

NO. _____
SUPREME COURT OF THE UNITED STATES

ZACHARY TAYLOR BUSH)
)
 Petitioner)
)
 - VS. -)
)
UNITED STATES OF AMERICA)
)
 Respondent.)

**APPENDIX TO THE
PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

/s Michael Losavio
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NOT RECOMMENDED FOR
PUBLICATION

File Name: 26a0123n.06

Case No. 25-1592

UNITED STATES COURT OF APPEALS FOR THE SIXTH
CIRCUIT

UNITED STATES OF)

AMERICA,)

Plaintiff-Appellee,)

) ON APPEAL FROM THE

v.)

UNITED

) STATES DISTRICT COURT

ZACHARY TAYLOR BUSH,)

FOR

) THE WESTERN DISTRICT

Defendant-Appellant.)

OF

) MICHIGAN

)

)

OPINION

)

Before: GRIFFIN, BUSH, and NALBANDIAN, Circuit Judges.

NALBANDIAN, Circuit Judge. Zachary Bush pled guilty to illegally possessing firearms and ammunition as a convicted felon. The district court sentenced him to 84 months' imprisonment. Bush challenges his within-Guidelines sentence as procedurally and substantively unreasonable. But we reject his arguments and affirm.

FILED
Mar 10, 2026
KELLY L. STEPHENS, Clerk

I.

A few days after Christmas in 2023, Bush was driving his car in Grand Rapids, Michigan, and pulled aside another car waiting at an intersection. Bush and his passenger started yelling at the other car's driver, whom they had apparently encountered earlier that evening at a bar. When the driver asked them what their problem was, Bush pointed a laser-equipped handgun at the driver for about ten seconds and stated that he "does not talk but likes to play tag." Revised Presentence Report, pg. 6. The driver, who noticed a green dot on his chest, sped away. And Bush pursued him briefly.

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The driver eluded Bush and reported the encounter to the Grand Rapids police, which investigated the encounter as a felonious assault involving a firearm. Soon after, the police located Bush. They arrested him and searched him and his car. They found a loaded handgun, a loaded shotgun, and nearly 200 rounds of ammunition.

Bush had two prior felony convictions: assault with a dangerous weapon and possession of a controlled substance. So the federal government charged him with possessing guns and ammunition as a felon. *See* 18 U.S.C. § 922(g)(1). Bush initially posted bond. But the district court remanded him to pretrial confinement after he tested positive for marijuana and methamphetamine and after pretrial services officers discovered six large-bladed weapons, a pistol grip, and drug paraphernalia where he lived.

Bush also had a history of mental health issues, so the court ordered a competency evaluation. The evaluation found that Bush didn't meet the criteria for post-traumatic stress disorder or attention-deficit/hyperactivity disorder, but it characterized him as suffering from "other specified trauma- and stressor-related disorder" and "other specified attention-deficit/hyperactivity disorder." And it opined that Bush could understand the charges and proceedings against him. Based on the evaluation, the court found Bush mentally competent to stand trial. Bush then pled guilty.

The government's presentence report calculated Bush's Sentencing Guidelines

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range. That calculation included two enhancements: a two-level increase because the handgun in Bush's possession had been stolen, *see* U.S.S.G. § 2K2.1(b)(4)(A), and a four-level increase because Bush used the handgun in connection with another felony—the aggravated assault of the other car's driver, *see id.* § 2K2.1(b)(7)(B). Bush received a three-level reduction based on his acceptance of

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responsibility, *see id.* § 3E1.1, so his Guidelines range was 84 to 105 months. The government recommended a sentence of 84 months.

In Bush's sentencing memorandum, he accepted the presentence report's facts and Guidelines calculation as correct and didn't advance any legal objections. But he requested a downward departure or variance, asking the district court to impose a sentence below the recommended range based on the 18 U.S.C. § 3553(a) factors and his diminished mental capacity.

At the sentencing hearing, Bush's counsel reiterated that he didn't have any objections to the presentence report. The district court adopted the report's Guidelines range. And it then denied Bush's request for a downward departure, evaluated the § 3553(a) factors, denied Bush's request for a variance, and sentenced him to 84 months' imprisonment.

Then, after the court imposed the sentence and began explaining Bush's right to appeal, Bush raised his hand, and the court allowed him to speak. Bush said that he had illegally possessed the guns because he feared for his safety and described an incident where he was attacked by over a dozen men in 2022. Pushing back against the government's portrayal of him as the aggressor in that incident, Bush remarked, "I never had a gun." R.91, Sentencing Hr'g Tr., PageID 296. After a few final comments, the court adjourned the hearing.

Bush appealed.

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II.

Bush challenges his sentence on several grounds. He says that the district court erred in applying the four-level in-connection-with-another-felony enhancement and the two-level stolen-firearm enhancement. *See* U.S.S.G. §§ 2K2.1(b)(4), 2K2.1(b)(7)(B). And aside from the enhancements, Bush argues that the court imposed a procedurally and substantively unreasonable sentence by failing to: rule on Bush's request for a downward departure, adequately explain why

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Bush's mental health wasn't a mitigating factor, and afford enough weight to certain mitigating factors.

A.

We'll start with the enhancements. Bush argues that the district court procedurally erred by applying the in-connection-with-another-felony and stolen-firearm enhancements. *See United States v. Potts*, 947 F.3d 357, 364 (6th Cir. 2020) (“When evaluating a sentence for procedural reasonableness, we . . . ask whether the district court properly calculated the Guidelines range.”). And he says that he preserved his challenge to the enhancements because he denied having a gun at the end of the sentencing hearing.

In response, the government argues that Bush's challenges to the enhancements are unreviewable because he either waived them or invited the errors. The government also says that, even if we could review the challenges, Bush forfeited them, and they fail under plain-error review. Identifying whether waiver, invited error, or forfeiture applies to a claim can make a difference because we don't review waived claims, and we review invited errors only when necessary to prevent manifest injustice. *See United States v. Cabbage*, 91 F.4th 1228, 1231 (6th Cir. 2024). But here, Bush's challenges to the enhancements don't hinge on whether his actions precluded our review. At a minimum, Bush forfeited his

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challenges to the enhancements by not objecting to them. *See United States v. Montgomery*, 998 F.3d 693, 698 (6th Cir. 2021). In which case, plain-error review applies. *Id.* And under that standard, Bush’s challenges to the enhancements fail.

To prevail under plain-error review, Bush must show that applying each enhancement was an “(1) error (2) that was obvious or clear, (3) that affected [his] substantial rights and (4) that

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affected the fairness, integrity, or public reputation of the judicial proceedings.” *United States v. Vonner*, 516 F.3d 382, 386 (6th Cir. 2008) (en banc) (citation modified).

Resisting plain-error review, Bush argues that he preserved his challenges to the enhancements. He points to the moment in the sentencing hearing when he said, “I never had a gun,” in reference to the 2022 incident. R.91, Sentencing Hr’g Tr., PageID 296. And he characterizes this remark as an objection to the enhancements. But even if this cursory remark could be construed as an objection to the enhancements, Bush’s “I never had a gun” statement was about the 2022 incident—not the 2023 assault that led to his arrest and provided the basis for the enhancements. So there’s no merit to the contention that Bush’s remark preserved a challenge to the enhancements. And regardless, Bush can’t prevail because both of his challenges fail on the first step: Neither the application of the in-connection-with-a-felony enhancement nor the stolen-firearm enhancement was an error.

For both enhancements, Bush argues that the district court erred in applying them because the indictment didn’t allege the facts that the court must find to apply the enhancements. But Bush is wrong. For enhancements in a federal prosecution, the government must charge only the facts that would increase the mandatory minimum penalty or increase the defendant’s penalty beyond the mandated maximum. *See United States v. Cotton*, 535 U.S. 625, 627 (2002); *United States v.*

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Powell, 847 F.3d 760, 782 (6th Cir. 2017); *United States v. Ely*, 750 F. App'x 411, 413–14 (6th Cir. 2018) (noting that “judicial factfinding that increases the penalty for a crime is unconstitutional” but “judicial factfinding that affects the Guidelines range” is not). A felon-in-possession violation doesn't carry a mandatory minimum sentence but carries a maximum of 15 years' imprisonment. *See* 18 U.S.C. § 924(a)(8). Neither enhancement established a mandatory minimum or maximum penalty above what was statutorily prescribed for a felon-in-possession

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violation. So the government didn't need to include in its indictment the facts required to apply the enhancements.

Bush's remaining challenges to the in-connection-with-another-felony enhancement also fail. He contends that the district court made a factual error because there was insufficient evidence to show that he pointed a gun at the other driver. Yet the presentence report described how Bush did exactly that. And not only did Bush fail to produce evidence contradicting the facts set forth in the presentence report, but he accepted the report's facts as true in his sentencing memorandum and at the sentencing hearing. The district court, therefore, was "entitled to rely on those facts when sentencing" Bush. *United States v. Geerken*, 506 F.3d 461, 467 (6th Cir. 2007).

Relying on *United States v. Kilgore*, 749 F.3d 463 (6th Cir. 2014), Bush also argues that the district court couldn't apply the enhancement because the felonious assault wasn't separate from the felon-in-possession offense. To apply the enhancement, there must be "a separation of time between the offense of conviction and the other felony offense, and a distinction of conduct between that occurring in the offense of conviction and the other felony offense." *United States v. King*, 341 F.3d 503, 506 (6th Cir. 2003) (citation modified). Just like in *King*, where we upheld the application of the enhancement because the defendant "first *possessed* the gun (offense of conviction) and then *used* the gun (enhancement conduct)" to assault

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someone, Bush's possession of the gun and use of it to assault someone were temporally separate and behaviorally distinct. *Id.* So the district court didn't err.

Kilgore doesn't help Bush. There, the defendant had illegally obtained guns as a convicted felon by stealing them. *Kilgore*, 749 F.3d at 463. At sentencing, the district court applied both an enhancement for the theft of the guns and the in-connection-with-another-felony enhancement, with the theft as the other felony. *Id.* at 463–64. We held that the district court erred by applying

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the in-connection-with-another-felony enhancement because the theft wasn't separate and distinct from possessing the guns, which was the offense of conviction. *Id.* at 464–65. But there, the defendant would've "inevitably possessed firearms upon completion of the [theft] because the firearms were among the items taken." *King*, 341 F.3d at 507. In contrast, once Bush possessed the guns illegally, he "could have refrained from using the weapon to commit assault." *Id.* So *Kilgore* is an inapt comparison. Instead, *King* controls.

Finally, Bush argues that the stolen-firearm enhancement, U.S.S.G. § 2K2.1(b)(4)(A), applies only if he knew or reasonably should've known that the gun was stolen. But the stolen-firearm enhancement doesn't contain a knowledge requirement. *United States v. Palos*, 978 F.3d 373, 375 (6th Cir. 2020); *United States v. Webb*, 403 F.3d 373, 384 (6th Cir. 2005). And the lack of a knowledge requirement in a sentencing enhancement doesn't violate due process. *See United States v. Seuell*, 135 F.4th 480, 485 (6th Cir. 2025). The district court, therefore, could properly apply the stolen-firearm enhancement "even absent evidence that the defendant knew the [firearm] was stolen" or should've known that it was. *Webb*, 403 F.3d at 384; *see also* U.S.S.G. § 2K2.1 cmt. n.8(B).

B.

Turning to Bush's remaining arguments, he argues that the sentence was

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procedurally unreasonable because the district court didn't rule on his request for a downward departure and inadequately explained why his mental health wasn't a mitigating factor. He also raises a substantive-unreasonableness challenge by arguing that the court didn't properly weigh mitigating

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factors, like his mental health and his pretrial conduct. But Bush's claims don't withstand a review of the record.

“We generally review a claim of procedural or substantive unreasonableness under the deferential abuse of discretion standard.” *United States v. Hymes*, 19 F.4th 928, 932–33 (6th Cir. 2021). And though the parties dispute whether plain-error review should apply to some of these remaining claims, we needn't resolve that dispute because we can affirm even without the added deference of plain-error review.

For a procedural-reasonableness challenge, we ask whether the district court committed a “significant procedural error, such as . . . failing to adequately explain the chosen sentence.” *Gall v. United States*, 552 U.S. 38, 51 (2007). And, when the defendant appeals, a substantive-reasonableness challenge is a claim that the sentence is too long. *United States v. Rayyan*, 885 F.3d 436, 442 (6th Cir. 2018). A sentence can be unreasonably lengthy “when the district court selects the sentence arbitrarily, bases the sentence on impermissible factors, fails to consider pertinent § 3553(a) factors or gives an unreasonable amount of weight to any pertinent factor.” *United States v. Sexton*, 512 F.3d 326, 332 (6th Cir. 2008) (citation modified).

Bush first argues that his sentence was procedurally unreasonable because the district court didn't rule on his request for a downward departure. At the sentencing hearing, the court stated that it had evaluated Bush's arguments in his sentencing

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memorandum. After Bush's counsel chose to rest on his brief, the court explained its reasoning. It acknowledged that U.S.S.G.

§ 5K2.13—which has since been removed from the Guidelines, *see* U.S. Sentencing Guidelines Manual App. B at 133, 204 (U.S. Sent'g Comm'n 2025)—authorized a downward departure if the defendant committed the offense while suffering from a significantly reduced mental capacity that contributed substantially to the commission of the offense. But § 5K2.13 didn't authorize

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departure if the reduced mental capacity was caused by the voluntary use of drugs or other intoxicants, the defendant's offense involved a serious threat of violence, or the defendant's criminal history indicated a need to incarcerate the defendant to protect the public. U.S.S.G.

§ 5K2.13 (repealed Nov. 1, 2025). The court found that these exceptions applied to Bush's case, so it rejected the downward departure and concluded by stating, "I will not depart." R.91, Sentencing Hr'g Tr., PageID 278. So we reject Bush's characterization of the record; the district court ruled on Bush's request for a downward departure after explaining its reasoning.

Next, Bush argues that his sentence was procedurally unreasonable because the district court inadequately explained why it didn't view Bush's mental health as a mitigating factor. When reviewing the adequacy of the district court's explanation, "[w]e simply ask whether the district court showed its work such that we can meaningfully review how and why it crafted a sentence." *Potts*, 947 F.3d at 371.

A defendant's mental health isn't always a mitigating factor, particularly when the defendant's mental health issues present a danger to the public. *See, e.g., United States v. Owen*, 940 F.3d 308, 317–18 (6th Cir. 2019); *United States v. Tolbert*, 459 F. App'x 541, 547–48 (6th Cir. 2012); *United States v. Mills*, 364 F. App'x 217, 220–21 (6th Cir. 2010). Here, the court adequately explained why Bush's mental health wasn't a mitigating factor. The court recognized that mental

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health is sometimes a mitigating factor but explained why it wasn't in Bush's case.

It noted that Bush's mental health issues led him to "antagonize strangers with little to no provocation." R.91, Sentencing Hr'g Tr., PageID 288–89. And that behavior, along with Bush's past unwillingness to participate in mental health treatment, presented "a danger to the public." *Id.*, PageID 290.

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Turning to Bush's substantive-reasonableness challenge, the district court didn't abuse its discretion in weighing the § 3553(a) factors. We give district courts the "benefit of the doubt when we review their sentences and the reasons given for them." *Vonner*, 516 F.3d at 392. And we presume that within-Guidelines sentences are reasonable, which adds an extra layer of difficulty for the defendant. *United States v. Simmons*, 587 F.3d 348, 365 (6th Cir. 2009); *United States v. Madden*, 515 F.3d 601, 613 (6th Cir. 2008) ("This presumption exists precisely because a sentence that both the Sentencing Commission and the sentencing judge agree on significantly increases the likelihood that the sentence is a reasonable one." (citation modified)).

The district court viewed the violent nature of Bush's offense and his past violent crimes as aggravating factors but didn't view Bush's drug use as much of a concern. And it regarded Bush's possession of weapons while on bond and his history of non-compliance with court orders as aggravating. As stated already, the court believed Bush's mental health issues presented a danger to the public. So it denied Bush's request for a variance, viewing "the seriousness of the offense and protection of the public" as the most important considerations guiding its decision. R.91, Sentencing Hr'g Tr., PageID 290–91. The district court's emphasis on protecting the public wasn't an abuse of discretion. *See Sexton*, 512 F.3d at 332 ("Considering the deleterious effect that [cocaine trafficking] would naturally have on a community, it was not unreasonable for the district court to give less weight to

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[the defendant's] personal characteristics.”). And though Bush says that the court ignored his pretrial conduct, Bush's active participation in mental health treatment during pretrial confinement is what motivated the court to select the low end of the Guidelines range, an 84-month sentence.

Finally, Bush says that the district court should've afforded more weight to his mental

health issues and pretrial conduct. But that argument “ultimately boils down to an assertion that

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the district court should have balanced the § 3553(a) factors differently.” *Id.* Such an argument “is simply beyond the scope of our appellate review, which looks to whether the sentence is reasonable, as opposed to whether . . . we would have imposed the same sentence.” *Id.* (citation modified). So Bush falls short of overcoming the presumption of reasonableness we apply to the district court’s within-Guidelines sentence.

III.

For these reasons, we affirm the district court’s judgment.

UNITED STATES DISTRICT COURT

Western District of Michigan

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

-VS-

ZACHARY TAYLOR BUSH

Case Number: 1:24-cr-9 USM

Number: 94216-510

Christopher M. Gibbons

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to Count One of the single-count Indictment.
- pleaded nolo contendere to Count(s) _____, which was accepted by the court.
- was found guilty on Count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of this offense:

<u>Title & Section</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 922(g)(1), 924(a)(8) Felon in Possession of Firearms and Ammunition	December 28, 2023	One

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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 the United States attorney of material changes in economic circumstances.

Date of Imposition of Sentence: June 17, 2025

Dated: June 17, 2025

/s/ Jane M. Beckering
JANE M. BECKERING
UNITED STATES DISTRICT JUDGE

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of **EIGHTY-FOUR (84) MONTHS**.

- The court makes the following recommendations to the Bureau of Prisons:
1. that the defendant receive a mental health evaluation and be given the opportunity to participate in mental health programs as needed;
 2. that the defendant receive substance abuse programming; and
 3. that the defendant receive vocational programming, with emphasis on obtaining and maintaining employment skills.

- 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 _____ 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 2:00 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

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed 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 cooperate in the collection of DNA as directed by the probation officer.
5. 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 the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. You must participate in an approved program for domestic violence. *(check if applicable)*
7. 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)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at www.uscourts.gov.

Defendant's Signature _____ Date _____

SPECIAL CONDITIONS OF SUPERVISION

1. You must participate in a program of testing and treatment for substance abuse, as directed by the probation officer, and follow the rules and regulations of that program until such time as you are released from the program by the probation officer, and must pay at least a portion of the cost according to your ability, as determined by the probation officer.
2. You must not use or possess any controlled substances without a valid prescription. If you have a valid prescription, you must follow the instructions on the prescription. You must not possess, use, or sell marijuana or any marijuana derivative (including any product containing cannabidiol (CBD) or THC) in any form (including edibles) or for any purpose (including medical purposes). You are also prohibited from entering any marijuana dispensary or grow facility.
3. You must participate in a program of mental health treatment, as directed by the probation officer, and follow the rules and regulations of that program until such time as you are released from the program by the probation officer, and must pay at least a portion of the cost according to your ability, as determined by the probation officer.
4. You must provide the probation officer with access to any requested financial information and authorize the release of any financial information. The probation office will share financial information with the U.S. Attorney's Office.
5. You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office,

to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

6. You must not use or possess body armor.
7. You must not possess any replicas of handguns, pellet guns, air soft guns, or items in the likeness of firearms. You must not possess any weapons (knives, clubs, maces) without prior permission from your probation officer.

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the Schedule of Payments on the following pages.

<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
\$100.00	\$500.00	-0-	-0-	-0-

- The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such a 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, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18

U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ 0.00	\$ 0.00	
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- 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 Sheet 6 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:
 - the interest requirement is waived for the fine.
 - the interest requirement is waived for the restitution.
 - the interest requirement for the fine is modified as follows: _____
 - the interest requirement for the 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.

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 payment of **\$100.00** due immediately, balance due

not later than _____, or

in accordance with 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 _____ installments of \$ _____ over a period of _____, to commence _____ after the date of this judgment; or

D Payment in equal _____ installments of \$ _____ over a period of _____, to commence _____ after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ 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:
Any balance due upon incarceration must be paid in minimum quarterly installments of \$25.00 based on IFRP participation, or minimum monthly installments of \$20.00 based on UNICOR earnings, during the period of incarceration, to commence 60 days after the date of this judgment. Any balance due upon commencement of supervision must be paid, during the term of supervision, in minimum monthly installments of \$25.00, to commence 60 days after release from imprisonment. The defendant must apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to any outstanding court-ordered financial obligations.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of 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, 399 Federal Building, 110 Michigan N.W., Grand Rapids, MI 49503, unless otherwise directed by the court, the probation officer, or the United States Attorney.

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

Joint and Several

Case Number

Defendant and Co-Defendant Names
(including defendant number) Total

Joint and

Corresponding

Several

Payee, if

Amount

Amount

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:

a Mossberg, Model 590 12-gauge shotgun with serial number V1599266;
62 rounds of Winchester 9mm ammunition; 33 rounds of Browning
9mm ammunition; 27 rounds of Sig Sauer 9mm ammunition; 22 rounds
of Sellier & Belot 9mm ammunition; 16 rounds of Ammo, Inc. 9mm
ammunition; 3 rounds of PMC 9mm ammunition; 1 round of Federal
9mm ammunition; 3 rounds of Hornady Manufacturing, Inc. 12-gauge
ammunition; and 12 rounds of Winchester 12-gauge ammunition.

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.