

No. _____

In the Supreme Court of the United States

GARY CHARLES MOORE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
FIFTH CIRCUIT**

PETITION FOR A WRIT OF CERTIORARI

Kevin Joel Page
Counsel of Record
FEDERAL PUBLIC
DEFENDER'S OFFICE
525 S. Griffin St.
Suite 629
Dallas, Texas 75202
(214) 767-2746
Joel_Page@fd.org
Counsel for Petitioner

August 28, 2025

QUESTIONS PRESENTED

Whether 18 U.S.C. §922(g)(1) comports with the Second Amendment as applied to a defendant whose most serious prior felony conviction is drug trafficking?

DIRECTLY RELATED PROCEEDINGS

United States v. Gary Charles Moore, No. 5:24-CR-21
(N.D. Tex. September 25, 2024)

United States v. Gary Charles Moore, No. 24-10903
(5th Cir. May 30, 2025)

TABLE OF CONTENTS

Questions Presented.....	i
Directly Related Proceedings	ii
Table of Authorities.....	iv
Opinions Below	1
Jurisdiction	1
Provisions Involved.....	1
Statement	2
A. Facts and Proceedings in District Court	2
B. Appellate Proceedings	3
Reasons for Granting the Petition	4
I. This Court should grant certiorari in this case to resolve the profound uncertainty, including an acknowledged circuit split, regarding the constitutionality of 18 U.S.C. §922(g)(1) under the Second Amendment.....	4
Conclusion.....	11
Petition Appendix.....	12

TABLE OF AUTHORITIES

	Page(s)
Federal Cases	
<i>Atkinson v. Garland</i> , 70 F.4th 1018 (7th Cir. 2023)	7
<i>New York State Rifle & Pistol Ass'n, Inc. v. Bruen</i> , 597 U.S. 1 (2022)	4, 5, 6, 7
<i>Pitsilides v. Barr</i> , 128 F.4th 203 (3d Cir. 2025)	7
<i>Range v. Att'y Gen.</i> , 124 F.4th 218 (3d Cir. 2024)(en banc)	6, 7, 8
<i>United States v. Diaz</i> , 116 F.4th 458 (5th Cir. 2024)	6, 7
<i>United States v. Duarte</i> , 101 F.4th 657 (9th Cir. 2024), <i>reh'g en banc granted, opinion vacated</i> , 108 F.4th 786 (9th Cir. 2024)	5
<i>United States v. Duarte</i> , 137 F.4th 743 (9th Cir. May 9, 2025)(en banc).....	5, 7, 8
<i>United States v. Gomez</i> , 773 F.Supp.3d 257 (N.D. TX March 25, 2025)	6

<i>United States v. Kimble</i> , No. 23-50874, 2025 WL 1793832 (5th Cir. June 30, 2025)	7
<i>United States v. Rahimi</i> , 602 U.S. 680 (2024)	10
<i>United States v. Schnur</i> , 132 F.4th 863 (5th Cir. 2025)	9
<i>United States v. Williams</i> , 113 F.4th 637 (6th Cir. 2024)	7
<i>Vincent v. Bondi</i> , 127 F.4th 1263 (10th Cir. 2025).....	7
Federal Statutes	
18 U.S.C. § 922(g)(1).....	1, 2, 3, 4, 5, 6, 7, 9
28 U.S.C. § 1254(1)	1
State Statutes	
Alaska Stat. § 11.61.200(a)(1)	8
Alaska Stat. § (b)(1)-(3)	8
Ariz. Rev. Stat. Ann. § 13-904(A).....	8
Ariz. Rev. Stat. Ann. § 13-904(B).....	8
Cal. Penal § 12021	8
Cal. Penal § 4852.17	8

Col. Rev. Stat. § 18-12-108.....	8
----------------------------------	---

Rules

S. Ct. R. 13.1	1
----------------------	---

S. Ct. R. 13.3	1
----------------------	---

Constitutional Provisions

U.S. Const. amend. II	2, 3, 4, 9
-----------------------------	------------

Other Authorities

David T. Courtright, <i>A Century of American Narcotics Policy</i> , in <i>Treating Drug Problems</i> at 1 (1992)	9
---	---

Initial Brief for Appellant, <i>United States v. Moore</i> , No. 24-10903, 2025 WL 503297 (5th Cir. Filed February 5, 2025)	3
--	---

Reply in Support of Certiorari in No. 11-159, <i>Astrue v. Capato</i> , 2011 WL 5098759 (Filed October 26, 2011)	10
--	----

Supplemental Brief for the Federal Parties in Nos. 23-374, <i>Garland v. Range</i> 23-683 (June 24, 2024)	5, 6
---	------

U.S. Sent'g Comm'n, <i>Quick Facts</i> , 18 U.S.C. § 922(g) <i>Firearms Offenses</i>	8
---	---

4 W. Blackstone, COMMENTARIES ON THE LAW OF ENG- LAND 149 (1769)	10
---	----

In the Supreme Court of the United States

No. _____

GARY CHARLES MOORE,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent

***ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT***

PETITION FOR A WRIT OF CERTIORARI

Gary Charles Moore respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINIONS BELOW

The opinion below was not selected for publication. It is reprinted on pages 1a–2a of the Appendix. The district court did not issue any written opinions.

JURISDICTION

The Fifth Circuit entered judgment on May 30, 2025. This petition is timely under S. Ct. R. 13.1 & 13.3. This Court has jurisdiction under 28 U.S.C. § 1254(1).

PROVISIONS INVOLVED

Section 922(g)(1) of Title 18 reads in relevant part:

(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

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.

The Second Amendment provides:

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.

STATEMENT

A. Facts and Proceedings in District Court

On December 15, 2023, an ATF Agent arrested Petitioner Gary Moore on a warrant, finding a pistol on Mr. Moore's person when he did so. *See* (Record in the Court of Appeals, at 26-27, 160). Because Mr. Moore had been previously convicted of several felonies, the government charged him with violating 18 U.S.C. §922(g)(1), which prohibits the possession of firearms by a person previously convicted of a crime punishable by more than a year of imprisonment. *See*

(Record in the Court of Appeals, at 8). Mr. Moore pleaded guilty. *See* (Record in the Court of Appeals, at 26-29).

A Presentence Report alleged that Mr. Moore had committed several acts of misconduct with the gun, shooting at two people, injuring another with the gun as a blunt object, and destroying another's property. *See* (Record in the Court of Appeals, at 163-164). It also detailed five prior felonies (three drug trafficking offenses, a drug possession offense, and a prior unlawful possession of a firearm) and one misdemeanor domestic assault. *See* (Record in the Court of Appeals, at 165-168).

The court imposed a sentence of 90 months imprisonment to be followed by three years of supervised release. *See* (Record in the Court of Appeals, at 107-108).

B. Appellate Proceedings

On appeal, Petitioner contended that the District Court had plainly erred in entering a conviction because 18 U.S.C. §922(g)(1) violates the Second Amendment facially and as applied to him. *See* Initial Brief in *United States v. Moore*, No. 24-10903, 2025 WL 503297 at **4, 5-20 (5th Cir. Filed February 5, 2025) (“Initial Brief”). He noted that none of his prior felony convictions would have been criminal at founding, much less punished with anything comparable to disarmament. *See* Initial Brief, at **12-14. And he observed that Congress had never made any effort to disarm felons until the 20th Century, well after Founding. *See id.* at *11, n.2.

The Fifth Circuit rejected the Second Amendment challenge with this limited commentary:

The Government is correct that the sole issue on appeal is foreclosed on plain error review. *See United States v. Cisneros*, 130 F.4th 472, 477 (5th Cir. 2025). Because summary affirmance is appropriate here, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government's motion for summary affirmance is GRANTED, the alternative motion for an extension of time to file a brief is DENIED, and the district court's judgment is AFFIRMED.

Pet.App. 2a; *United States v. Moore*, No. 24-10903, 2025 WL 1540705, at *1 (5th Cir. May 30, 2025)(unpublished).

REASONS FOR GRANTING THE PETITION

I. THIS COURT SHOULD GRANT CERTIORARI IN THIS CASE TO RESOLVE THE PROFOUND UNCERTAINTY, INCLUDING AN ACKNOWLEDGED CIRCUIT SPLIT, REGARDING THE CONSTITUTIONALITY OF 18 U.S.C. §922(G)(1) UNDER THE SECOND AMENDMENT.

A. The courts of appeals are divided.

In *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 597 U.S. 1 (2022), this Court held that when a firearm restriction contravenes the text of the Second Amendment, it is valid only to the extent that it is consistent with the nation's history and tradition of valid firearm regulation. *Bruen*, 597 U.S. at 19. It rejected the notion that firearm regulations may be

affirmed based on a sufficiently compelling governmental interest. *Id.*

Section 922(g)(1) of Title 18 forbids the possession of firearms by most persons convicted of an offense punishable by more than a year’s imprisonment. Since *Bruen*, “Section 922(g)(1)’s constitutionality has divided courts of appeals and district courts.” Supplemental Brief for the Federal Parties in Nos. 23-374, *Garland v. Range* 23-683, at 2 (June 24, 2024)(“Supplemental Brief in Range”), *available at* https://www.supremecourt.gov/DocketPDF/23/23-374/315629/20240624205559866_23-374%20Supp%20Brief.pdf , *last visited August 26, 2025*. As the Ninth Circuit observed en banc, “[f]our circuits have upheld the categorical application of § 922(g)(1) to all felons.” *United States v. Duarte*, 137 F.4th 743, 747 (9th Cir. May 9, 2025)(en banc)(citing *United States v. Hunt*, 123 F.4th 697, 707–08 (4th Cir. 2024); *United States v. Jackson*, 110 F.4th 1120, 1129 (8th Cir. 2024); *Vincent v. Bondi*, 127 F.4th 1263, 1265–66 (10th Cir. 2025), and *United States v. Dubois*, 94 F.4th 1284, 1293 (11th Cir. 2024), *cert. granted, judgment vacated*, 145 S.Ct. 1041 (2025)). The en banc Ninth Circuit joined this group in a decision that produced four separate opinions, including a partial dissent. *Duarte*, 137 F.4th at 762. In so doing, it overruled a panel opinion that had found the statute unconstitutional as applied to a person with prior convictions for vandalism, drug possession, and evading arrest. *See United States v. Duarte*, 101 F.4th 657, 661 (9th Cir. 2024), *reh’g en banc granted, opinion vacated*, 108 F.4th 786 (9th Cir. 2024), *different results on rehearing* 137 F.4th at 747 (9th Cir. May 9, 2025)(en

banc). This brings the total number of courts rejecting all constitutional challenges to the statute to five.

But as the en banc Ninth Circuit court also recognized, two more Circuits, including the court below, “have left open the possibility that § 922(g)(1) might be unconstitutional as applied to at least some felons,” *Id.* (citing *United States v. Diaz*, 116 F.4th 458, 471 (5th Cir. 2024), and *United States v. Williams*, 113 F.4th 637, 661–62 (6th Cir. 2024))(emphasis in original), while the en banc Third Circuit has actually held the statute unconstitutional as applied to a man with a prior felony conviction for making a false statement to obtain food stamps, *Range v. Att’y Gen.*, 124 F.4th 218, 222–23 (3d Cir. 2024)(en banc). Many District Courts, though not the majority, have also found the statute unconstitutional in individual cases. See Supplemental Brief in *Range*, at *4-5, nn.1-3 (collecting cases); see also *United States v. Gomez*, 773 F.Supp.3d 257 (N.D. TX March 25, 2025)(marijuana possession), *appeal pending*. As the government observed last year, moreover, “[s]ome of those decisions have involved felons with convictions for violent crimes, such as murder, manslaughter, armed robbery, and carjacking.” *Id.* at **4-5, & n.1.

Further, the Courts of Appeals have acknowledged extensive disagreement and uncertainty regarding certain methodological issues relevant to the resolution of *Bruen* challenges. These include the relevance of laws at founding that did not directly regulate firearms, such as capital punishment and estate forfeiture, compare *Range*, 124 F.4th at 231 (capital punishment and estate forfeiture for non-violent crime not relevant), with *Diaz*, 116 F.4th at

469-470 (giving dispositive weight to the availability of capital punishment for crimes analogous to the defendant's prior conviction); the status of pre-*Bruen* circuit precedent, *compare Vincent*, 127 F.4th at 1265–66 (circuit precedent unaffected, and collecting cases), *with Williams*, 113 F.4th at 648 (*Bruen* displaces earlier circuit precedent); the significance of *dicta* in *Heller*, *Bruen*, and *Rahimi* regarding “presumptively valid” restrictions on firearm ownership, *compare Duarte*, 137 F.4th at 750 (relying heavily on such passages to affirm §922(g)(1)) *with Diaz*, 116 F.4th at 465-466 (declining to give them controlling weight); and the propriety of inquiring into the defendant's conduct not been substantiated by a criminal conviction; *compare United States v. Kimble*, No. 23-50874, 2025 WL 1793832, at *8 (5th Cir. June 30, 2025)(improper) *with Pitsilides v. Barr*, 128 F.4th 203, 211–12 (3d Cir. 2025)(proper). And Circuit opinions resolving challenges to §922(g)(1) frequently generate dissenting and concurring opinions, attesting to the pervasive uncertainty and disagreement in the area. *See Range*, 124 F.4th at 221 (six opinions, one dissent); *Duarte*, 137 F.4th at 745 (four opinions, one partial dissent)(reversing panel); *Williams*, 113 F.4th at 642 (concurring opinion from Judge concurring only in judgment in panel decision); *Atkinson v. Garland*, 70 F.4th 1018, 1019 (7th Cir. 2023)(dissent from panel decision).

B. This Court should resolve the uncertainty regarding the constitutional status of 18 U.S.C. §922(g)(1).

The issue merits intervention by this Court. There is a clear and acknowledged circuit split on the

constitutionality of a federal statute. At least seven Circuits have weighed in, and there is relative balance as between those maintaining that the statute is always constitutional, on the one hand, and those acknowledging its constitutional vulnerabilities, on the other. The split will therefore not resolve spontaneously. And as can be seen above, a substantial volume of lower court opinions provide an ample resource to assist this Court in the resolution of the matter.

The matter is profoundly weighty. Two Circuits (the Third and Ninth) have dealt with the issue en banc, demonstrating that it meets the standards for discretionary review. And these two en banc treatments of the issue drew nine amici, further attesting to its importance. *See Range*, 124 F.4th at 221; *Duarte*, 137 F.4th at 745. More than 6,000 people suffered conviction for violating this statute in Fiscal Year 2024 alone, almost all of whom went to prison. United States Sentencing Commission, *Quick Facts, 18 U.S.C. §922(g) Firearms Offenses*, at 1, last visited August 26, 2025, available at https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Felon_In_Possession_FY24.pdf. And of course most states have comparable statutes, which means that the true number of persons incarcerated each year for possessing a firearm after a felony conviction may be many times this number. *See e.g.* Alaska Stat. § 11.61.200(a)(1), (b)(1)-(3); Ariz. Rev. Stat. Ann. §§ 13-904(A), (B); 13-905; 13-906; Cal. Penal §§ 12021, 4852.17; Col. Rev. Stat. § 18-12-108.

The lack of clear answers about the constitutionality of this statute (and its state analogues) is intolerable for many reasons. First, there is a strong possibility that substantial numbers of Americans are in prison, and that more will go to prison, for the exercise of a fundamental constitutional right. That should be anathema in a free constitutional republic. Second, and conversely, the lack of clarity as to the scope of the Second Amendment right to own a firearm after a felony conviction may deter lawful prosecutions of criminal activity, jeopardizing public safety. Third, this lack of clarity may deter constitutionally protected conduct, or encourage reliance on mistaken beliefs about the scope of a constitutional right, resulting in illegal conduct and imprisonment. *See United States v. Schnur*, 132 F.4th 863, 871 (5th Cir. 2025)(Higginson, J., concurring)(expressing concern about the notice problems that flow from uncertainty regarding the constitutional status of §922(g)(1)).

C. This case well presents the issue.

The present case is an apt vehicle to resolve the uncertainty. Petitioner's challenge could well be resolved in his favor. Petitioner's most serious prior felony was possession of methamphetamine with intent to distribute. *See* (Record in the Court of Appeals, at 225). (He has also been convicted of possession of marijuana with intent to distribute, a forged check offense, and several misdemeanors). *See* (Record in the Court of Appeals, at 219-225). Although the founders knew of the problem of drug abuse, it was not a crime to possess or sell them. David T. Courtright, *A Century of American Narcotics Policy*, in

Treating Drug Problems at 1 (1992)(observing that until roughly 100 years ago, “there was virtually no effective regulation of narcotics in the United States.”). As such, it cannot be said that the Founders would have thought it appropriate to effect a permanent lifelong disarmament for that conduct. Further, the act of dealing drugs, whatever effects it may have on the community, is not by itself an act of violence. It thus cannot be easily equated to the assaultive conduct targeted by affray or “going armed” laws, which conduct resulted in temporary disarmament at founding. *See Rahimi*, 602 U.S. at 690, 697 (quoting 4 W. BLACKSTONE, COMMENTARIES ON THE LAW OF ENGLAND 149 (1769)).

Regrettably, the issue is not preserved in District Court. But as the government has noted, the “possibility that [petitioner] might ultimately be denied [relief] on another ground would not prevent the Court from addressing [the question presented]. Indeed, the Court frequently considers cases that have been decided on one ground by a court of appeals, leaving other issues to be decided on remand, if necessary.” Reply in Support of Certiorari in No. 11-159, *Astrue v. Capato*, 2011 WL 5098759, at *11 (Filed October 26, 2011).

CONCLUSION

This Court should grant the petition and set this case for a decision on the merits.

Respectfully submitted,

/s/ Kevin Joel Page
Kevin Joel Page
Counsel of Record
FEDERAL PUBLIC
DEFENDER'S OFFICE
525 S. Griffin St.
Suite 629
Dallas, Texas 75202
(214) 767-2746
Joel_Page@fd.org

August 28, 2025

PETITION APPENDIX

Fifth Circuit Opinion.....	1a
Judgment and Sentence of District Court	3a

United States Court of Appeals for the Fifth Circuit

No. 24-10903
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 30, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

GARY CHARLES MOORE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:24-CR-21-1

Before JOLLY, GRAVES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Gary Charles Moore pleaded guilty to possession of a firearm after a felony conviction in violation of 18 U.S.C. § 922(g)(1). For the first time on appeal, he argues that § 922(g)(1) violates the Second Amendment as applied to him. The Government has filed an unopposed motion for summary affirmance or, alternatively, for an extension of time in which to file a brief.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 24-10903

The Government is correct that the sole issue on appeal is foreclosed on plain error review. *See United States v. Cisneros*, 130 F.4th 472, 477 (5th Cir. 2025). Because summary affirmance is appropriate here, *see Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), the Government's motion for summary affirmance is GRANTED, the alternative motion for an extension of time to file a brief is DENIED, and the district court's judgment is AFFIRMED.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS LUBBOCK DIVISION

UNITED STATES OF AMERICA

v.

GARY CHARLES MOORE§ **JUDGMENT IN A CRIMINAL CASE**

§

§

§ Case Number: **5:24-CR-00021-H-BV(1)**§ USM Number: **10732-511**§ **Kristen Ayers**

§ Defendant's Attorney

THE DEFENDANT:

<input type="checkbox"/>	pleaded guilty to count(s)	
<input checked="" type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	1 of the indictment filed March 6, 2024.
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	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

18 U.S.C. §§ 922(g)(1) and 924(a)(8) - CONVICTED FELON IN POSSESSION OF A FIREARM

Offense Ended

12/15/2023

Count

1

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 ☐ Remaining count(s) 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.

September 25, 2024

Date of Imposition of Judgment

Signature of Judge

James Wesley Hendrix
United States District Judge

Name and Title of Judge

September 25, 2024

Date

DEFENDANT: GARY CHARLES MOORE
CASE NUMBER: 5:24-CR-00021-H-BV(1)

IMPRISONMENT

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

90 months as to count 1. This sentence shall run consecutively to any sentence imposed in Case Nos. DC-2023-CR-2929 and DC-2023-CR-2930, pending in the 364th Judicial District Court, Lubbock County, Texas; and shall run concurrently with any sentence imposed in Case No. PFF-2023-MAG-4125, pending in the Magistrate Court, Lubbock County, Texas.

☒ The court makes the following recommendations to the Bureau of Prisons: Incarceration at FCI El Reno, Oklahoma, or FCI Three Rivers, Texas.

The Court recommends that, while incarcerated, the defendant receive appropriate substance-abuse and mental-health treatment, but the Court did not lengthen the defendant's prison term to promote rehabilitation. *See Tapia v. United States*, 564 U.S. 319 (2011).

☒ 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: GARY CHARLES MOORE
CASE NUMBER: 5:24-CR-00021-H-BV(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **Three (3) years.**

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 which 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 additional conditions on the attached page.

DEFENDANT: GARY CHARLES MOORE
CASE NUMBER: 5:24-CR-00021-H-BV(1)

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. I understand additional information regarding these conditions is available at www.txnp.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: GARY CHARLES MOORE
CASE NUMBER: 5:24-CR-00021-H-BV(1)

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall participate in outpatient mental health treatment services as directed by the probation officer until successfully discharged. These services may include medications prescribed by a licensed physician. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$20.00.
2. The defendant shall participate in an outpatient program approved by the probation officer for treatment of narcotic, drug, or alcohol dependency that will include testing for the detection of substance use, abstaining from the use of alcohol and all other intoxicants during and after completion of treatment, and contributing to the costs of services rendered (copayment) at the rate of at least \$20.00 per month.
3. The defendant shall participate in a domestic violence treatment program (i.e. batterer's intervention program and anger management program) as directed by the probation officer until successfully discharged. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$20.00 per month.

DEFENDANT: GARY CHARLES MOORE
CASE NUMBER: 5:24-CR-00021-H-BV(1)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments page.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$100.00	\$.00	\$.00	\$.00	\$.00

- ☐ The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* 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. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- ☐ 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 the schedule of payments page 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:
- | | | |
|---|-------------------------------|--|
| <input type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution |
| <input type="checkbox"/> the interest requirement for the | <input type="checkbox"/> fine | <input type="checkbox"/> 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: GARY CHARLES MOORE
CASE NUMBER: 5:24-CR-00021-H-BV(1)

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 payments of \$ _____ due immediately, balance due
☐ not later than _____, or
☐ in accordance ☐ 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 20 (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:
It is ordered that the Defendant shall pay to the United States a special assessment of \$100.00 for Count 1, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during 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
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and 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:

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) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.