

APPENDIX

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U.S. Court of Appeals Ninth Circuit Opinion (July 9, 2025)	App-1
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142 F.4th 1194

United States Court of Appeals, Ninth Circuit.

UNITED STATES of
America, Plaintiff-Appellee,
v.
James Bradley VLHA, Defendant-Appellant.
United States of America, Plaintiff-Appellee,
v.
Travis Schlotterbeck, Defendant-Appellant.

No. 22-50281, No. 22-50283

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Argued and Submitted March 29, 2024

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Submission Withdrawn April 3, 2024

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Resubmitted July 2, 2025 Pasadena, California

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Filed July 9, 2025

Synopsis

Background: Following denial of their motion to dismiss indictment, defendants pled guilty in the United States District Court for the Central District of California, [George H. Wu, J.](#), to conspiring to manufacture firearms for sale without federal license and selling firearm to felon, and they appealed.

Holdings: The Court of Appeals, Forrest, Circuit Judge, held that:

[1] as matter of first impression, federal law prohibiting manufacture of firearms for public sale or distribution without license did not violate Second Amendment, and

[2] federal statute's prohibition on selling firearms to felons did not violate Second Amendment.

Affirmed.

Procedural Posture(s): Appellate Review; Pre-Trial Hearing Motion.

West Headnotes (12)

[1] **Indictments and Charging Instruments** 🔑 **Grounds**

Indictment sought under statute that is unconstitutional on its face or as applied will be dismissed.

[2] **Criminal Law** 🔑 **Review De Novo**

Court of Appeals reviews de novo denial of motion to dismiss indictment challenging charging statute's constitutionality.

[3] **Criminal Law** 🔑 **Grand jury and indictment**

In reviewing denial of motion to dismiss indictment challenging charging statute's constitutionality, Court of Appeals is limited to allegations within indictment's four corners.

[4] **Constitutional Law** 🔑 **Facial invalidity**

Challenging statute as facially unconstitutional is the most difficult challenge to mount successfully, because it requires defendant to establish that no set of circumstances exists under which law would be valid.

[5] **Weapons** 🔑 **Violation of right to bear arms**

If Second Amendment's plain text covers regulated conduct at issue, Constitution presumptively protects that conduct, and government must justify its regulation by demonstrating that historical precedent from before, during, and even after founding evinces comparable tradition of regulation. [U.S. Const. Amend. 2](#).

[6] **Weapons** 🔑 **Right to bear arms in general**

Second Amendment protects individual right to possess and carry weapons for self-defense. [U.S. Const. Amend. 2](#).

1 Case that cites this headnote

[7] **Weapons** 🔑 Right to bear arms in general

Weapons 🔑 What guns are allowed

Whether Second Amendment applies depends on whether (1) challenger is part of “People,” (2) instrument at issue is arm, and (3) challenger’s proposed course of conduct falls within right to keep and bear arms. [U.S. Const. Amend. 2](#).

[8] **Weapons** 🔑 Right to bear arms in general

Second Amendment protects activities ancillary to core possessory right only if regulation of such activities meaningfully constrains core individual possessory right. [U.S. Const. Amend. 2](#).

1 Case that cites this headnote

[9] **Weapons** 🔑 Violation of right to bear arms

Weapons 🔑 Right to bear arms in general

There is no freestanding right to sell firearms that is wholly detached from any customer’s ability to acquire firearms; vendor challenging firearms regulation under Second Amendment must be able to demonstrate that would-be purchasers’ core right of possession is being meaningfully constrained. [U.S. Const. Amend. 2](#).

2 Cases that cite this headnote

[10] **Weapons** 🔑 Violation of right to bear arms

Weapons 🔑 Licensing of Dealers, Manufacturers, and Importers

Requiring commercial firearm manufacturers to obtain licenses under shall-issue scheme did not meaningfully constrain would-be purchasers from obtaining firearms, and thus federal law prohibiting manufacture of firearms for public sale or distribution without license did not violate Second Amendment. [U.S. Const. Amend. 2](#); [18 U.S.C.A. § 922\(a\)\(1\)\(A\)](#).

[11] **Criminal Law** 🔑 Judicial Notice

Reports of government agencies are subject to judicial notice.

[12] **Weapons** 🔑 Violation of right to bear arms

Weapons 🔑 Possession After Conviction of Crime

Federal statute’s prohibition on selling firearms to felons could not meaningfully constrain possessory rights of felons because they did not have possessory right, and thus statute did not violate Second Amendment. [U.S. Const. Amend. 2](#); [18 U.S.C.A. § 922\(d\)\(1\)](#).

1 Case that cites this headnote

SUMMARY*

Criminal Law / Second Amendment

The panel affirmed James Viha’s and Travis Schlotterbeck’s convictions under [18 U.S.C. § 922\(a\)\(1\)\(A\)](#) for conspiring to manufacture firearms for sale without a federal license and Schlotterbeck’s conviction under [18 U.S.C. § 922\(d\)\(1\)](#) for selling a firearm to a felon.

Defendants argued that these two statutes violate the Second Amendment.

When, as here, the challenger is an individual whose direct possessory right to “keep and bear Arms” is not implicated, the ancillary-rights doctrine, which was not abrogated by *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1, 142 S.Ct. 2111, 213 L.Ed.2d 387 (2022), applies. In this context, the Second Amendment is limited: it protects ancillary activities only if the regulation of such activities meaningfully constrains the core possessory right.

The panel applied the meaningful-constraint test to determine whether the conduct at issue is presumptively protected by the Second Amendment.

The panel held that the text of the Second Amendment does not cover the conduct regulated by [§ 922\(a\)\(1\)\(A\)](#) because requiring commercial firearm manufacturers to obtain licenses—under a non-discretionary scheme that

requires the license to be issued if the applicant pays a filing fee, is at least 21-years old, has premises on which to conduct his business, and is generally compliant with other laws—does not meaningfully constrain would-be purchasers from obtaining firearms. Defendants' constitutional challenge as to § 922(a)(1)(A) therefore fails.

The panel held that Schlotterbeck's facial and as-applied challenges to § 922(d)(1) also fail. The logic of *United States v. Duarte*, 137 F.4th 743 (9th Cir. 2025) (en banc)—which held that 18 U.S.C. § 922(g)(1)'s ban on felons possessing firearms is justified by our nation's history and tradition of disarming people the legislature deems dangerous—dictates the outcome here. Section § 922(d)(1)'s prohibition on firearms to felons cannot meaningfully constrain the possessory rights of felons because they do not have possessory rights.

Appeal from the United States District Court for the Central District of California, [George H. Wu](#), District Judge, Presiding, D.C. Nos. 2:19-cr-00343-GW-2, D.C. No. 2:19-cr-00343-GW-1

Attorneys and Law Firms

Suria M. Bahadue (argued), Assistant United States Attorney, Deputy Chief, General Crimes Section; [Daniel G. Boyle](#) and [Brian R. Faerstein](#), Assistant United States Attorneys; [Christina T. Shay](#) and [Bram M. Alden](#), Assistant United States Attorneys, Chiefs, Criminal Division; [Bilal A. Essayli](#) and [E. Martin Estrada](#), United States Attorneys; Office of the United States Attorney, United States Department of Justice, Los Angeles, California; for Plaintiff-Appellee.

[Katherine K. Windsor](#) (argued), Law Office of Katherine Kimball Windsor, Pasadena, California; [Edward M. Robinson](#) (argued) and [Rachael A. Robinson](#), Law Office of Edward M. Robinson, Torrance, California; for Defendants-Appellants.

Before: [Ronald M. Gould](#), [Sandra S. Ikuta](#), and [Danielle J. Forrest](#), Circuit Judges.

OPINION

[FORREST](#), Circuit Judge:

***1196** Defendants James Vlha and Travis Schlotterbeck were convicted under 18 U.S.C. § 922(a)(1)(A) for conspiring to manufacture firearms for sale without a federal license and

Schlotterbeck was convicted under 18 U.S.C. § 922(d)(1) for selling a firearm to a felon. Defendants argue that these two statutes violate the Second Amendment. We disagree because the Second Amendment does not apply to Defendants' conduct.

*1197 BACKGROUND

Defendants conspired to manufacture and sell semi-automatic AR-15 firearms without a license in Bellflower, California. They accepted orders for custom assault weapons, created parts using specialized equipment, and assembled and sold the firearms. In 2015 and 2016, Defendants manufactured custom assault weapons and unwittingly sold them to various undercover agents. Schlotterbeck also sold a firearm to a confidential informant who Schlotterbeck believed was a felon.

Defendants were charged with conspiring to engage in the business of manufacturing and dealing of firearms without a license, and Schlotterbeck was charged with selling a firearm to a felon. Defendants moved to dismiss their indictment under *Federal Rule of Criminal Procedure* 12(b)(3) as unconstitutional under *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1, 142 S.Ct. 2111, 213 L.Ed.2d 387 (2022). The district court denied their motion, and Defendants entered conditional pleas preserving their right to appeal that decision. Defendants timely appealed.

DISCUSSION

[1] [2] [3] [4] “[A]n indictment sought under a statute that is unconstitutional on its face or as applied will ... be dismissed.” *United States v. Mayer*, 503 F.3d 740, 747 (9th Cir. 2007). We review de novo the denial of a motion to dismiss an indictment challenging the constitutionality of the charging statute. *United States v. Howald*, 104 F.4th 732, 736 (9th Cir.), cert. denied, — U.S. —, 145 S. Ct. 781, 220 L.Ed.2d 279 (2024). In doing so, we are limited to the allegations within the four corners of the indictment. Cf. *United States v. Jensen*, 93 F.3d 667, 669 (9th Cir. 1996). Defendants raise both facial and as-applied challenges to § 922(a)(1)(A) and § 922(d)(1). Challenging a statute as facially unconstitutional is the “ ‘most difficult challenge to mount successfully,’ because it requires a defendant to ‘establish that no set of circumstances exists under which the [law] would be valid.’ ” *United States v. Rahimi*, 602 U.S. 680, 693, 144

S.Ct. 1889, 219 L.Ed.2d 351 (2024) (quoting *United States v. Salerno*, 481 U.S. 739, 745, 107 S.Ct. 2095, 95 L.Ed.2d 697 (1987)).

[5] Like many other circuits, after the Supreme Court decided *District of Columbia v. Heller*, 554 U.S. 570, 128 S.Ct. 2783, 171 L.Ed.2d 637 (2008), we initially adopted a means-ends balancing test for assessing Second Amendment challenges. *E.g.*, *Teixeira v. County of Alameda*, 873 F.3d 670, 682 (9th Cir. 2017) (en banc), *abrogated in part by Bruen*, 597 U.S. at 17, 142 S.Ct. 2111. *Bruen* rejected this approach and held that a Second Amendment analysis must be rooted only in the constitutional text and the nation's history and tradition of firearm regulation. *Bruen*, 597 U.S. at 24, 142 S.Ct. 2111. Thus, we must begin our analysis by determining whether “the Second Amendment's plain text” covers the regulated conduct at issue. *Id.* If it does, “the Constitution presumptively protects that conduct,” *id.* at 24, 142 S.Ct. 2111, and the government must justify its regulation by demonstrating that “‘historical precedent’ from before, during, and even after the founding evinces a comparable tradition of regulation.” *Id.* at 27, 142 S.Ct. 2111 (quoting *Heller*, 554 U.S. at 631, 128 S.Ct. 2783). But if the text of the Second Amendment does not protect the conduct at issue, a constitutional challenge necessarily fails. *B & L Prods., Inc. v. Newsom*, 104 F.4th 108, 120 (9th Cir. 2024), *cert. denied*, — U.S. —, 145 S. Ct. 1958, — L.Ed.2d — (2025) (mem.).

[6] [7] The Second Amendment ensures that “the right of the people to keep and bear Arms, shall not be infringed.” U.S. Const. amend. II. This provision protects “the individual right to possess and carry *1198 weapons” for self-defense. *Heller*, 554 U.S. at 592, 128 S.Ct. 2783. Whether the Second Amendment applies depends on whether (1) the challenger is part of “the people,” (2) the instrument at issue is an “Arm[],” and (3) the challenger's proposed course of conduct falls within the “right ... to keep and bear Arms.” U.S. Const. amend. II; *see also Heller*, 554 U.S. at 579–92, 128 S.Ct. 2783 (textually interpreting each element).

[8] [9] Where the challenger is an individual whose direct possessory right to “keep and bear Arms” is not implicated, as here, our ancillary-rights doctrine applies. Before *Bruen*, we held that the Second Amendment protects some activities ancillary to the core possessory right, including the ability to acquire weapons. *E.g.*, *Teixeira*, 873 F.3d at 676–78. But the Second Amendment is limited in this context: it protects ancillary activities only if the regulation of such activities “meaningfully constrain[s]” the core individual possessory

right. *Id.* at 680. There is not “a freestanding right” to sell firearms that is “wholly detached from any customer's ability to acquire firearms.” *Id.* at 682; *see also id.* 682–90 (analyzing the history). A vendor challenging a firearms regulation must be able to demonstrate that the would-be purchasers' core right of possession is being meaningfully constrained. *See id.* at 678, 681–90.

Bruen did not abrogate our ancillary-rights doctrine. *B & L Prods.*, 104 F.4th at 120; *see also Duncan v. Bonta*, 133 F.4th 852, 866–67 (9th Cir. 2025) (en banc). This doctrine is based on the text of the Second Amendment, which we have interpreted as prohibiting “meaningful constraints” on the right to possess firearms. *B & L Prods., Inc.*, 104 F.4th at 118. Several of our sister circuits also have adopted our meaningful-constraint test or something like it. *See Gazzola v. Hochul*, 88 F.4th 186, 196–97 (2d Cir. 2023) (citing with approval *Teixeira*'s “meaningful constraint” test); *McRorey v. Garland*, 99 F.4th 831, 839 (5th Cir. 2024) (“The right to ‘keep and bear’ can implicate the right to purchase. That is why the [Supreme] Court prohibits shoehorning restrictions on purchase into functional prohibitions on keeping. But such an implication is not the same thing as being covered by the plain text of the amendment.” (citation omitted)); *see also Rocky Mountain Gun Owners v. Polis*, 121 F.4th 96, 120 (10th Cir. 2024) (“[L]aws imposing conditions and qualifications on the sale and purchase of arms do not implicate the plain text of the Second Amendment.”).

Thus, we apply the meaningful-constraint test at step one of the *Bruen* analysis to determine whether the conduct at issue is presumptively protected by the Second Amendment. *B & L Prods.*, 104 F.4th at 119; *Nguyen v. Bonta*, — F.4th —, — — —, 2025 WL 1718079, at *2–3 (9th Cir. June 20, 2025). We have not defined all the contours of the meaningful-constraint test. But a few examples help clarify its scope. Prohibiting an entire group from purchasing firearms—if the members of the group have the right to possess firearms—would meaningfully constrain their rights. Similarly, “a ban on all sales of a certain type of gun or ammunition in a region generally implicates the Second Amendment.” *B & L Prods.*, 104 F.4th at 119. But “a minor constraint on the precise locations within a geographic area where one can acquire firearms does not.” *Id.* Indeed, the plaintiffs in *Teixeira* were not permitted to open a gun store in Alameda County, California because they could not find a location for the store that was more than 500 feet away from schools, day care centers, liquor stores, other gun stores, and residential areas, as required by the local

zoning ordinance. 873 F.3d at 674, 676. But we rejected their Second Amendment challenge because their complaint demonstrated *1199 that “Alameda County residents may freely purchase firearms within the County.” *Id.* at 679. That is, plaintiffs did not show that the core possessory right of would-be purchasers was meaningfully constrained by the zoning ordinance. See *id.* at 680–81.

Similarly, in *B & L Productions*, gun show operators challenged statutes restricting firearm sales on government property that functionally prohibited gun shows from being held at county fairgrounds. See 104 F.4th at 111–12. We also rejected their Second Amendment challenge because they did not allege “that a ban on sales on state property would impair a single individual from keeping and bearing firearms.” *Id.* at 119. There were “six licensed firearm dealers” located in the relevant zip code and we reasoned that “[m]erely eliminating one environment where individuals may purchase guns does not constitute a meaningful constraint on Second Amendment rights when they can acquire the same firearms down the street.” *Id.*

Conversely, in *Nguyen* we recently held that restricting buyers to purchasing one firearm within a 30-day period meaningfully constrains the core right of possession. *Nguyen*, — F.4th at — — —, 2025 WL 1718079, at *2–4. And that restriction was also invalid as to sellers. Both buyers and sellers were subject to penalties for violating the 30-day restriction and the plaintiffs in that case included both buyers and sellers. See *id.* at — — —, 2025 WL 1718079, at *1–2.

With these principles in mind, we turn to whether the plain text of the Second Amendment protects the conduct for which Defendants were convicted in this case. *Bruen*, 597 U.S. at 24, 142 S.Ct. 2111.

I. Unlicensed Manufacturing

Federal law prohibits manufacturing firearms for public sale or distribution without a license. 18 U.S.C. § 922(a)(1)(A).¹ And because Defendants are not asserting possessory rights, whether the Second Amendment protects their unlicensed manufacture of firearms is governed by the ancillary-rights doctrine.

Broadly speaking, we agree with Defendants that the ability to manufacture firearms facilitates individuals' ability to buy

firearms, which facilitates the core right to “keep and bear Arms.” See *Teixeira*, 873 F.3d at 677 (holding the “core Second Amendment right ... ‘wouldn't mean much’ without the ability to acquire arms” (citation omitted)). But federal law does not prohibit manufacturing, only manufacturing “as a regular course of trade or business” *without a license*. 18 U.S.C. §§ 921(a)(21)(A), 922(a)(1)(A). The licensing scheme that Congress created here is not discretionary—the required license must be issued if the applicant pays a filing fee, is at least 21-years old, has premises on which to conduct his business, and is generally compliant with other laws. See 18 U.S.C. § 923(a), (d); see also 27 C.F.R. §§ 478.41–478.60.

[10] [11] In 2023, there were over 3500 licensed firearms manufacturers in the *1200 United States. See Bureau of Alcohol, Tobacco, Firearms & Explosives, 2023 *Annual Firearms Manufacturers and Export Report* (March 26, 2025), <https://www.atf.gov/explosives/docs/report/afmer2023datatablefinal5081xlsx/download> [https://perma.cc/J89W-LY8A].² That same year, there were also nearly 10 million firearms manufactured by licensed manufacturers. See Bureau of Alcohol, Tobacco, Firearms & Explosives, *Annual Firearms Manufacturing and Export Report: Year 2023 Final* (March 26, 2025), <https://www.atf.gov/explosives/docs/report/afmer2023finalreportsummarycoversheet5081pdf/download> [https://perma.cc/Y5PG-CNX9]. Given this, requiring commercial firearm manufacturers to obtain licenses under the shall-issue scheme challenged here does not meaningfully constrain would-be purchasers from obtaining firearms. See *Teixeira*, 873 F.3d at 680–81. While “any permitting scheme can be put toward abusive ends” through “lengthy wait times in processing license applications or exorbitant fees” and the like, *Bruen*, 597 U.S. at 38 n.9, 142 S.Ct. 2111, Defendants have not shown any such abuse here. Therefore, we conclude that the text of the Second Amendment does not cover the conduct regulated by § 922(a)(1)(A), and Defendants' constitutional challenge as to this statute fails.

II. Sale to a Felon

Section 922(d)(1) prohibits “sell[ing] or otherwise dispos[ing] of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person ... is under indictment for, or has been convicted in any court of,” a felony. 18 U.S.C. § 922(d)(1). Schlotterbeck challenges this statute both facially and as applied in his case.

Given our precedent, the answer to this challenge is more straightforward than the challenge to § 922(a)(1)(A).

To determine whether the Second Amendment protects selling firearms to felons, we again apply our ancillary-rights doctrine and ask whether the restriction against such sales meaningfully constrains the would-be purchasers from possessing firearms. *B & L Prods.*, 104 F.4th at 119.

In *United States v. Duarte*, we rejected the Government's argument at step one of the *Bruen* analysis and held that felons are included in “the people.” 137 F.4th 743, 752–55 (9th Cir. 2025) (en banc). But at step two, we concluded that § 922(g)(1)'s ban on felons possessing firearms is justified by our nation's history and tradition of disarming people the legislature deems dangerous. *Id.* at 761–62. Indeed, we held that our history and tradition supported *categorically* disarming felons, even those convicted of non-violent offenses. See *id.* at 761. If felons have no Second

Amendment right to keep and bear arms, then it necessarily follows that they have no right to purchase firearms.

[12] Schlotterbeck argues that *Duarte* does not apply here because it addressed § 922(g)(1) rather than § 922(d). We disagree. Although *Duarte* addressed a separate provision, its logic dictates the outcome here. Section 922(d)(1)'s prohibition on selling firearms to felons cannot meaningfully constrain the possessory rights of felons because they do not have possessory rights.³ Accord *United States v. Knipp*, 138 F.4th 429, 435 (6th Cir. 2025). For this reason, Schlotterbeck's facial and as-applied *1201 constitutional challenges to § 922(d)(1) also fail.

AFFIRMED.

All Citations

142 F.4th 1194, 2025 Daily Journal D.A.R. 6409

Footnotes

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

1 “It shall be unlawful—(1) for any person—(A) except a ... licensed manufacturer ... to engage in the business of ... manufacturing ... firearms ” 18 U.S.C. § 922(a); see also 18 U.S.C. § 921(a)(10) (“The term ‘manufacturer’ means any person engaged in the business of manufacturing firearms or ammunition for purposes of sale or distribution; and the term ‘licensed manufacturer’ means any such person licensed under the provisions of this chapter.”); 18 U.S.C. § 921(a)(21)(A) (stating that a person “engaged in the business” of manufacturing means “a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured.”).

2 Reports of government agencies are subject to judicial notice. *United States v. 14.02 Acres of Land More or Less in Fresno County*, 547 F.3d 943, 955 (9th Cir. 2008).

3 We do not reach whether § 922(d) is constitutional in its other applications or as applied to conduct not at issue here.

**United States District Court
Central District of California**

UNITED STATES OF AMERICA vs.

Docket No.

CR 19-343-GWJS 3Defendant 2. JAMES BRADLEY VLHASocial Security No. 4 0 0 3

akas: _____

(Last 4 digits)

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government, the defendant appeared in person on this date.

MONTH	DAY	YEAR
11	17	2022

COUNSELJerome J. Haig, Retained

(Name of Counsel)

PLEA**GUILTY**, and the court being satisfied that there is a factual basis for the plea.**NOLO
CONTENDERE****NOT
GUILTY****FINDING**There being a finding/verdict of **GUILTY**, defendant has been convicted as charged of the offense(s) of:**18 U.S.C. § 371: CONSPIRACY as charged in Count 1 of the Indictment.****JUDGMENT
AND PROB/
COMM
ORDER**

The Court asked whether there was any reason why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the Court, the Court adjudged the defendant guilty as charged and convicted and ordered that: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of: **TIME SERVED.**

It is ordered that the defendant shall pay to the United States a special assessment of \$100, which is due immediately.

It is ordered that the defendant shall pay to the United States a total fine of \$25,000, which shall bear interest as provided by law. Fine will not be paid until appeal is resolved.

The defendant shall comply with Second Amended General Order No. 20-04.

This recommendation includes language regarding an order of forfeiture in anticipation that, by the time of sentencing, the Government will have sought such an order. At this time, the Probation Officer is not aware that an order of forfeiture has been issued. In the event that no order has been issued by the time of sentencing, the forfeiture language will not be applicable.

Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant, James Bradley Vlha, is hereby committed on Count 1 of the Indictment to the custody of the Bureau of Prisons for a term of TIME SERVED.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years under the following terms and conditions:

1. The defendant shall comply with the rules and regulations of the United States Probation Office and Second Amended General Order 20-04.
2. During the period of community supervision, the defendant shall pay the special assessment and fine in accordance with this judgment's orders pertaining to such payment.
3. The defendant shall cooperate in the collection of a DNA sample from the defendant.
4. When not employed at least part-time and/or enrolled in an educational or vocational program, the defendant shall perform 20 hours of community service per month for six months as directed by the Probation Officer. Community service may be stayed pending resolution of appeal;

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Docket No.: **CR 19-343-GW**

5. The defendant shall submit the defendant's person, property, house, residence, vehicle, papers, or other areas under the defendant's control, to a search conducted by a United States Probation Officer or law enforcement officer. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. Any search pursuant to this condition will be conducted at a reasonable time and in a reasonable manner upon reasonable suspicion that the defendant has violated a condition of his supervision and that the areas to be searched contain evidence of this violation.

The drug testing condition mandated by statute is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.

The Government's request to dismiss the remaining counts of the underlying Indictment is granted.

The Court advises defendant of his rights to an appeal. Bond is exonerated upon reporting to the U.S. Probation Office. Bond not required on appeal.

In addition to the special conditions of supervision imposed above, it is hereby ordered that the Standard Conditions of Probation and Supervised Release within this judgment be imposed. The Court may change the conditions of supervision, reduce or extend the period of supervision, and at any time during the supervision period or within the maximum period permitted by law, may issue a warrant and revoke supervision for a violation occurring during the supervision period.

November 17, 2022

Date



HON. GEORGE H. WU, U. S. District Judge

It is ordered that the Clerk deliver a copy of this Judgment and Probation/Commitment Order to the U.S. Marshal or other qualified officer.

Clerk, U.S. District Court

November 17, 2022

Filed Date

By /s/ Javier Gonzalez

Deputy Clerk

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

STANDARD CONDITIONS OF PROBATION AND SUPERVISED RELEASE

While the defendant is on probation or supervised release pursuant to this judgment:

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1. The defendant must not commit another federal, state, or local crime;
2. The defendant must report to the probation office in the federal judicial district of residence within 72 hours of imposition of a sentence of probation or release from imprisonment, unless otherwise directed by the probation officer;
3. The defendant must report to the probation office as instructed by the court or probation officer;
4. The defendant must not knowingly leave the judicial district without first receiving the permission of the court or probation officer;
5. The defendant must answer truthfully the inquiries of the probation officer, unless legitimately asserting his or her Fifth Amendment right against self-incrimination as to new criminal conduct;
6. The defendant must reside at a location approved by the probation officer and must notify the probation officer at least 10 days before any anticipated change or within 72 hours of an unanticipated change in residence or persons living in defendant's residence;
7. The defendant must permit the probation officer to contact him or her at any time at home or elsewhere and must permit confiscation of any contraband prohibited by law or the terms of supervision and observed in plain view by the probation officer;
8. The defendant must work at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons and must notify the probation officer at least ten days before any change in employment or within 72 hours of an unanticipated change;
9. The defendant must not knowingly associate with any persons engaged in criminal activity and must not knowingly associate with any person convicted of a felony unless granted permission to do so by the probation officer. This condition will not apply to intimate family members, unless the court has completed an individualized review and has determined that the restriction is necessary for protection of the community or rehabilitation;
10. The defendant must refrain from excessive use of alcohol and must not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
11. The defendant must notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer;
12. For felony cases, the defendant must not possess a firearm, ammunition, destructive device, or any other dangerous weapon;
13. The defendant must not act or enter into any agreement with a law enforcement agency to act as an informant or source without the permission of the court;
14. The defendant must follow the instructions of the probation officer to implement the orders of the court, afford adequate deterrence from criminal conduct, protect the public from further crimes of the defendant; and provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

USA vs. **2. JAMES BRADLEY VLHA**Docket No.: **CR 19-343-GW**

The defendant must also comply with the following special conditions (set forth below).

STATUTORY PROVISIONS PERTAINING TO PAYMENT AND COLLECTION OF FINANCIAL SANCTIONS

The defendant must pay interest on a fine or restitution of more than \$2,500, unless the court waives interest or unless the fine or restitution is paid in full before the fifteenth (15th) day after the date of the judgment under 18 U.S.C. § 3612(f)(1). Payments may be subject to penalties for default and delinquency under 18 U.S.C. § 3612(g). Interest and penalties pertaining to restitution, however, are not applicable for offenses completed before April 24, 1996.

If all or any portion of a fine or restitution ordered remains unpaid after the termination of supervision, the defendant must pay the balance as directed by the United States Attorney's Office. 18 U.S.C. § 3613.

The defendant must notify the United States Attorney within thirty (30) days of any change in the defendant's mailing address or residence address until all fines, restitution, costs, and special assessments are paid in full. 18 U.S.C. § 3612(b)(1)(F).

The defendant must notify the Court (through the Probation Office) and the United States Attorney of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay a fine or restitution, as required by 18 U.S.C. § 3664(k). The Court may also accept such notification from the government or the victim, and may, on its own motion or that of a party or the victim, adjust the manner of payment of a fine or restitution under 18 U.S.C. § 3664(k). See also 18 U.S.C. § 3572(d)(3) and for probation 18 U.S.C. § 3563(a)(7).

Payments will be applied in the following order:

1. Special assessments under 18 U.S.C. § 3013;
2. Restitution, in this sequence (under 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid):
 - Non-federal victims (individual and corporate),
 - Providers of compensation to non-federal victims,
 - The United States as victim;
3. Fine;
4. Community restitution, under 18 U.S.C. § 3663(c); and
5. Other penalties and costs.

CONDITIONS OF PROBATION AND SUPERVISED RELEASE PERTAINING TO FINANCIAL SANCTIONS

As directed by the Probation Officer, the defendant must provide to the Probation Officer: (1) a signed release authorizing credit report inquiries; (2) federal and state income tax returns or a signed release authorizing their disclosure and (3) an accurate financial statement, with supporting documentation as to all assets, income and expenses of the defendant. In addition, the defendant must not apply for any loan or open any line of credit without prior approval of the Probation Officer.

The defendant must maintain one personal checking account. All of defendant's income, "monetary gains," or other pecuniary proceeds must be deposited into this account, which must be used for payment of all personal expenses. Records of all other bank accounts, including any business accounts, must be disclosed to the Probation Officer upon request.

The defendant must not transfer, sell, give away, or otherwise convey any asset with a fair market value in excess of \$500 without approval of the Probation Officer until all financial obligations imposed by the Court have been satisfied in full.

These conditions are in addition to any other conditions imposed by this judgment.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on _____ to _____
Defendant noted on appeal on _____
Defendant released on _____
Mandate issued on _____
Defendant's appeal determined on _____
Defendant delivered on _____ to _____
at _____
the institution designated by the Bureau of Prisons, with a certified copy of the within Judgment and Commitment.

United States Marshal

Date By _____
Deputy Marshal

CERTIFICATE

I hereby attest and certify this date that the foregoing document is a full, true and correct copy of the original on file in my office, and in my legal custody.

Clerk, U.S. District Court

Filed Date By _____
Deputy Clerk

FOR U.S. PROBATION OFFICE USE ONLY

Upon a finding of violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions and have been provided a copy of them.

(Signed) _____
Defendant Date

U. S. Probation Officer/Designated Witness Date