APPENDIX A

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-1217

UNITED STATES OF AMERICA

v.

GREGORY STEVENS,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 2:21-cr-00107-001)
District Judge: Honorable Mitchell S. Goldberg

Argued on January 23, 2025

Before: HARDIMAN, AMBRO, and SMITH, *Circuit Judges*.

(Filed: February 28, 2025)

Lisa Evans Lewis
Brett G. Sweitzer
Keith M. Donoghue [Argued]
Federal Community Defender Office for the Eastern District of Pennsylvania
601 Walnut Street
The Curtis Center, Suite 540 West
Philadelphia, PA 19106

Counsel for Appellant

Jacqueline C. Romero
Robert A. Zauzmer
Michael R. Miller [Argued]
Office of United States Attorney

Eastern District of Pennsylvania
615 Chestnut Street
Suite 1250
Philadelphia, PA 19106

Counsel for Appellee

OPINION*

HARDIMAN, *Circuit Judge*.

Gregory Stevens appeals his judgment of conviction and sentence after pleading guilty to robbery and firearm offenses. We will affirm.

I

While on state parole for robbery, Stevens entered a Philadelphia pharmacy, brandished a handgun, and threatened to shoot the employees unless they gave him oxycodone. The pharmacy's owner, Ahmed Nawaz, filled up a bag with drugs and looked for oxycodone. Stevens told him to hurry up and again threatened to shoot him. Impatient, Stevens grabbed the bag from Nawaz, put the handgun in his pocket, and bent down to look in a safe for drugs. Nawaz—afraid that Stevens was going to shoot him—tackled Stevens and took him to the ground. As Stevens got up, he pulled out his handgun and shot Nawaz in the chest before pointing the gun at Nawaz's head. Nawaz closed his eyes. Stevens fled and Nawaz survived.

Stevens was charged with: (I) Hobbs Act robbery, 18 U.S.C. § 1951(a); (II) using,

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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.

carrying, and discharging a firearm during a crime of violence, *id.* § 924(c)(1)(A)(iii); and (III) possession of ammunition as a convicted felon, *id.* § 922(g)(1).

Stevens pleaded guilty. But he later moved to withdraw his guilty plea as to Count III and to dismiss it on the ground that § 922(g)(1) is unconstitutional on its face and as applied to him. The District Court denied both motions.

In anticipation of sentencing, the Revised Presentence Investigation Report used the Sentencing Guidelines' cross reference to attempted second-degree murder and calculated Stevens's base offense level as 27 for Counts I and III. *See* U.S.S.G. § 2A2.1(a)(2); *id.* § 2X1.1(c)(1); *id.* § 2K2.1(c)(1)(A). The Government objected, arguing that "the object of the offense would have constituted first degree murder," so the cross reference to attempted first-degree murder applied. *Id.* § 2A2.1(a)(1). The Government, relying on a felony-murder theory, claimed that the object of the offense was first-degree murder because Stevens would have committed first-degree murder if Nawaz had died during the robbery. Stevens disagreed, contending that the object of the offense was robbery and that the firearm was not intentionally discharged.

At sentencing, the Government called Nawaz to describe the robbery. The District Court credited Nawaz's testimony that Stevens intentionally "pointed the gun at him and shot him." App. 177–78. Afterward, the District Court recessed to review relevant caselaw. Following the recess, the District Court discussed "some very straightforward language in some of the cases that [it thought] supports the Government's position." App. 180–81. Quoting *United States v. Murillo*, 526 F. App'x 192, 194 n.3 (3d Cir. 2013), the District Court said "[i]f the district court had found premeditation, the base offense level

would have been 33 because the object of the offense would have constituted first degree murder." App. 181. After discussing two other cases about § 2A2.1(a)(1), the Court reasoned that "I think logic dictates, since I found that the shooting was intentional and the elements of murder—attempted murder necessarily include intentional conduct, I think logic dictates that [§ 2A2.1(a)(1) applies] because the object of the offense would have constituted first degree murder." App. 181–82. The Court said that "an intentional shooting, attempted murder; certainly no one is disputing it was through a vital part of the victim's body, his chest, and I believe no one's disputed also his liver, certainly a vital organ, has been significantly, significantly compromised." App. 182. As a result, the Court calculated a Guidelines sentencing range of 235 to 293 months for Counts I and III followed by a mandatory consecutive sentence of 120 months for Count II. The Court sentenced Stevens to 413 months' imprisonment. Stevens appealed.

II[1]

Stevens argues that the District Court erroneously applied the cross reference to attempted first-degree murder because it did not find premeditation or an intent to kill. And even if the District Court made those findings, Stevens argues that they were unsupported by the record. We disagree.

Before finding that the object of the offense was first-degree murder, the District Court quoted *Murillo*'s discussion of the premeditation requirement. The Court credited

[1] The District Court had jurisdiction under 18 U.S.C. § 3231. We have jurisdiction to review the final judgment under 28 U.S.C. § 1291 and the sentence under 18 U.S.C. § 3742(a).

Nawaz's testimony that Stevens pointed the gun at him and shot him and found that "the object of the offense would have constituted first degree murder." *Id.* The Court emphasized that this was an "intentional shooting, attempted murder"—rejecting Stevens's argument that he did not intentionally discharge the gun—and that Stevens shot Nawaz in "a vital part of" his body. *Id.* Based on the record, we are persuaded that the District Court implicitly found that Stevens acted with premeditation and intended to kill Nawaz when concluding that the object of the offense was first-degree murder.[2]

In making these findings, the District Court did not clearly err. Nawaz testified that Stevens threatened to shoot him. And Nawaz explained that after he tackled Stevens, Stevens pulled the handgun out of his pocket, aimed it at him, and shot him in the chest. Stevens argues that this does not demonstrate premeditation because the handgun was discharged moments after Nawaz brought him to the ground. *See* 18 U.S.C. § 1111(a). But "a brief moment of thought may be sufficient to form a fixed, deliberate design to kill." *Gov't of the V.I. v. Lake*, 362 F.2d 770, 776 (3d Cir. 1966) (reasoning that "if one voluntarily does an act, the direct and natural tendency of which is to destroy another's life, it may fairly be inferred, in the absence of evidence to the contrary, that the destruction of that other's life was intended"). So the District Court did not clearly err in finding that the object of the offense was first-degree murder, and it correctly applied the

[2] Our dissenting colleague says that the District Court's reference to *Murillo*'s discussion of premeditation does not permit us to conclude that the Court found premeditation. "But while the judge did not give comprehensive remarks [about premeditation], he was not silent either, and we do not require perfect explanations from sentencing judges." *United States v. Chandler*, 104 F.4th 445, 458 (3d Cir. 2024).

cross reference to § 2A2.1(a)(1).

III

We now turn to Stevens's Second Amendment challenge to his conviction for possessing ammunition in violation of 18 U.S.C. § 922(g)(1). He argues that § 922(g)(1) is unconstitutional on its face and as applied to him because the Government has not shown that lifetime disarmament of persons convicted of noncapital crimes "is consistent with the Nation's historical tradition of firearm regulation." *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1, 24 (2022).

While this appeal was pending, we held that "the Second Amendment affords [parolees] no protection." *United States v. Quailes*, 126 F.4th 215, 223 (3d Cir. 2025). Because Stevens was on parole when he committed the robbery, his Second Amendment challenge to his § 922(g)(1) conviction fails.

IV

For the reasons stated, we will affirm the District Court's judgment.

AMBRO, *Circuit Judge*, concurring in part and dissenting in part

All agree that before us is whether the District Court permissibly "conclude[d] that the object of [Gregory Stevens's] offense was first-degree murder."[1] Maj. Op. at 5. If so, his base offense level would be 33. U.S.S.G. 2A2.1(a)(1). If not, his offense would be attempted second-degree murder, and the base offense level would be 27—that recommended in the presentence report. *Id.* § 2A2.1(a)(2). There are two ways to commit first-degree murder: a "deliberate, malicious, and premeditated killing; or [a killing] committed in the perpetration of, or attempt to perpetrate, [a felony]." 18 U.S.C. § 1111(a); *see also* U.S.S.G. § 2A2.1 n.1 (defining first- and second-degree murder under 18 U.S.C. § 1111). "Any other murder is murder in the second degree." 18 U.S.C. § 1111(a). Because Ahmed Nawaz survived the shooting, the relevant question is whether Stevens's offense conduct constituted *attempted* first- or second-degree murder. *See* U.S.S.G. § 2A2.1 (the guideline for attempted murder). The District Court concluded that Stevens's offense was attempted felony murder and thus a first-degree attempt. The majority sidesteps this conclusion by inferring a finding of premeditation, creating an alternative path to support the Court's conclusion. I dissent because I disagree with the majority's decision to make an "implicit finding," and I do not believe the record supports it.

The Government argued only an attempted felony murder theory before the District Court. Oral Argument 1:29:39-50 (conceding as much). It disavowed any other argument,

[1] There is no disagreement on the panel regarding Stevens's challenge to 18 U.S.C. § 922(g)(1)'s application to him.

explaining cases like "*Murillo* [that] did not deal with felony murder" were "not apposite." App. 149 (referring to *United States v. Murillo*, 526 F. App'x 192 (3d Cir. 2013)). The District Court adopted the Government's theory. In its words, "I don't think it's disputed the gun was . . . fired in the course of a robbery . . . . [B]ecause an attempt necessarily includes an intentional act—if I were convinced by a preponderance of the evidence that the shooting was intentional, the base offense level would be 33." App. 142. Its "rul[ing] on the intentionality of the shooting," App. 176, makes sense, because "'[u]nder federal law, a defendant cannot be guilty of attempted murder without a specific intent to kill'[;] . . . a finding of the specific intent . . . is essential to the application of the attempted-murder cross-reference," *United States v. Morgan*, 687 F.3d 688, 697 (6th Cir. 2012) (quoting *United States v. Turner*, 436 F. App'x 631, 631 (6th Cir. 2011)) (first alteration in original). The District Court explicitly recognized as much. App. 181–82 ("[T]he elements of . . . attempted murder necessarily include intentional conduct.").

But a specific-intent finding does not support the Court's conclusion that the offense was attempted felony murder because the doctrine of felony murder cannot be applied without a death. In fairness, we have not directly answered that question. But "[t]he purpose of the felony-murder rule is to deter dangerous conduct by punishing as a first-degree murder *a homicide* resulting from dangerous conduct in the perpetration of a felony, even if the defendant did not intend to kill." 40 Am. Jur. 2d Homicide § 60 (emphasis added).

At argument before us, the Government appeared to step back from its attempted felony-murder theory, agreeing that a finding of premeditation would be required to

support the District Court's attempted first-degree murder conclusion. Oral Argument 1:12:18-44; *see also United States v. Bell*, 819 F.3d 310, 319 (7th Cir. 2016) ("[S]etting aside felony murders, it is premeditation that, in the main, distinguishes first from second degree murder."); *Gov't of V.I. v. Rosa*, 399 F.3d 283, 296 (3d Cir. 2005) (first-degree murder occurs when an offender "possessed malice aforethought *and* acted with premeditation and deliberation" (emphasis added)). "To premeditate a killing is to conceive the design or plan to kill." *Gov't of the V.I. v. Lake*, 362 F.2d 770, 776 (3d Cir. 1966). "A deliberate killing is one which has been planned and reflected upon by the accused and is committed in a cool state of the blood, not in sudden passion engendered by just cause of provocation." *Id.* Premeditation therefore has a "necessary time element" between the plan and the action. *Fisher v. United States*, 328 U.S. 463, 470 (1946).

I do not believe the District Court made a finding of premeditation—implicitly or otherwise. The Court repeatedly found "the Government has proven that the shooting was intentional." App. 177; App. 178 ("So I'm finding that the shooting was intentional."); App. 181 ("I found that the shooting was intentional."). It did not discuss any of the arguments the Government makes for the first time on appeal—for example, about the length of time Stevens needed to have "brooded over his plan," the "mental processes involved" in premeditation, or whether Stevens threatened Nawaz. Gov. Br. at 16 (citations omitted). The word premeditation comes up only once in the 234-page record, the Court's oblique reference to a footnote in *Murillo*: "If the district court had found premeditation, the base offense level would have been 33 because the object of the offense would have constituted

first degree murder." App. 181 (quoting 526 F. App'x at 194 n.3). But the District Court here quoted *Murillo* during a discussion about the general applicability of U.S.S.G. § 2A2.1, not during a discussion of premeditation. Its reference to *Murillo* shows only its recognition that if the object of an offense was first-degree murder, the base offense level is 33—not 27. But first-degree murder requires a finding of premeditation alongside specific intent. *Rosa*, 399 F.3d at 296–97; *Lake*, 362 F.2d at 775–76. The arguments before the Court and the record as a whole tell me this singular reference is not a finding of premeditation.

Furthermore, the majority cites no authority supporting our Court's power to infer a finding in the first place. And doing so here affords the Government a "second bite at the apple" rather than requiring it to "stand or fall on the record it makes the first time around." *United States v. Dickler*, 64 F.3d 818, 832 (3d Cir. 1995) (citations omitted). That record explicitly and exclusively used attempted felony murder as the basis for a base offense level of 33.

No doubt the District Court found Stevens had specific intent to kill. *See e.g.*, App. 141, 168, 177, 178, 182. This finding, without one of premeditation, supports a conclusion that Stevens's offense would have constituted second-degree murder. *Rosa*, 399 F.3d at 296–97; *Lake*, 362 F.2d at 775–767. I would therefore vacate and remand for it to apply a base offense level of 27. I thus respectfully concur in part and dissent in part.

APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THE UNITED STATES OF AMERICA,	:	**CRIMINAL ACTION**
Plaintiff,	:	
v.	:	**No. 21-cr-107-1**
GREGORY STEVENS,	:	
Defendant.	:	

ORDER

AND NOW, this 24th day of January, 2024, upon consideration of Defendant Gregory Stevens's motion to dismiss Count Three of the superseding indictment, and the Government's response in opposition thereto, I find as follows:

1. Through a superseding indictment, a grand jury has charged Defendant Gregory Stevens with Hobbs Act robbery in violation of 18 U.S.C. § 1951(a) (Count One); using, carrying, and discharging a firearm during a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(iii) (Count Two); and possession of ammunition by a felon, in violation of 18 U.S.C. § 922(g)(1) (Count Three). On January 30, 2023, Stevens pled guilty to all counts.

2. Stevens has moved to withdraw his guilty plea on Count Three and has further moved to dismiss that count based on the United States Court of Appeals for Third Circuit's recent decision in Range v. Attorney General, 69 F.4th 96 (3d Cir. 2023) (en banc), which found § 922(g)(1) unconstitutional as applied to the plaintiff in that case. Stevens argues that, in light of Range, § 922(g)(1) violates his Second Amendment right to keep and bear arms, both facially and as applied to him.

3. Stevens has previously been convicted of three felonies: burglary, in violation of 18 Pa. Stat. § 3502; receiving stolen property, in violation of 18 Pa. Stat. § 3925; and robbery, in violation of 18 Pa. Stat. §§ 3701(a)(1)(iv).

AS-APPLIED CHALLENGE

4. Stevens challenges the constitutionality of § 922(g)(1), which makes it unlawful for "any person[] who has been convicted in any court of[] a crime punishable by imprisonment for a term exceeding one year . . . to . . . possess . . . any firearm or ammunition," subject to certain interstate commerce elements. That restriction on Stevens's right to bear arms would be unconstitutional if: (1) Stevens's conduct was protected by the Second Amendment; and (2) the Government fails to demonstrate that § 922(g)(1) as applied to Stevens is consistent with the nation's historical tradition of firearm regulation. Range, 69 F.4th at 101.

5. As explained below, I conclude that the Government has met its burden demonstrating that § 922(g)(1) as applied to Stevens is consistent with the nation's historical tradition of firearm regulation. Therefore, I need not determine whether Stevens's conduct was protected by the Second Amendment.

6. There is a long history of laws disarming individuals determined to be dangerous. An English statute empowered the government to "seize all arms in the custody or possession of any person . . . judge[d] dangerous to the Peace of the Kingdom." Militia Act 1662, 13 & 14 Car. 2, c. 3, § 13. A law from colonial Massachusetts empowered justices of the peace to "seize and take away [the] armour or weapons" of "affrayers, rioters, disturbers or breakers of the peace," among others. An Act for the Punishing of Criminal Offenders (1692), ch. 11, § 6, reprinted in The Charters and General Laws of the Colony and Province of Massachusetts Bay 237, 240 (T. B. Wait & Co. 1814). And a New Jersey law empowered officials to "take from such Persons as they shall judge disaffected and dangerous to the present Government, all the Arms, Accoutrements and

Ammunition which they own or possess." Act for Constituting a Council of Safety, ch. 40, § 20, 1777 N.J. Laws 90. These statutes demonstrate that "dangerousness" of some form has long been considered sufficient ground for depriving a person of their right to keep and bear arms.

7. Robbery has historically been considered a dangerous crime in the United States. As one legal scholar put it:

> The early development and continued existence of a robbery category attests to the recognition by our ancestors that **robbery-like behavior is especially dangerous**. This may be due not only to the recognition that such behavior affects both person and property, but also to the fact that robbery in the early days was often a sudden ambush against a helpless victim on the open road.

Charles Van Court, The Prevention and Control of Robbery, Vol. 5: The History and Concept of Robbery 9 (University of California at Berkeley, 1973) (emphasis added). For instance, in Delaware, it was the case that "[i]f any person [were to] feloniously take from the person of another by violence, or by putting in fear, any money, or other property, or thing, which may be the subject of larceny, he [would] be deemed guilty of robbery and felony." Del. Code. Tit. 20, ch. 127, § 14 (1852), reprinted in Revised Statutes of The State of Delaware 474 (Samuel Kent 1852). It follows, therefore, that the legislature believed that a person who perpetrated a robbery inherently created a danger in carrying out the crime because either actual violence or fear of violence was required for a finding of guilt. In fact, robbery was considered such a threat to an ordered society that, during colonial times, it was considered a felony punishable by death in at least one state. See An Act for the Punishment of Certain Crimes (N.H. 1812), § 11, reprinted in The Laws of the State of New Hampshire 312 (C. Norris & Co. 1815) ("That if any person shall feloniously assault, rob and take from another person any money, goods, chattels, or other property, that may be the subject of theft, such person being thereof convicted, shall be adjudged guilty of felony, and shall suffer death").

8. The conclusion that Congress lawfully prohibited Stevens from possessing a gun is also consistent with the "narrow" holding in Range, where it was held that a person convicted of lying on an application for food stamps may retain their Second Amendment right to keep and bear arms. 69 F.4th at 98, 106. The holding in Range "speaks only to [Range's] situation, and not to those of murderers, thieves, sex offenders, domestic abusers, and the like." Id. at 110 (Ambro, J., concurring). "[Range] stands apart from most other individuals subject to § 922(g)(1)" because "nothing [] suggest[s] that he is a threat to society." Id. at 111 (Ambro, J. concurring). 18 U.S.C. § 922(g)(1) remains "presumptively lawful" because "it fits within our Nation's history and tradition of disarming those persons who legislatures believed would, if armed, pose a threat to the orderly functioning of society." Id. at 110 (Ambro, J. concurring). See District of Columbia v. Heller, 554 U.S. 570, 626-27 (2008) ("[N]othing in [this] opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons.").

9. Unlike Range, who "d[id] not conceivably pose a threat" based on his prior conviction, at least one of Stevens's predicate convictions indicates dangerousness. Range, 69 F.4th at 110 (Ambro, J. concurring). Stevens's prior felony conviction of robbery alone places him in the class of people who have been disarmed consistent with the nation's historical tradition of firearm regulation because those who commit robbery have, since the founding, been considered dangerous. Congress therefore acted reasonably in determining that a person who has been convicted of robbery is sufficiently dangerous if also armed to justify depriving that person of their Second Amendment rights.[1]

10. For these reasons, I conclude that § 922(g)(1) is constitutional as applied to Stevens.

[1] Stevens was also convicted of burglary in 2012 and receiving stolen property in 2013.

FACIAL CHALLENGE

11. Stevens alternatively argues that § 922(g)(1) is facially unconstitutional, either because no predicate felony is sufficient to deprive a person of the right to bear arms or because the statute is unconstitutionally vague.

12. "A party asserting a facial challenge 'must establish that no set of circumstances exists under which the Act would be valid.'" United States v. Mitchell, 652 F.3d 387, 405 (3d Cir. 2011) (en banc) (quoting United States v. Salerno, 481 U.S. 739, 745 (1987)). Stevens cannot establish that there are no circumstances in which § 922(g)(1) would be valid because it is valid in at least one instance—as applied to him.

13. Stevens nevertheless contends that § 922(g)(1) is unconstitutionally vague. Stevens does not attack the clarity of § 922(g)(1) as written but asserts that once courts permit as-applied exceptions to § 922(g)(1), the parts that remain are too ill-defined to give regulated individuals notice of what conduct is prohibited. But courts have long permitted as-applied challenges to otherwise valid laws, and this practice has never been held to create a vagueness problem. See, e.g., Yazoo & M. v. R. Co. v. Jackson Vinger Co., 226 U.S. 217, 219-20 (1912) (finding that a state statute imposing a penalty for failing to settle a claim was not unconstitutional as applied to the facts of the case); Ayotte v. Planned Parenthood, 546 U.S. 320, 326 (2006) (vacating a district court opinion finding an act unconstitutional on its face even though it was unconstitutional if applied "in a manner that subjects minors to significant health risks").

14. I therefore conclude that Stevens has not demonstrated that § 922(g)(1) is facially unconstitutional.

CHANGE OF PLEA

15. Stevens seeks to withdraw his guilty plea as to Count Three under Federal Rule of Criminal Procedure 11(d)(2)(B) because, he asserts, § 922(g)(1) is unconstitutional for the reasons previously discussed.

16. "Once a court accepts a defendant's guilty plea, the defendant is not entitled to withdraw that plea simply at his whim." United States v. Jones, 336 F.3d 245, 252 (3d Cir. 2003). I must consider three factors when considering a motion to withdraw a guilty plea: "(1) whether the defendant asserts his innocence; (2) the strength of the defendant's reasons for withdrawing the plea; and (3) whether the government would be prejudiced by the withdrawal." Id. (citing United States v. Brown, 250 F.3d 811, 815 (3d Cir. 2001)). Legal innocence can be the basis for granting a motion to withdraw a guilty plea. United States v. James, 928 F.3d 247, 253 (3d Cir. 2019)

17. Having determined herein that § 922(g)(1) is constitutional both facially and as applied to Stevens, Stevens's argument fails because there is no legal basis for withdrawing his plea.

WHEREFORE, it is hereby **ORDERED** that Defendant Gregory Stevens's motion to dismiss Count Three of the superseding indictment (ECF No. 81) and motion to withdraw guilty plea on Count Three of the superseding indictment (ECF No. 80) are **DENIED**.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.

APPENDIX C

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

UNITED STATES OF AMERICA
v.
Gregory Stevens

JUDGMENT IN A CRIMINAL CASE

Case Number: DPAE2:21CR000107-001

USM Number: 36686-509

Katrina Young, Esquire
Defendant's Attorney

THE DEFENDANT:

☑ pleaded guilty to count(s) 1, 2, and 3 of the Superseding Indictment.

☐ pleaded nolo contendere to count(s) which was accepted by the court.

☐ was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1951(a)	Robbery which interferes with interstate commerce	2/22/2021	1
18 U.S.C. § 924(c)(1)(A)(iii)	Using, carrying, and discharging a firearm during a crime of violence	2/22/2021	2
18 U.S.C. § 922(g)(1)	Possession of ammunition by a felon	2/22/2021	3

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States.

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 must notify the court and United States attorney of material changes in economic circumstances.

1/30/2024
Date of Imposition of Judgment

/s/ Mitchell S. Goldberg
Signature of Judge

Mitchell S. Goldberg, United States District Judge
Name and Title of Judge

2/2/2024
Date

DEFENDANT: Gregory Stevens
CASE NUMBER: DPAE2:21CR000107-001

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

240 months on Count 1 and a term of 120 months on Count 3 of the Superseding Indictment, both counts to run concurrently; and a term of 173 months on Count 2 of the Superseding Indictment to run consecutively to all other counts, for a total term of 413 months.

☐ The court makes the following recommendations to the Bureau of Prisons:

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

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

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 UNITED STATES MARSHAL

DEFENDANT: Gregory Stevens
CASE NUMBER: DPAE2:21CR000107-001

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

Five years. This consists of three years on each of Counts 1 and 3, and five years on Count 2, such terms to run concurrently.

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 release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
   - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☑ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☑ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq*.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Gregory Stevens
CASE NUMBER: DPAE2:21CR000107-001

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.
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 _____

DEFENDANT: Gregory Stevens
CASE NUMBER: DPAE2:21CR000107-001

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall participate in a mental health program for evaluation and/or treatment and abide by the rules of any such program until satisfactorily discharged.

The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall participate in drug treatment and abide by the rules of any such program until satisfactorily discharged.

DEFENDANT: Gregory Stevens
CASE NUMBER: DPAE2:21CR000107-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 300.00	$ 39,800.00	$ 0.00	$ 0.00	$ 0.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☑ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage
A.N. (address to be provided to the Clerk of Court)	$39,800.00	$39,800.00	100 %

TOTALS	$ 39,800.00	$ 39,800.00

☐ Restitution amount ordered pursuant to plea agreement $ _____

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine 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 Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☑ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☑ the interest requirement is waived for the ☐ fine ☑ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** 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.

DEFENDANT: Gregory Stevens
CASE NUMBER: DPAE2:21CR000107-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☑ Lump sum payment of $ 40,100.00 due immediately, balance due

☐ not later than _____, or
☑ in accordance with ☐ C, ☐ D, ☐ E, or ☑ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☑ Special instructions regarding the payment of criminal monetary penalties:
The restitution is due immediately. In the event, restitution is not paid in full at the time of sentencing, the defendant shall satisfy the amount due in monthly installments of not less than $100, to commence 30 days after release from confinement. Special assessment of $300.00 due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is 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 of the court.

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

☐ Joint and Several

Case Number Defendant and Co-Defendant Names *(including defendant number)*	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☑ The defendant shall forfeit the defendant's interest in the following property to the United States:
A 9mm semi-automatic pistol; and 14 live rounds of 9mm ammunition.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.