

No. \_\_\_\_

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**In The  
Supreme Court of the United States**

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GREGORY MAXWELL PALMER,  
*Petitioner,*

v.

UNITED STATES OF AMERICA,  
*Respondent.*

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On Petition for a Writ of Certiorari  
To the United States Court of Appeals  
for the Fourth Circuit

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**APPENDIX**

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FEDERAL PUBLIC DEFENDER  
JOSHUA B. CARPENTER  
APPELLATE CHIEF  
JARED P. MARTIN  
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**PUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 23-4538**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GREGORY MAXWELL PALMER,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Senior District Judge. (3:21-cr-00234-FDW-SCR-1)

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Argued: September 12, 2025

Decided: November 18, 2025

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Before DIAZ, Chief Judge, and WILKINSON and WYNN, Circuit Judges.

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Affirmed by published opinion. Chief Judge Diaz wrote the opinion, in which Judges Wilkinson and Wynn joined.

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**ARGUED:** Jared Paul Martin, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charlotte, North Carolina, for Appellant. Anthony Joseph Enright, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee. **ON BRIEF:** Dena J. King, United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

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DIAZ, Chief Judge:

Gregory Palmer applied for naturalization in 2011. But in 2013, he pleaded guilty in state court to a serious crime—that he committed in 2008. He didn’t disclose the misconduct on his naturalization application. A federal jury found Palmer guilty of knowingly concealing his criminal history to procure United States citizenship. 18 U.S.C. § 1425(a).

Palmer challenges his federal conviction on three grounds. He first argues that the district court should have dismissed the indictment for unconstitutional preindictment delay. And even if not, he continues, it erred by admitting his state guilty plea and by excluding expert testimony related to—but not drawing conclusions about—his intent.

We agree that the district court shouldn’t have limited the expert’s testimony. But we find no other error. Because the sole error was harmless, we affirm.

I.

A.

Palmer sought naturalization in 2011. Question 15 on the application asked, “Have you ever committed a crime or offense for which you were **not** arrested?” J.A. 36. Palmer checked no.

Later that year, Palmer sat for an interview, which had two parts. First, an immigration officer administered—and Palmer passed—reading, writing, and civics tests. Next, the officer asked Palmer each application question out loud. That included question

15. Palmer again answered no. The officer approved Palmer's application, and Palmer became a citizen.

B.

In 2013, Palmer pleaded guilty in North Carolina to attempted statutory rape. He admitted to "engag[ing] in a sexual act with . . . a person of the age of 13 years" in 2008. J.A. 729. In exchange, the State dismissed four counts of statutory rape and four counts of indecent liberties with a child.

Palmer told the state court that he understood the proceedings, he could read and write at an eleventh-grade level, and he was pleading guilty because he was guilty. The court accepted Palmer's plea and sentenced him to 157 to 198 months in prison.

C.

1.

A federal grand jury charged Palmer with naturalization fraud in 2021. The government alleged that Palmer knowingly provided false information representing he hadn't committed a crime or offense for which he wasn't arrested (in question 15) to procure citizenship.

Palmer moved to dismiss the indictment for unconstitutional preindictment delay. The district court denied his motion without a hearing, finding that Palmer hadn't met his burden to show the delay prejudiced his defense.

Next, Palmer moved to suppress evidence of his state guilty plea and conviction. The district court denied that motion after an evidentiary hearing.

The court found that Palmer couldn't challenge the validity of his state conviction in federal court. And even if he could, it continued, his counsel wasn't ineffective for failing to explain the immigration consequences that could stem from his guilty plea.

So Palmer proceeded to trial.

2.

Palmer retained a speech-language pathology expert, Dr. Kathleen Fahey. She had two main opinions. First, Fahey opined that Palmer had a low IQ and a language-literacy developmental disorder. And second, she determined that Palmer couldn't have understood the question he answered falsely. She based this conclusion on her findings that Palmer had a fourth-grade reading level and question 15 had an eighth-grade "readability" level. J.A. 841.

Before trial, the court heard argument about the scope of Fahey's testimony. It excluded her second main opinion and the grade-level conclusions underlying it under Rule 704(b).

Three witnesses testified at trial. First, the immigration officer described how Palmer had passed language-based citizenship tests and answered each application question without showing any sign of confusion. Palmer's ex-wife testified that she helped him complete his naturalization application. She also shared letters Palmer wrote to her and recalled that he read westerns for pleasure. And Fahey detailed Palmer's language-processing deficits.

The jury convicted Palmer. In so doing, it found that he knowingly answered question 15 falsely. The district court sentenced Palmer to six months in prison to be served

concurrently with his state sentence. 8 U.S.C. § 1451(e) required the court to revoke Palmer’s citizenship and void his naturalization certificate.

This appeal followed.

## II.

We start with Palmer’s motion to dismiss for unconstitutional preindictment delay. We review the district court’s factual findings for clear error and its conclusions of law *de novo*. *United States v. Villa*, 70 F.4th 704, 715 (4th Cir. 2023).

The grand jury indicted Palmer just within the ten-year statute of limitations for naturalization fraud.<sup>1</sup> Palmer argues that the delay between the alleged fraud and the indictment prejudiced him because his mother, whom he asserts would have testified in his defense, passed away in the intervening years. The district court rejected Palmer’s prejudice theory as speculative because he lacked evidence to corroborate his assertions about the substance of his mother’s testimony.

### A.

We primarily rely on statutes of limitations to bar the government from bringing “overly stale criminal charges.” *United States v. Lovasco*, 431 U.S. 783, 789 (1977). Although it’s possible for an indictment within the statute of limitations to raise due process concerns, a defendant raising such a challenge faces a high burden.

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<sup>1</sup> We needn’t decide when the statute of limitations began running with precision. Palmer concedes that the indictment was within bounds, and the government admits that it neared the ten-year mark.

Our inquiry concerns whether the delay “violates fundamental conceptions of justice or the community’s sense of fair play and decency.” *United States v. Uribe-Rios*, 558 F.3d 347, 358 (4th Cir. 2009) (cleaned up). A defendant must first show he suffered “substantial actual prejudice” because of the delay. *Villa*, 70 F.4th at 716. If he can meet that “heavy burden,” *United States v. Shealey*, 641 F.3d 627, 633 (4th Cir. 2011), we consider whether that prejudice outweighs the government’s reason for the delay. *Uribe-Rios*, 558 F.3d at 358.

We find substantial actual prejudice where a defendant “was meaningfully impaired in his ability to defend against the state’s charges to such an extent that the disposition of the criminal proceeding was likely affected.” *Shealey*, 641 F.3d at 634. When the “claimed prejudice is the unavailability of [a] witness[],” the defendant must “identify the witness he would have called; demonstrate, with specificity the expected content of that witness’ testimony; establish to the court’s satisfaction that he has made serious attempts to locate the witness; and . . . show that the information the witness would have provided was not available from other sources.” *Jones v. Angelone*, 94 F.3d 900, 908 (4th Cir. 1996).

A defendant must satisfy all four factors. And after that, it remains his burden to show the prejudice was substantial. *Id.* at 907–08.

## B.

Palmer can’t meet his high burden. He offers only his own assertions about the substance of his mother’s testimony. When a defendant’s proffer is limited to his own contentions about what a witness “would have testified,” the substance of the “testimony remains highly speculative.” *United States v. Automated Med. Lab’ys. Inc.*, 770 F.2d 399,

404 (4th Cir. 1985). Although Palmer claims that he's presented credible evidence to corroborate his assertions, we find none in the record. He's thus failed to demonstrate the expected content of his mother's testimony with specificity.

But even crediting Palmer's account, other sources offered the same information. Palmer's trial turned on whether he understood question 15 on the naturalization application: The jury heard no shortage of evidence about Palmer's cognitive challenges. Dr. Fahey testified to Palmer's "language literacy and speech abilities" and that he performed "in the poor to very poor range" on the language tests she administered to him. J.A. 632. And Palmer's ex-wife testified that she helped him fill out his naturalization application.

Palmer is right that neither a family witness nor a witness with personal knowledge of his childhood testified. But he has three siblings—and teachers, employers, friends, and coworkers—who could have testified about Palmer's family background, childhood, and long-term language-processing challenges.

That forms our view that any prejudice Palmer suffered wasn't substantial. At most, Palmer's mother would have provided cumulative evidence on the point.

Palmer did present evidence about those challenges. But the jury also saw Palmer's plea agreement, where he wrote that he read at an eleventh-grade level. And it heard that Palmer successfully completed challenging reading, writing, and civics tests. The jury even heard that Palmer used to write letters and read western novels for fun.

Presented with a breadth of information about Palmer's cognitive abilities, the jury found that he knowingly misrepresented his past criminal activity. We can't conclude on

this record that Palmer’s mother’s testimony likely would have tipped the scales in his favor. *See Shealey*, 641 F.3d at 633.

Because Palmer can’t show substantial actual prejudice, we needn’t consider the government’s reasons for the delay. *See Uribe-Rios*, 558 F.3d at 358. While the government’s largely unexplained lingering wasn’t good practice, Palmer can’t make out a due process claim.<sup>2</sup>

### III.

Palmer next argues the district court should have suppressed his state guilty plea because his counsel failed to advise him that pleading guilty could lead to immigration consequences.

We review the denial of a motion to suppress de novo. *United States v. Linville*, 60 F.4th 890, 896 (4th Cir. 2023). The district court characterized Palmer’s motion to suppress as a collateral challenge to the validity of his plea agreement and declined to entertain it. We share that view, because to exclude Palmer’s plea agreement as unconstitutionally obtained would require us to declare it invalid the day it was signed.

We presume that state convictions and guilty pleas are valid. *United States v. Locke*, 932 F.3d 196, 199 (4th Cir. 2019); *Lackawanna Cnty. Dist. Att’y v. Coss*, 532 U.S. 394, 403–04 (2001). There’s only one exception to that strong presumption: when a person is

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<sup>2</sup> Nor did the district court abuse its discretion by declining to hold an evidentiary hearing. We only require a hearing “if the motion raises a material factual dispute.” *United States v. Bowman*, 106 F.4th 293, 300 (4th Cir. 2024). There’s no such dispute here.

deprived of his right to counsel. *Id.* at 405; *see also Burgett v. Texas*, 389 U.S. 109, 115 (1967). The Supreme Court has declined to extend that exception to ineffective assistance of counsel claims. *Custis v. United States*, 511 U.S. 485, 496 (1994).

Palmer nevertheless asks us to create a new exception for *Padilla* errors—ineffective assistance of counsel claims based on counsel’s failure to advise a defendant of possible immigration consequences. *See Padilla v. Kentucky*, 559 U.S. 356 (2010). We find no principled basis to distinguish *Padilla* errors from other ineffective assistance of counsel claims. *See United States v. Vongphakdy*, No. 22-4593, 2023 WL 6638122, at \*2 (4th Cir. Oct. 12, 2023). While these errors are serious, they aren’t “jurisdictional defect[s]” like “the failure to appoint counsel at all.” *Custis*, 511 U.S. at 496.

The district court couldn’t suppress Palmer’s plea agreement without passing on the validity of the plea. It was right not to.

#### IV.

Last, we consider whether the district court abused its discretion by limiting Dr. Fahey’s testimony. *See United States v. Robertson*, 68 F.4th 855, 861 (4th Cir. 2023). Even if we find error, we must also find that the error “could have affected the verdict” for Palmer to prevail. *United States v. Hedgepeth*, 418 F.3d 411, 419 (4th Cir. 2005).

Federal Rule of Evidence 704(b) prohibits opinion testimony about “whether the defendant did or did not have a mental state.” 18 U.S.C. § 1425 requires the government to prove that a person knowingly procured U.S. citizenship in a manner contrary to law.

The district court excluded three of Fahey’s opinions based on Rule 704(b). Palmer abandons the third—that Palmer didn’t understand question 15. But he argues that the two opinions underlying that conclusion—that Palmer read at a fourth-grade level, and the question required an eighth-grade reading level—left room for the jury to reach its own conclusion on his state of mind.

We consider the Supreme Court’s recent guidance from *Diaz v. United States*, 602 U.S. 526 (2024) in parsing Fahey’s testimony. That decision postdates Palmer’s trial. While the excluded testimony here doesn’t neatly map onto *Diaz*’s holding, this case offers a first opportunity to consider *Diaz*’s broader lessons about Rule 704(b).

A.

Experts can opine on “ultimate issues.” Fed. R. Evid. 704(a). But an expert in a criminal case can’t testify about whether the defendant had a mental state or condition when it’s an element of the charged crime or a defense. Fed. R. Evid. 704(b).

Rule 704(b) only “targets conclusions about whether a certain fact is true: the defendant did or did not have a mental state or condition.” *Diaz*, 602 U.S. at 537 (cleaned up). Applying that rule in *Diaz*, the Supreme Court held that an opinion that “most drug couriers know that they are transporting drugs” wasn’t an opinion about the defendant’s mental state. *Id.* at 528. Testimony that *most* members of a group had a mental state didn’t compel the jury to find that the *defendant* had that mental state, even though she was a member of the group.

*Diaz* teaches us to construe Rule 704(b) narrowly. If the expert’s opinion leaves room for the jury to draw its own conclusion about the defendant’s mental state, Rule

704(b) doesn't block it. The Rule only bars an expert's conclusion that the defendant had or didn't have a mental state or condition when it's an element of the crime. So it doesn't prohibit opinions that are merely related to the defendant's mental state, even if they bump up to the line.

B.

The district court didn't have the benefit of *Diaz* when it excluded portions of Dr. Fahey's testimony. Construing Rule 704(b) narrowly (as we must), we find that it didn't justify excluding her grade-level opinions.

The excluded testimony didn't compel the jury to conclude that Palmer lacked the capacity to knowingly answer question 15 falsely. Although there's little daylight between Fahey's grade-level opinions and an opinion on Palmer's state of mind, there is some. That's all *Diaz* requires.

But the error was harmless. Palmer's trial was about whether he understood question 15. Palmer fails to distinguish the excluded testimony from the plethora of other evidence the jury heard about his language-processing challenges.

Fahey testified extensively about Palmer's limited speech and language abilities. For example, she told the jury that Palmer scored in the first and second percentiles on reading tests. And she said he "performed in the poor to very poor range" on every test she gave him. J.A. 632.

That evidence is as persuasive—if not more so—than what was excluded. Still, the jury found beyond a reasonable doubt that Palmer knowingly answered question 15 falsely.

We can't conclude that the cumulative opinion testimony the court excluded would have likely affected the verdict. So we must find the error harmless.

*AFFIRMED.*

FILED: November 18, 2025

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 23-4538  
(3:21-cr-00234-FDW-SCR-1)

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

GREGORY MAXWELL PALMER

Defendant - Appellant

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J U D G M E N T

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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

**UNITED STATES DISTRICT COURT**  
Western District of North Carolina

**UNITED STATES OF AMERICA**

**V.**

**GREGORY MAXWELL PALMER**

) **JUDGMENT IN A CRIMINAL CASE**  
) (For Offenses Committed On or After November 1, 1987)  
)  
)  
) Case Number:  
) DNCW321CR000234-001 USM  
) Number: 82668-509  
) Erin Kimberly Taylor  
) Defendant's Attorney

**THE DEFENDANT:**

- Pled guilty to count(s).
- Pled nolo contendere to count(s)\_which was accepted by the court.
- Was found guilty on count(s) 1 after a plea of not guilty.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offense(s):

| Title and Section | Nature of Offense                                       | Date Offense Concluded | Counts |
|-------------------|---|------------------------|--------|
| 18:1425(a)        | Fraudulent Procurement of Citizenship or Naturalization | 10/20/2011             | 1      |

The Defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- The defendant has been found not guilty on count(s).
- Count(s) 2 (is)(are) dismissed on the motion of the United States.

**IT IS ORDERED** that the Defendant shall 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 monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 7/25/2023



Frank D. Whitney  
United States District Judge



Date: August 2, 2023

Defendant: Gregory Maxwell Palmer  
Case Number: DNCW321CR000234-001

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**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of SIX (6) MONTHS to run concurrently with any previously imposed State sentence.

- The Court makes the following recommendations to the Bureau of Prisons:
  1. Participation in any available educational and vocational opportunities.
  2. Participation in the Federal Inmate Financial Responsibility Program.
  3. Defendant shall support all dependents from prison earnings.

■ The Defendant is remanded to the custody of the United States Marshal.

The Defendant shall surrender to the United States Marshal for this District:

- As notified by the United States Marshal.
- At \_ on \_.

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

- As notified by the United States Marshal.
- Before 2 p.m. on \_.
- As notified by the Probation 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 Marshal

Defendant: Gregory Maxwell Palmer  
Case Number: DNCW321CR000234-001

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## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of ONE (1) YEAR.

The condition for mandatory drug testing is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

## CONDITIONS OF SUPERVISION

The defendant shall comply with the mandatory conditions that have been adopted by this court.

1. The defendant shall not commit another federal, state, or local crime.
2. The defendant shall not unlawfully possess a controlled substance.
3. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall 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 (unless omitted by the Court).
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer (unless omitted by the Court).

The defendant shall comply with the discretionary conditions that have been adopted by this court and any additional conditions ordered.

5. The defendant shall report to the probation office in the federal judicial district where he/she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
6. The defendant shall report to the probation officer in a manner and frequency as directed by the Court or probation officer.
7. The defendant shall not leave the federal judicial district where he/she is authorized to reside without first getting permission from the Court or probation officer.
8. The defendant shall answer truthfully the questions asked by the probation officer. However, defendant may refuse to answer a question if the truthful answer would tend to incriminate him/her of a crime. Refusal to answer a question on that ground will not be considered a violation of supervised release.
9. The defendant shall live at a place approved by the probation officer. The probation officer shall be notified in advance of any change in living arrangements (such as location and the people with whom the defendant lives). If advance notification is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
10. The defendant shall allow the probation officer to visit him/her at any time at his/her home or any other reasonable location as determined by the probation officer, and shall permit the probation officer to take any items prohibited by the conditions of his/her supervision that the probation officer observes.
11. The defendant shall work full time (at least 30 hours per week) at lawful employment, actively seek such gainful employment or be enrolled in a full time educational or vocational program unless excused by the probation officer. The defendant shall notify the probation officer within 72 hours of any change regarding employment or education.
12. The defendant shall not communicate or interact with any persons he/she knows is engaged in criminal activity, and shall not communicate or interact with any person he/she knows to be convicted of a felony unless granted permission to do so by the probation officer.
13. The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.
14. The defendant shall 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).
15. The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential informant without first getting the permission of the Court.
16. The defendant shall refrain from excessive use of alcohol and shall not unlawfully purchase, possess, use, distribute or administer any narcotic or controlled substance or any psychoactive substances (including, but not limited to, synthetic marijuana, bath salts) that impair a person's physical or mental functioning, whether or not intended for human consumption, or any paraphernalia related to such substances, except as duly prescribed by a licensed medical practitioner.
17. The defendant shall participate in a program of testing for substance abuse. The defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of the testing. The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise the defendant's participation in the program (including, but not limited to, provider, location, modality, duration, intensity) (unless omitted by the Court).
18. The defendant shall not go to, or remain at any place where he/she knows controlled substances are illegally sold, used, distributed, or administered without first obtaining the permission of the probation officer.
19. The defendant shall submit to a search if the Probation Officer has a reasonable suspicion that the defendant has committed a crime or a violation of a condition of supervised release. Such a search may be conducted by a U.S. Probation Officer, and such other law enforcement personnel as the probation officer may deem advisable, without a warrant or the consent of the defendant. Such search may be of any place where evidence of the above may reasonably be expected to be found, including defendant's person, property, house, residence, vehicle, communications or data storage devices or media or office.
20. The defendant shall pay any financial obligation imposed by this judgment remaining unpaid as of the commencement of the sentence of probation or the term of supervised release in accordance with the schedule of payments of this judgment. The defendant shall notify the court of any changes in economic circumstances that might affect the ability to pay this financial obligation.
21. The defendant shall support all dependents including any dependent child, or any person the defendant has been court ordered to support.
22. The defendant shall participate in transitional support services (including cognitive behavioral treatment programs) and follow the rules and regulations of such program. The probation officer will supervise the defendant's participation in the program (including, but not limited to, provider, location, modality, duration, intensity). Such programs may include group sessions led by a counselor or participation in a program administered by the probation officer.
23. The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

Defendant: Gregory Maxwell Palmer  
Case Number: DNCW321CR000234-001

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ADDITIONAL CONDITIONS:

24. In accordance with established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. § 1101 *et seq*, the defendant, upon release from imprisonment, is to be surrendered to a duly-authorized immigration official for deportation. As a condition of supervised release, if ordered deported, the defendant shall remain outside the United States unless legally authorized to reenter. If deportation should not occur or if the defendant is allowed to reenter, the defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons or U.S. Immigration and Customs Enforcement Agency or return to the United States. As a further condition of supervised release, the defendant shall abide by all orders and directives of the United States immigration officials.

**SEX OFFENDER**  
**CONDITIONS OF SUPERVISION**

The defendant shall comply with the standard conditions that have been adopted by this court and any additional conditions ordered.

1. The defendant shall have no direct or indirect contact, at any time, for any reason with any victim(s), any member of any victim's family, or affected parties in this matter unless provided with specific written authorization to do so in advance by the U.S. Probation Officer.
2. The defendant shall submit to a psycho-sexual evaluation by a qualified mental health professional experienced in evaluating and managing sexual offenders as approved by the U.S. Probation Officer. The defendant shall complete the treatment recommendations and abide by all of the rules, requirements, and conditions of the program until discharged. The defendant shall take all medications as prescribed.
3. \*STRICKEN\*The defendant shall submit to risk assessments, psychological and physiological testing, which may include, but is not limited to a polygraph examination and/or Computer Voice Stress Analyzer (CVSA), or other specific tests to monitor the defendant's compliance with supervised release and treatment conditions, at the direction of the U.S. Probation Officer.
4. The defendant's residence, co-residents and employment shall be approved by the U.S. Probation Officer. Any proposed change in residence, co-residents or employment must be provided to the U.S. Probation Officer at least 10 days prior to the change and pre-approved before the change may take place.
5. The defendant shall not possess any materials depicting and/or describing "child pornography" and/or "simulated child pornography" as defined in 18 U.S.C. § 2256, nor shall the defendant enter any location where such materials can be accessed, obtained or viewed, including pictures, photographs, books, writings, drawings, videos or video games.
6. The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which the defendant resides, works, is a student, or was convicted of a qualifying offense.
7. The defendant shall have no contact, including any association such as verbal, written, telephonic, or electronic communications with any person under the age of eighteen (18) except: 1) in the presence of the parent or legal guardian of said minor; 2) on the condition that the defendant notifies the parent or legal guardian of their conviction or prior history; and, 3) has written approval from the U.S. Probation Officer. This provision does not encompass persons under the age of eighteen (18), such as waiters, cashiers, ticket vendors, etc. with whom the defendant must deal, in order to obtain ordinary and usual commercial services. If unanticipated contact with a minor occurs, the defendant shall immediately remove himself/herself from the situation and shall immediately notify the probation officer.
8. The defendant shall not loiter within 100 feet of any parks, school property, playgrounds, arcades, amusement parks, day-care centers, swimming pools, community recreation fields, zoos, youth centers, video arcades, carnivals, circuses or other places primarily used or can reasonably be expected to be used by children under the age of eighteen (18), without prior written permission of the U.S. Probation Officer.
9. \*STRICKEN\*Except as required for employment (see Condition 4), the defendant shall not use, purchase, possess, procure, or otherwise obtain any computer (as defined in 18 U.S.C. § 1030(e)(1)) or electronic device that can be linked to any computer networks, bulletin boards, internet, internet service providers, or exchange formats involving computers unless approved by the U.S. Probation Officer. Such computers, computer hardware or software is subject to warrantless searches and/or seizures by the U.S. Probation Office.
10. The defendant shall allow the U.S. Probation Officer, or other designee, to install software designed to monitor computer activities on any computer the defendant is authorized to use, except for that of an employer. This may include, but is not limited to, software that may record any and all activity on computers (as defined in 18 U.S.C. § 1030(e)(1)) the defendant may use, including the capture of keystrokes, application information, internet use history, email correspondence, and chat conversations. The defendant shall pay any costs related to the monitoring of computer usage.
11. The defendant shall not use or have installed any programs specifically and solely designed to encrypt data, files, folders, or volumes of any media. The defendant shall, upon request, immediately provide the probation officer with any and all passwords required to access data compressed or encrypted for storage by any software.
12. \*STRICKEN\*The defendant shall provide a complete record of all computer use information including, but not limited to, all passwords, internet service providers, email addresses, email accounts, screen names (past and present) to the probation officer and shall not make any changes without the prior approval of the U.S. Probation Officer.
13. \*STRICKEN\*The defendant shall not have any social networking accounts on networks used or reasonably expected to be used by minors without the approval of the U.S. Probation Officer.
14. The defendant shall not be employed in any position or participate as a volunteer in any activity that involves direct or indirect contact with children under the age of eighteen (18), and under no circumstances may the defendant be engaged in a position that involves being in a position of trust or authority over any person under the age of eighteen (18), without written permission from the U.S. Probation Officer.

Defendant: Gregory Maxwell Palmer  
Case Number: DNCW321CR000234-001

Judgment- Page 6 of 8

### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

| ASSESSMENT | RESTITUTION | FINE   |
|------------|-------------|--------|
| \$100.00   | \$0.00      | \$0.00 |

The determination of restitution is deferred until. Upon such a determination an *Amended Judgment in a Criminal Case (AO 245C)* will be entered. Failing such a determination by, restitution amount becomes \$0.00 without further Order of the Court.

### INTEREST

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

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

The interest requirement is waived.

The interest requirement is modified as follows:

### COURT APPOINTED COUNSEL FEES

The defendant shall pay court appointed counsel fees.

Defendant: Gregory Maxwell Palmer  
Case Number: DNCW321CR000234-001

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### SCHEDULE OF PAYMENTS

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

- A  Lump sum payment of \$0.00 due immediately, balance due  
 Not later than \_\_\_\_\_  
 In accordance  (C),  (D) below; or
- B  Payment to begin immediately (may be combined with  (D) below); or
- C  Payment in equal **monthly** installments of **\$50.00** to commence **60 days** after the date of this judgment; or
- D  In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, payments shall be made in equal **monthly** installments of **\$50.00** to commence **60 days** after release from imprisonment to a term of supervision. The U.S. Probation Officer shall pursue collection of the amount due, and may request to modify a payment schedule if appropriate 18 U.S.C. § 3572.

Special instructions regarding the payment of criminal monetary penalties:

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court costs:
- The defendant shall forfeit the defendant's interest in the following property to the United States

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. **All criminal monetary penalty payments are to be made to the United States District Court Clerk, 401 West Trade Street, Room 1301, Charlotte, NC 28202.** except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.

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

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.

Defendant: Gregory Maxwell Palmer  
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STATEMENT OF ACKNOWLEDGMENT

I understand that my term of supervision is for a period of \_\_\_\_\_ months, commencing on \_\_\_\_\_.

Upon a finding of a 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.

I understand that revocation of probation and supervised release is mandatory for possession of a controlled substance, possession of a firearm and/or refusal to comply with drug testing.

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

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
Defendant

(Signed) \_\_\_\_\_ Date: \_\_\_\_\_  
U.S. Probation Office/Designated Witness

The Court gives notice that this case may involve other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

FILED  
CHARLOTTE, NC

SEP 22 2021

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:21-cr-234-FDW

US DISTRICT COURT  
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA     )     **BILL OF INDICTMENT**  
  )     )  
v.   )     )  
  )     Violations: 18 U.S.C. § 1425(a)  
GREGORY MAXWELL PALMER     )     18 U.S.C. § 1542  
\_\_\_\_\_)     )

**THE GRAND JURY CHARGES:**

At the specified times and at all relevant times:

**INTRODUCTION**

1. On or about June 17, 2008, in Gaston County, defendant Gregory Maxwell Palmer (“PALMER”) committed sexual crimes against a minor victim. Palmer was later charged with statutory rape and indecent liberties with a child, and he was eventually convicted of attempted statutory rape/sex offense.
2. On or about May 5, 2011, in Gaston County, North Carolina, PALMER signed and subsequently submitted Form N-400 (Application for Naturalization) to U.S. Citizenship and Immigration Services (CIS). Question 15 of the N-400 asked, “Have you ever committed a crime or offense for which you were not arrested?” PALMER checked the box corresponding with “No.” Part 11 of the N-400 contains the applicant’s certification and signature block. The text immediately above the block reads “I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct.”
3. On or about October 5, 2011, in Charlotte, North Carolina, PALMER appeared in person at the CIS office for a naturalization interview. At the beginning of the interview, a CIS officer placed PALMER under oath and reviewed with him his responses on the N-400. During the interview, PALMER swore under oath that his responses on the N-400 were all true and correct. At the conclusion of the interview, PALMER signed Part 13 of the naturalization application in the presence of the officer and swore under penalty of perjury that the contents of his application were all true and correct.
4. On October 20, 2011, in Charlotte, North Carolina, PALMER appeared in person at the CIS office. PALMER participated in a naturalization ceremony and, based on his N-400, PALMER was granted U.S. citizenship. PALMER also received a Form N-550 (Certificate

5. On October 28, 2011, in Gaston County, North Carolina, Palmer signed a Form DS-11 (Application for a U.S. Passport) and submitted it to the U.S. Department of State. As evidence of citizenship and eligibility, he submitted his Certificate of Naturalization. The text above the signature block of the DS-11 read in part "I declare under penalty of perjury...I have not knowingly and willfully made false statements or included false documents in support of this application."
6. On November 3, 2011, the State Department issued a United States passport to Palmer.
7. On December 13, 2012, in Gaston County, North Carolina, local law enforcement authorities arrested and charged him with several counts of indecent liberties with a child and statutory rape.
8. On February 25, 2013, in Gaston County Superior Court, a felony information was filed and charged with attempted statutory rape/sex offense. According to this information, the victim was a 13-year-old child and the offense date was June 17, 2008.
9. On June 6, 2013, Palmer was convicted of attempted statutory rape/sex offense. The judge sentenced him to an aggravated term of imprisonment of between 157 and 198 months because Palmer had taken advantage of a position of trust in committing the offense.

**COUNT ONE—NATURALIZATION FRAUD**

10. The Grand Jury realleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 9 of the Bill of Indictment, and further alleges that:
11. On or about October 20, 2011, in Mecklenburg County, within the Western District of North Carolina, and elsewhere, the defendant,

**GREGORY MAXWELL PALMER**

knowingly procured, contrary to law, his naturalization and United States citizenship, that is, in his Application For Naturalization (N-400) to become a United States citizen, he provided false and fraudulent information as to material facts about his criminal history by falsely representing that he had not committed a crime or offense for which he was not arrested.

In violation of Title 18, United States Code, Section 1425(a).

**COUNT TWO—PASSPORT FRAUD**

12. The Grand Jury realleges and incorporates by reference herein all of the allegations contained in paragraphs 1 through 10 of the Bill of Indictment, and further alleges that:
13. On or about October 28, 2011, in Gaston County, within the Western District of North Carolina, and elsewhere, the defendant,

**GREGORY MAXWELL PALMER**

willfully and knowingly did and attempted to make a false statement in a passport application with the intent to induce and secure the issuance of a passport under the authority of the United States, either for his own use and the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, that is, including false and fraudulent documents with his passport application.

In violation of Title 18, United States Code, Section 1542.

A TRUE BILL:



FOREPERSON

WILLIAM T. STETZER  
ACTING UNITED STATES ATTORNEY

A handwritten signature in cursive script, appearing to read "Ken Smith", written over a horizontal line.

KENNETH M. SMITH  
ASSISTANT UNITED STATES ATTORNEY