
PETITIONER'S APPENDIX

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S.D.N.Y. – N.Y.C.
24-cr-196
Daniels, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11th day of March, two thousand twenty-six.

Present:

Michael H. Park,
William J. Nardini,
Maria Araújo Kahn,
Circuit Judges.

United States of America,

Appellee,

v.

25-809

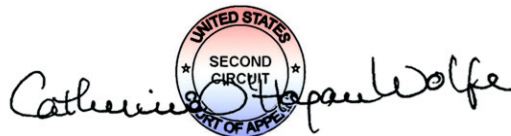
Brandon Jones,

Defendant-Appellant.

The Government moves for summary affirmance. Appellant, through counsel, opposes. Upon due consideration, it is hereby ORDERED that the motion is GRANTED. *See Zherka v. Bondi*, 140 F.4th 68, 74–96 (2d Cir. 2025).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

The block contains a handwritten signature in cursive script that reads "Catherine O'Hagan Wolfe". Overlaid on the signature is the official seal of the United States Court of Appeals for the Second Circuit. The seal is circular with a red outer ring containing the words "UNITED STATES" at the top and "COURT OF APPEALS" at the bottom. Inside the ring, the words "SECOND CIRCUIT" are written in blue, flanked by two small stars.

Pet. App. 1a

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA,

Plaintiff,

- v. -

BRANDON JONES,

Defendant.

MEMORANDUM DECISION

AND ORDER

24 Cr. 196 (GBD)

----- X
GEORGE B. DANIELS, United States District Judge:

Defendant Brandon Jones (“Jones”) moves to dismiss the Indictment charging him with possession of ammunition following a prior felony conviction, in violation of 18 U.S.C. § 922(g)(1) (Def.’s Mot. to Dismiss the Indictment (“Jones’s Br.”), ECF No. 14.) Jones argues that the U.S. Supreme Court decision in *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022) requires this Court to dismiss based a historical analysis. *Id.* at 21-22. Further, Jones argues that Section 922(g)(1) is unconstitutional both facially and as applied to Jones, because the government fails to demonstrate that it is consistent with the Nation’s historical tradition. *Id.* at 13-24. For the following reasons, the motion to dismiss is DENIED.

I. FACTUAL BACKGROUND

Jones encountered New York Police Department (“NYPD”) officers on November 27, 2023 and started to flee when the officers approached him for questioning. (Compl., ECF No. 1, ¶¶ 4, 5). During his flight, it is alleged that he dropped a privately assembled firearm, i.e. a ghost gun, on the ground. *Id.* After the officers pursued and arrested Jones, he allegedly admitted to having

possessed the ghost gun. *Id.*, ¶¶ 6-7. The ghost gun was loaded with ammunition, but the NYPD later determined that the gun itself was inoperable due to improper construction. *Id.*, ¶ 8.

Prior to this incident, Jones had multiple felony convictions. *Id.*, ¶ 3. In 2016, Jones was convicted of possession of a firearm after a felony conviction in violation of Section 922(g)(1). *Id.* He received a sentence of 42 months' imprisonment. *Id.* In 2012, Jones was convicted in the Bronx County Supreme Court of: 1) attempted robbery in the third degree, 2) attempted criminal possession of a weapon in the second degree, and 3) robbery in the second degree. For these convictions, Jones received imprisonment terms ranging from one to four years. *Id.*

Here, the government charges that Jones, knowing he had prior convictions that were punishable by more than one year of imprisonment and knowingly possessed ammunition in and affecting commerce, violated Section 922(g)(1). (Indictment, ECF No. 5.) Jones moves to dismiss, and the government opposes.

II. LEGAL STANDARD

Federal Rule of Criminal Procedure 12(b) allows a defendant to move to dismiss an indictment for "a defect in the indictment or information; including . . . failure to state an offense." Fed. R. Crim. P. 12(b)(3)(B)(v). In determining such a motion to dismiss, courts accept as true the facts alleged in the indictment and ignore the defendant's contrary assertions. *See United States v. Goldberg*, 756 F.2d 949, 950 (2d Cir. 1985).

The Second Amendment provides that "the right of the people to keep and bear Arms [] shall not be infringed," and the Supreme Court affirmed the right to use firearms for self-defense in *District of Columbia v. Heller*, 554 U.S. 570, 576 (2008). Recently, *Bruen* explicitly laid out the constitutional standard for evaluating firearm regulations: "[W]hen the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct." *Bruen*,

597 U.S. at 17. For a regulation of such conduct to pass constitutional muster, “[t]he government must demonstrate that the regulation is consistent with this Nation’s historical tradition of firearm regulation.” *Id.* In other words, “[a] court must ascertain whether the [challenged regulation] is relevantly similar to laws that our tradition is understood to permit,” and apply “faithfully the balance struck by the founding generation to modern circumstances.” *United States v. Rahimi*, 144 S. Ct. 1889, 1898 (2024) (citing *Bruen*, 597 U.S. at 29 (internal quotation marks omitted)). “The law must comport with the principles underlying the Second Amendment,” but does not need to be a historical twin. *Id.* (citing *Bruen*, 597 U.S. at 30.)

III. JONES’S MOTION TO DISMISS IS DENIED

Jones argues that the *Bruen* Court invalidated the means-end scrutiny that the Second Circuit and other courts had previously employed, and now requires courts to conduct a straightforward historical inquiry. Jones’s Br. at 3. Jones further argues that the passages in *Heller*, stating that “nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons,” and that such regulations are “presumptively lawful,” are dicta. Jones’s Br. at 19 (citing *Heller*, 554 U.S. at 626-27.) Jones contends that *Bruen* abrogated case law relying on these dicta, and thus, pre-*Bruen* decisions relying on *Heller*’s “presumptively lawful” list are no longer good law, including the Second Circuit precedent, *United States v. Bogle*, 717 F.3d 281 (2d Cir. 2013). Jones’s Br. at 20-21. Therefore, Jones asks this Court to not defer to *Bogle* and to conduct its own historical analysis on Section 922(g)(1). Jones’s Br. at 21-23. Jones concludes that: 1) Section 922(g)(1) is facially unconstitutional because the government fails to identify a historical tradition from the Founding era of regulations that are distinctly similar to Section 922(g)(1); and 2) it is unconstitutional as applied to Jones because his 12-year old prior convictions did not involve the use of a firearm. Jones Br. at 11-19, 24.

The government, on the other hand, presents a different interpretation of *Bruen* and argues that it does not undermine Section 922(g)(1) or *Bogle*. (Mem. in Opp’n to Def.’s Mot. to Dismiss (Government’s Br.), ECF No. 15 at 4-5.) The government argues that *Bogle* remains good law, because *Bruen* effectively reaffirmed it. *Id.* at 8-9. Further, the government argues that even if this Court were to itself conduct a historical analysis of Section 922(g)(1), the text and history of the Second Amendment make it clear that it is constitutional. *Id.* at 12, 14-30.

This Court rejects Jones’s arguments, because *Boyle* remains the binding precedent for this Court and *Bruen* did not overrule *Heller* nor *Bogle*.

A. Section 922(g)(1) is facially constitutional

The Second Circuit squarely held that Section 922(g)(1) “is a constitutional restriction on the Second Amendment rights of convicted felons” in *Bogle*. 717 F.3d at 281-82. It based this conclusion on the reassurances from *Heller* and *McDonald v. City of Chicago, Ill.*, 561 U.S. 742, 786 (2010) (“[w]e made it clear in *Heller* that our holding did not cast doubt on such longstanding regulatory measures as prohibitions on the possession of firearms by felons.” (citation and internal quotation marks omitted)). *Bruen* did not disturb this part of the *Heller* and *McDonald* decisions, and thus, *Bogle*, which relied on them, remains good law.

Bruen’s primary message was to caution federal courts against deference to legislative interesting balancing and require them to focus on the text and historical analysis under the Second Amend. *Bruen*, 597 U.S. at 26. Indeed, as both parties acknowledge, *Bruen* rejected the “means-end” test that some Courts of Appeals had developed. Jones’s Br. at 3; Government’s Br. at 5.) However, *Bruen* did so “[i]n keeping with *Heller*.” *Bruen*, 597 U.S. at 17. Furthermore, *Bogle* did not engage in the “means-end” test that *Bruen* invalidated. Therefore, *Bruen* should not be read as challenging either *Bogle* or *Heller*. *Bruen* intended to “ma[k]e the constitutional standard endorsed

in *Heller* more explicit,” *id.* at 31, but this is far from making the presumptively lawful list in *Heller* unconstitutional, as Jones argues. For the same reason, *Bruen* did not abrogate case law relying on *Heller*’s presumptively lawful list. It simply did not challenge the presumptively lawful list set forth in *Heller*, nor the *Heller* reassurance that “longstanding prohibitions on the possession of firearms by felons” are constitutional. *Heller*, 554 U.S. at 605. Even when *Bruen* did briefly discuss this *Heller* “presumptively lawful” list, for instance, where it brought up the example of “longstanding laws forbidding the carrying of firearms in sensitive places,” the *Bruen* court “assume[d] it settled that” such prohibitions were consistent with the Second Amendment. *Bruen*, 597 U.S. at 30. While the *Bruen* majority opinion did not in the same way explicitly endorse prohibitions on felons, there is no reason to conclude that *Bruen* disagreed with *Heller* on the constitutionality of the longstanding prohibitions *Heller* listed.

Apart from the majority opinion, six justices of the *Bruen* court expressly stated their support for the *Heller* passage, confirming the constitutionality of prohibitions on firearms possession by felons. See *Bruen*, 597 U.S. at 79-81 (Kavanaugh, J., joined by Roberts, C.J., concurring) (“underscore[ing] [an] important point[] about the limits of” the *Bruen* decision, that the Second Amendment allows for “longstanding prohibitions on the possession of firearms by felons,” as discussed in *Heller* and *McDonald*); *id.* at 72 (Alito, J., concurring) (*Bruen* does not “disturb[] anything that we said in *Heller* or *McDonald* . . . about restrictions that may be imposed on the possession or carrying of guns”); *id.* at 129 (Breyer, J., joined by Sotomayor and Kagan, JJ., dissenting) (“I understand the Court’s opinion today to cast no doubt” on the firearm regulations that *Heller* identified as “presumptively lawful.”). Although these statements from *Heller* are nonbinding dicta, they still must be given considerable weight, which is especially warranted here

given the overwhelming support by the Supreme Court. *United States v. Bell*, 524 F.2d 202, 206 (2d Cir. 1975).

Lastly, every court in this District reached the same conclusion on *Bogle* as binding precedent. See, e.g., *United States v. Arambales*, No. 23-CR-643 (AS), 2024 WL 813466, at *1 (S.D.N.Y. Feb. 27, 2024); *United States v. Golston*, No. 23 CR. 362 (AT), 2024 WL 149603, at *5 (S.D.N.Y. Jan. 12, 2024); *United States v. D'Angelo*, No. 23 CR. 327 (PGG), 2023 WL 9056404, at *5 (S.D.N.Y. Dec. 31, 2023); *United States v. Williams*, No. 23-CR-218 (VSB), 2023 WL 8355891, at *3 (S.D.N.Y. Dec. 1, 2023); *United States v. Nelson*, No. 22-CR-436 (JGK), 2023 WL 6520378, at *3 (S.D.N.Y. Oct. 4, 2023); *United States v. Fayton*, 704 F. Supp. 3d 449, 455 (S.D.N.Y. 2023); *United States v. Craft*, No. 23-CR-00178 (PMH), 2023 WL 6215326, at *3 (S.D.N.Y. Sept. 25, 2023); *United States v. Davila*, 688 F. Supp. 3d 81, 84 (S.D.N.Y. 2023); *United States v. Hampton*, 676 F. Supp. 3d 283, 286 (S.D.N.Y. 2023).

For these reasons, this Court rejects Jones's facial constitutional challenge against Section 922(g)(1).

B. Section 922(g)(1) is constitutional as applied to Jones

In holding Section 922(g)(1) constitutional, this Court now turns to Jones's as-applied challenge. Jones relies on District Court cases outside this Circuit to argue that his prior Section 922(g)(1) conviction, and more than 12-year old convictions under New York Penal Law, should not deprive him of Second Amendment protection. Jones's Br. at 24-25. These cases are neither persuasive nor binding on this Court. The Second Circuit has not opined on whether Section 922(g)(1) can be subject to as-applied challenges when it is facially constitutional. *Craft*, 2023 WL 6215326, at *3. Other Circuits have held that as-applied challenges cannot succeed when defendants' first-step, facial constitutional challenge fails. See *Medina v. Whitaker*, 913 F.3d 152,

161 (D.C. Cir. 2019). Therefore, this Court is not required to reach the merits of Jones's as-applied challenges.

Even if this Court were to consider the merits of Jones's as-applied challenge, his argument still fails. In addition to arguing again that Section 922(g)(1) is facially unconstitutional, Jones points to the more than 12-year age of his prior convictions and the fact that his robberies convictions did not involve the use of a firearm. Jones's Br. 24. However, the application of Section 922(g)(1) does not depend on how long ago the felony convictions took place, or whether or not those convictions involved the use of a firearm. With multiple prior convictions punishable by a term of imprisonment exceeding one year, Jones "fall[s] squarely within . . . Section 922(g)(1)." *United States v. King*, 634 F. Supp. 3d 76, 83 (S.D.N.Y. 2022). Therefore, Section 922(g)(1) is not unconstitutional as applied to Jones.

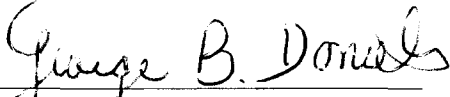
Accordingly, Jones's motion to dismiss is DENIED.

IV. CONCLUSION

Defendant's motion to dismiss pursuant to Rule 12(b) of the Federal Rules of Civil Procedure (ECF No. 14) is DENIED. The Clerk of Court is directed to terminate this motion.

Dated: November 18, 2024
New York, New York

SO ORDERED.



GEORGE B. DANIELS
United States District Judge

UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA

v.

Brandon Jones

JUDGMENT IN A CRIMINAL CASE

Case Number: 24-cr-196-01

USM Number: 11728-510

Neil Peter Kelly

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) One (1)

☐ 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 these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 922(g)(1)	Possession of Ammunition After a Felony Conviction	11/27/2023	

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.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

4/2/2025

Date of Imposition of Judgment

George B. Daniels
Signature of Judge

Hon. George B. Daniels, U.S. District Judge

Name and Title of Judge

4/2/2025

Date

Pet. App. 9a

DEFENDANT: Brandon Jones
CASE NUMBER: 24-cr-196-01

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
Forty-two (42) months for Count 1.

- ☒ The court makes the following recommendations to the Bureau of Prisons:
It is recommended that Defendant be placed in a BOP facility in close proximity to New York City. It is further recommended that UNICOR program be made available to Defendant.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
- ☐ at _____ ☐ a.m. ☐ p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ before 2 p.m. on _____.
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Brandon Jones
CASE NUMBER: 24-cr-196-01

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

Three (3) years.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☐ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

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

DEFENDANT: Brandon Jones
CASE NUMBER: 24-cr-196-01

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. 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 _____

DEFENDANT: Brandon Jones
CASE NUMBER: 24-cr-196-01

SPECIAL CONDITIONS OF SUPERVISION

You will participate in an outpatient treatment program approved by the United States Probation Office, which program may include testing to determine whether you have reverted to using drugs or alcohol. You must contribute to the cost of services rendered based on your ability to pay and the availability of third-party payments. The Court authorizes the release of available drug treatment evaluations and reports, including the presentence investigation report, to the substance abuse treatment provider.

You must participate in an outpatient mental health treatment program approved by the United States Probation Office. You must continue to take any prescribed medications unless otherwise instructed by the health care provider. You must contribute to the cost of services rendered based on your ability to pay and the availability of third-party payments. The Court authorizes the release of available psychological and psychiatric evaluations and reports, including the presentence investigation report, to the health care provider.

You must submit to a search of your person, property, residence, office, vehicle, papers, computers (as defined by 18 U.S.C. § 1030(e)(1)), cell phones, and other devices or media used for electronic communications, data storage, cloud storage, or network storage. The probation officer may conduct a search under this condition only when there is reasonable suspicion that you have violated a condition of your supervision or committed a new crime, and that the areas to be searched contain evidence of this violation or crime. The search must be conducted by a United States Probation Officer, although other law enforcement officers may assist the probation officer. The search must be conducted at a reasonable time and in a reasonable manner. 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.

If you are sentenced to any period of supervision, it is recommended that you be supervised by the district of residence.

DEFENDANT: Brandon Jones
CASE NUMBER: 24-cr-196-01

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

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

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, 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 ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.

** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Brandon Jones
CASE NUMBER: 24-cr-196-01

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 _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, 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.

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 Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- ☐ 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:
As per the Consent Preliminary Order of Forfeiture as to Specific Property, Defendant is to forfeit any and all firearms and ammunition involved in or used in the offense charged in Count I of the Indictment and Specific Property.

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: Brandon Jones
CASE NUMBER: 24-cr-196-01

ADDITIONAL FORFEITED PROPERTY

As per the Consent Preliminary Order of Forfeiture as to Specific Property, Defendant is to forfeit any and all firearms and ammunition involved in or used in the offense charged in Count I of the Indictment, including but not limited to:

- a. One semi-automatic black Polymer80 (ghost gun) given Lead Seal #402946;
- b. Eight nine-millimeter luger caliber Winchester bullets (a. and b., together, the "Specific Property").