutional as applied to him. *United States v. Adair*, 38 F.4th 341, 356 (3d Cir. 2022).

offend the Second Amendment. Accordingly, we will affirm the judgement of the District Court.

*Appendix B*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA**

UNITED STATES OF	)	
AMERICA	)	
v.	)	Criminal No. 20-341
	)	
DEAMONTE LAW,	)	Judge Cathy Bissoon
Defendant	)	

**ORDER**

Defendant's Motion (Doc. 88) for reconsideration will be denied. Reconsideration is an extraordinary remedy, used sparingly given the interests of finality and conservation of judicial resources. *U.S. v. Tablack*, 2022 WL 37428, \*2 (D. N.J. Jan. 4, 2022) (citation to quoted source omitted). Concerns regarding finality are only sharpened here, in light of Defendant's conviction by a jury.

In order to avail himself of such extraordinary relief, Defendant is required to show an intervening change in controlling law, the need to correct clear error or prevent manifest injustice. *Tablack* at \*2 (citation to binding and other authority omitted). To the extent that Defendant seeks reconsideration for any reason other than the decision in *Range v. Att'y Gen.*, the Court rejects his position.

As for *Range* itself, the Court disagrees that the decision warrants reconsideration. Defendant previously failed to raise a meaningful "as applied" challenge. Assuming that he now properly may do so,

the *Range* ruling, by its own terms, “is a narrow one.” *Range*, 69 F.4th 96, 106 (3d Cir. 2023). And the predicate crime addressed in *Range* is clearly and facially distinguishable. *Compare id.* at 98 (addressing the state crime of making a false statement to obtain food stamps, as applied to that defendant) *with* Gov’t’s Resp. in Opp’n (Doc 91) (summarizing the prohibitions on Defendant’s possession of a firearm, including possession while under a federal criminal justice sentence, and his prior convictions, which included possessing a firearm in furtherance of a drug trafficking crime).<sup>1</sup>

For these reasons, and for the others stated in the government’s opposition, Defendant’s Motion for Reconsideration (**Doc. 88**) is **DENIED**.

IT IS SO ORDERED.

August 11, 2023                      s\Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record

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<sup>1</sup> To the extent that the Defendant’s Motion may be viewed as presenting a facial challenge, his arguments are rejected for the same reasons stated by the government. *See* Doc. 91 at 15-16.



*Appendix C*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA**

UNITED STATES OF	)	
AMERICA	)	
v.	)	Criminal No. 20-341
	)	
DEAMONTE LAW,	)	Judge Cathy Bissoon
Defendant	)	

**ORDER**

Defendant's Motion (Doc. 50) to Dismiss his charge under 18. U.S.C. § 922(g)(1), based on *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S. Ct. 2111 (Jun. 23, 2022), will be denied. This Court joins the legion of others, from around the country, rejecting constitutional challenges to Section 922(g)(1) under *Bruen*. The District Court for the Middle District of Pennsylvania, in *U.S. v Minter*, 2022 WL 10662252 (M.D. Pa. Oct. 18, 2022), recently provided a concise, but thorough, summary of the appropriate analyses, and it cites many of the other decisions reaching the same conclusion. This Court will not attempt to improve on the reasoning in *Minter*, and that court's analyses are incorporated by reference.

Although Defendant makes passing reference to an "as applied" challenge, to the extent that one still exists, he has made no effort to demonstrate why one would be appropriate in this case. *See Minter* at \*7 n.9 (holding same under analogous circumstances).

Accordingly, Defendant's Motion (**Doc. 50**) to Dismiss is **DENIED**. This case otherwise being trial-ready, and consistent with the previous Final Pretrial Order (**Doc. 44**), the Court will schedule a two-day trial, to commence **December 21, 2022**. Contemporaneously herewith, the Court will enter an amended pretrial order resetting the unexpired/remaining deadlines in the original FPTO.

IT IS SO ORDERED.

October 27, 2022      s\Cathy Bissoon  
Cathy Bissoon  
United States District Judge

cc (via ECF email notification):

All Counsel of Record

*Appendix D*

**CONSTITUTIONAL AND STATUTORY  
PROVISIONS**

**U.S. Const. amend. II**

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

**18 U.S.C. §922(g)**

- (g) It shall be unlawful for any person—
- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
  - (2) who is a fugitive from justice;
  - (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
  - (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
  - (5) who, being an alien—
    - (A) is illegally or unlawfully in the United States; or
    - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));
  - (6) who has been discharged from the Armed Forces under dishonorable conditions;

- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) who is subject to a court order that—
  - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
  - (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
  - (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or  
(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or
- (9) who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.