

APPENDICES

Appendix A: Order of the court of appeals

United States v. Finney, No. 25-4291, ECF Doc. 26 (4th Cir. Nov. 20, 2025) 1a

Appendix B: Judgment of the court of appeals

United States v. Finney, No. 25-4291, ECF Doc. 27 (4th Cir. Nov. 20, 2025) 3a

Appendix C: Memorandum order of the district court

United States v. Finney, No. 3:24-cr-155-REP, ECF Doc. 17 (E.D. Va. Nov. 25, 2024)..... 4a

FILED: November 20, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4291
(3:24-cr-00155-REP-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RONALD SYLVESTER FINNEY, JR.,

Defendant - Appellant.

O R D E R

Ronald Sylvester Finney, Jr., appeals his conviction for possession of a firearm by a convicted felon, in violation of [18 U.S.C. § 922\(g\)\(1\)](#). He argues that § 922(g)(1) is facially unconstitutional and unconstitutional as applied to him following *New York State Rifle & Pistol Ass’n v. Bruen*, in which the Supreme Court held that a firearm regulation is valid under the Second Amendment only if it “is consistent with this Nation’s historical tradition of firearm regulation.” [597 U.S. 1, 17](#) (2022).

The Government moves for summary affirmance in light of our decisions in *United States v. Canada*, in which held that “Section 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,” [123 F.4th 159, 161](#) (4th Cir. 2024) (internal quotation marks omitted), and *United States v. Hunt*, where we reiterated “the Supreme Court’s repeated instruction that longstanding prohibitions ‘on the possession of firearms by felons . . . are presumptively lawful,’” [123 F.4th 697, 708](#) (4th Cir. 2024) (citing *United States v. Rahimi*, [602 U.S. 680, 699](#) (2024)), *cert. denied*, ___ U.S. ___, [145 S. Ct. 2756](#) (2025). The Government contends that Finney’s arguments on appeal are foreclosed by *Canada* and *Hunt*, and are thus “manifestly unsubstantial.” See [4th Cir. R. 27\(f\)\(1\)](#). Finney concedes that his arguments are foreclosed but nevertheless opposes summary affirmance.

Because the only issues raised in Finney’s appeal are foreclosed by our decisions in *Canada* and *Hunt*, we conclude that summary affirmance is warranted. Accordingly, we grant the Government’s motion for summary affirmance.

Entered at the direction of the panel: Judge Thacker, Judge Harris, and Judge Quattlebaum.

For the Court

/s/ Nwamaka Anowi, Clerk

FILED: November 20, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4291
(3:24-cr-00155-REP-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RONALD SYLVESTER FINNEY, JR.

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. 3:24-cr-155

RONALD SYLVESTER FINNEY, JR.

Defendant.

MEMORANDUM ORDER

This matter is before the Court on MR. FINNEY'S MOTION TO DISMISS THE INDICTMENT (ECF No. 14) (the "MOTION"), the Government's Response in Opposition to Defendant's Motion to Dismiss the Indictment (ECF No. 15), and MR. FINNEY'S REPLY TO THE GOVERNMENT'S RESPONSE TO HIS MOTION TO DISMISS THE INDICTMENT (ECF No. 16). For the reasons set forth below, MR. FINNEY'S MOTION TO DISMISS THE INDICTMENT (ECF No. 14) is denied.

BACKGROUND

Ronald Finney was indicted for violating 18 U.S.C. § 922(g)(1), the federal law prohibiting felons from possessing firearms. (ECF No. 1). The possession by Finney that is charged in COUNT ONE arose out of an incident where Mr. Finney was found in the front passenger seat of a parked vehicle which caught the attention of Richmond Police Officers. Upon further investigation by the officers, it is alleged that Finney was in possession of a

firearm. The possession is alleged to have occurred on May 3, 2024.

By 2024, Finney was a convicted felon. In particular, Finney was convicted in the Richmond Circuit Court of the Distribution of Cocaine in 2015. (ECF No. 9, p. 4). In 2018, Finney was convicted of the felony of Selling, Giving, or Distributing a Schedule II Controlled Substance (Hydrocodone). (ECF No. 9, pp. 5-6). Thus, it appears beyond dispute that, on the date when Finney allegedly possessed the firearm and its magazines, he was a convicted felon.

In the MOTION, Finney contends that 18 U.S.C. § 922(g)(1) is unconstitutional on its face. His constitutional challenge relies on the decisions of the Supreme Court of the United States in New York Rifle & Pistol Assn, Inc. v. Bruen, 597 U.S. 1 (2022) and United States v. Rahimi, 602 U.S. ____, 144 S. Ct. 1889 (2024). The facial constitutional challenge is made solely "to preserve the issue for later review." (ECF No. 14, p. 1, n. 1). For that reason, and in reliance on the decision in United States v. Canada, 103 F.4th 257 (4th Cir. 2024), that aspect of the MOTION is denied.

Finney also contends that § 922(g)(1) is unconstitutional as applied to him. The as-applied constitutional challenge is based on two contentions. First, Finney argues that he is "part of 'the people' who have the right to keep and bear arms [under the Second Amendment]." (ECF No. 14, p. 2). Second, he argues that "under Bruen's 'text and history' standard, the government is unable to rebut the presumption that § 922(g)(1) is unconstitutional." (ECF

No. 14, p. 2).

Both arguments were fully and correctly addressed by the Court recently in United States v. Sullivan, 2024 WL 3540987 (E.D. Va. July 25, 2024) (ECF No. 37).¹ For the reasons adequately explained in Sullivan, neither Bruen nor Rahimi disturbed the validity of the “longstanding prohibition of firearms by felons.” United States v. Sullivan, supra, ECF No. 37, p. 6 (citations omitted).

Here, as in Sullivan, the Court concludes that, “[a]s a felon, [Finney] is not one of ‘the people’ that the Second Amendment protects.” United States v. Sullivan, supra, ECF No. 37, p. 8.² But even if that were not the case, Finney’s record of serious drug distribution convictions show that he is certainly not a law-abiding citizen who is protected by the Second Amendment.

Nor is Finney’s “text and history” argument persuasive. In United States v. Riley, 635 F. Supp.3d 411 (E.D. Va. 2022), the Court explained thoroughly and carefully why “felon in possession prohibition laws are consistent with the Founders’ understanding of the Second Amendment ratification.” United States v. Riley,

¹ The Court recently adopted Sullivan in United States v. Jernigan, No. 3:24-cr-00104-REP, 2024 WL 4294648 (E.D. Va. Sept. 25, 2024) (ECF No. 28).

² See also, United States v. Lane, 689 F. Supp.3d 232 (E.D. Va. 2023); United States v. Scott, 2024 WL 3732465 (E.D. Va. Aug. 6, 2024) (ECF No. 17).

635 F. Supp.3d at 426-28.³ And, as in Sullivan, the Court finds Riley to be authoritative and correct.

In sum, for the reasons set forth in Sullivan, it is hereby ORDERED that MR. FINNEY'S MOTION TO DISMISS THE INDICTMENT (ECF No. 14) is denied.

It is further ORDERED that the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid the decisional process.

It is so ORDERED.

/s/ REP

Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: November 25, 2024

³ See also, United States v. Lane, supra; United States v. Coleman, 698 F. Supp.3d 851 (E.D. Va. 2023).