

APPENDICES

Appendix A: Order of the court of appeals

United States v. Terry No. 24-4133, ECF Doc. 40 (4th Cir. May 22, 2025)..... 1a

Appendix B: Judgment of the court of appeals

United States v. Terry No. 24-4133, ECF Doc. 41 (4th Cir. May 22, 2025)..... 3a

Appendix C: Order of the district court

United States v. Terry, No. 3:23-cr-00108-REP, ECF Doc. 21 (E.D. Va.

July 27, 2023) 4a

FILED: May 22, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4133
(3:23-cr-00108-REP-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JON JESSE TERRY,

Defendant - Appellant.

O R D E R

Jon Jesse Terry appeals his conviction of possession of a firearm by a convicted felon, in violation of 18 U.S.C. § 922(g)(1). Terry argues that his conviction is invalid because § 922(g)(1) is unconstitutional, both facially and as applied to him, following *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022). The Government moves for summary affirmance.

In *United States v. Canada*, 123 F.4th 159 (4th Cir. 2024), we held that “[§] 922(g)(1) is facially constitutional because it has a plainly legitimate sweep and

may constitutionally be applied in at least some set of circumstances.” *Id.* at 161 (cleaned up). In *United States v. Hunt*, 123 F.4th 697 (4th Cir. 2024), *petition for cert. filed*, No. 24-6818 (U.S. Mar. 20, 2025), we reaffirmed our precedent barring as-applied challenges to § 922(g)(1) convictions under the Second Amendment, unless the conviction was pardoned or the law defining the crime of conviction is found to be unlawful. *Id.* at 700.

Because the only issues Terry raises on appeal are foreclosed by *Canada* and *Hunt*, we conclude that the appeal is “manifestly unsubstantial and appropriate for disposition by motion.” *See* 4th Cir. R. 27(f)(1). Accordingly, we grant the Government’s motion for summary affirmance.

Entered at the direction of the panel: Judge King, Judge Agee, and Judge Wynn.

For the Court

/s/ Nwamaka Anowi, Clerk

FILED: May 22, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4133
(3:23-cr-00108-REP-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

JON JESSE TERRY

Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with [Fed. R. App. P. 41](#).

/s/ NWAMAKA ANOWI, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA

v.

Criminal No. 3:23-cr-108

JON JESSE TERRY,
Defendant.

ORDER

For the reasons set forth on the record during the conference call on September 26, 2023, and during the hearing on September 6, 2023 in United States v. Mitchell, No. 3:23-cr-39, and on the basis of the reasoning from the MEMORANDUM OPINION in United States v. Dai'quan Jarrvel Lane, No. 3:23-cr-62 (E.D. Va. Aug. 31, 2023) (ECF No. 38), ¹ it is hereby ORDERED that MR. TERRY'S MOTION TO DISMISS THE INDICTMENT (ECF No. 15) is denied.

It is so ORDERED.

_____/s/ REP_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: September 27, 2023

¹ The Court incorporates and adopts the Memorandum Opinion in Lane that pertained to the § 922(g) charge described therein except that part of Lane which described as dicta the text of District of Columbia v. Heller, 554 U.S. 570 (2008), respecting "longstanding prohibitions on the possession of firearms by felons" and whether they were "presumptively lawful regulatory measures." Lane, ECF No. 38, at 7-9.