

NO. _____

In the
Supreme Court of the United States

CHARLES DANA JOHNSON, II, *Petitioner,*

v.

UNITED STATES OF AMERICA, *Respondent.*

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

Wesley P. Page
Federal Public Defender

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Appellate Counsel
Counsel of Record

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Counsel for Petitioner

2026 WL 1180802

Only the Westlaw citation is currently available.

United States Court of Appeals, Fourth Circuit.

UNITED STATES of America, Plaintiff - Appellee,

v.

Charles Dana JOHNSON, II, Defendant - Appellant.

No. 25-4561

|

Submitted: April 28, 2026

|

Decided: April 30, 2026

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. [Irene C. Berger](#), District Judge. (2:25-cr-00027-1)

Attorneys and Law Firms

ON BRIEF: [Wesley P. Page](#), Federal Public Defender, Jonathan D. Byrne, Appellate Counsel, [Rachel E. Zimarowski](#), Assistant Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charleston, West Virginia, for Appellant. [Moore Capito](#), United States Attorney, Lesley Shamblin, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Before [WILKINSON](#) and [GREGORY](#), Circuit Judges, and [TRAXLER](#), Senior Circuit Judge.

Opinion

Affirmed by unpublished per curiam opinion.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

***1** Charles Dana Johnson, II, appeals the 84-month sentence imposed following his guilty plea to possessing a firearm as a convicted felon, in violation of [18 U.S.C. §§ 922\(g\)\(1\), 924\(a\)\(8\)](#). On appeal, Johnson argues his sentence is procedurally unreasonable because the district court did not meaningfully engage with his nonfrivolous mitigating argument for a lower sentence. We affirm.

We review the reasonableness of a defendant's sentence under [18 U.S.C. § 3553\(a\)](#) using a “deferential abuse-of-discretion standard.” [United States v. Nixon](#), 130 F.4th 420, 428 (4th Cir. 2025) (internal quotation marks omitted). We first “evaluate procedural reasonableness, determining whether the district court committed any procedural error, such as improperly calculating the Guidelines range, failing to consider the [§ 3553\(a\)](#) factors, or failing to adequately explain the chosen sentence.” [United States v. Nance](#), 957 F.3d 204, 212 (4th Cir. 2020).

For a sentence to be procedurally reasonable, “a district court must conduct an individualized assessment of the facts and arguments presented and impose an appropriate sentence, and it must explain the sentence chosen.” *Id.* (internal quotation marks omitted). In doing so, “a district court must address or consider all non-frivolous reasons presented for imposing a different sentence and explain why [it] has rejected those arguments.” [United States v. Ross](#), 912 F.3d 740, 744 (4th Cir. 2019). A district court satisfies this requirement “if it, although somewhat briefly, outlines the defendant's particular history and characteristics not merely in passing or after the fact, but as part of its analysis of the statutory factors and in response to defense counsel's arguments for a [lower sentence].” [United States v. Lozano](#), 962 F.3d 773, 782 (4th Cir. 2020) (internal quotation marks omitted). A “district court[] need not spell out [its] responses to [the] defendant[']s arguments where context makes them clear. But the context must make it patently obvious that the district court found the defendant's arguments to be unpersuasive.” *Id.* (citation modified). Upon review, we conclude that the district court adequately explained the within-Guidelines sentence and sufficiently addressed Johnson's nonfrivolous arguments for a lower sentence.

We therefore affirm the criminal judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

All Citations

Not Reported in Fed. Rptr., 2026 WL 1180802

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CHARLES DANA JOHNSON, II, *Petitioner,*

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**APPENDIX B
TO PETITION FOR WRIT OF CERTIORARI
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Counsel for Petitioner

1 crushes him that he's in custody and he can't take care of
2 his mother. You know, as his mother explains, his brothers
3 don't have as much time for her as he does.

4 Your Honor, he is somebody that has struggled with
5 addiction for a long time. I believe that he has achieved
6 sobriety in this case with his lengthy incarceration
7 up-to-date. And he is ready to, you know, go forward and be
8 a productive citizen and help raise his son and care for his
9 mother.

10 And for that reason, Your Honor, we believe that a
11 sentence of 60 months would be the appropriate disposition
12 of this case.

13 THE COURT: All right. Thank you, Ms. Zimarowski.

14 After reviewing the Pre-Sentence Investigation Report,
15 the parties' sentencing memoranda, I'll make the following
16 findings relative to the 3553(a) factors. You all can be
17 seated if you like while I do so.

18 Mr. Johnson was stopped for a traffic infraction in
19 Wood County, West Virginia, on November 17th, 2024. The
20 officer found his movements and rapid speech suspicious and
21 asked him to exit the vehicle for a pat-down.

22 Mr. Johnson informed the officer that he had two
23 pistols in his waistband and was a prohibited person.

24 The officer located a loaded Walther, Model P22LR
25 9-millimeter pistol and a loaded SCCY, Model DVG-1, .22

1 caliber pistol.

2 He claimed that he was speeding because his throttle
3 was sticking and that he took the pistols from a friend who
4 was threatening suicide. He also claimed to have a medical
5 marijuana card and admitted to having marijuana in the
6 vehicle.

7 A canine indicated the presence of an illegal substance
8 and officers conducted a search. They seized a container
9 with a green leafy substance, a marijuana smoking pipe with
10 residue, a marijuana grinder with suspected marijuana
11 inside, and two Apple iPhones. They also found a BB gun
12 rifle but did not seize it. The marijuana was not tested
13 and there was no evidence of distribution.

14 Mr. Johnson reached out to investigators seeking the
15 return of his cell phones on March the 6th of 2025. When he
16 arrived at the Parkersburg Police Department to pick up his
17 phones, he was arrested on a federal warrant.

18 He had a hypodermic syringe in his coat sleeve, and
19 officers later found a plastic bag containing a small amount
20 of suspected methamphetamine and fentanyl and one strip of
21 Suboxone. The substances were not tested and are not
22 attributed to him for guideline purposes.

23 Mr. Johnson later agreed to speak with investigators
24 about the firearms he possessed on November the 17th, 2024.
25 He claimed that he had the guns because a friend asked him

1 to take them because a violent male was at her house. He
2 also stated that the suspected methamphetamine and fentanyl
3 in his possession on March the 6th, 2025, were for personal
4 use and indicated that he sold drugs only to support his
5 addiction.

6 Mr. Johnson had previously been convicted of multiple
7 felony offenses, and there is no record of a pardon or a
8 commutation.

9 The firearms functioned as designed and were
10 manufactured outside the State of West Virginia.

11 This defendant was convicted of battery in 2007 and
12 sentenced to 90 days in jail, suspended for one year of
13 unsupervised reprobation and a fine.

14 His license was suspended in 2008 for failure to pay.

15 In 2008 he was convicted of possession of a controlled
16 substance less than 15 grams and sentenced to 90 days in
17 jail, suspended for 90 days of home confinement.

18 His home confinement was revoked for escaping home
19 confinement and committing another offense, and he served 10
20 days in jail to complete his sentence.

21 He was separately convicted for escape in 2008 and
22 sentenced to a consecutive 90 days in jail.

23 Also in 2008 he was convicted of providing false
24 information to DPS and sentenced to time served of 18 days.

25 In 2009 he was convicted of possession of marijuana

1 more than 15 grams and sentenced to 90 days in jail,
2 suspended for 12 months of unsupervised probation.

3 Later in 2009 he was convicted of possession of a
4 controlled substance with intent to deliver and sentenced to
5 one to five years of imprisonment.

6 His bond was revoked for failure to appear at
7 sentencing.

8 He was first released on parole in 2015, and his parole
9 was revoked four times between 2016 and his final release in
10 2023.

11 He was discharged early from parole on September the
12 10th, 2024.

13 In six separate cases in 2009 he was convicted of
14 operator's license, improper use of evidence of
15 registration, no insurance, registration violation, no
16 insurance, two instances of driving suspended/revoked
17 non-DUI, one instance of driving suspended/revoked non-DUI
18 second offense, and two instances of driving
19 suspended/revoked non-DUI third offense.

20 He was subject to fines and court costs. His license
21 was suspended for failure to pay. And the third offense
22 driving suspended revoked charges resulted in sentences of
23 90 days in jail, suspended for 90 days of home confinement
24 to run concurrent.

25 In 2011 he was convicted of first-degree robbery and

1 sentenced to 12 years of imprisonment consecutive to his
2 sentence for possession with intent to deliver.

3 In 2016 he was convicted of possession with intent to
4 deliver heroin and sentenced to one to five years of
5 imprisonment consecutive to the prior cases.

6 Also in 2016 he was convicted of possessing a
7 controlled substance without a valid prescription and
8 sentenced to 90 days in jail. His license was suspended for
9 failure to pay.

10 Mr. Johnson was born on August 29th, 1988, in
11 Parkersburg, West Virginia. He has no contact with his
12 biological father. His mother and stepfather reside in
13 Cairo, West Virginia. His mother is on disability following
14 a stroke about four years ago and he indicates he has
15 provided care for her. That is corroborated by the letter
16 which Ms. Zimarowski has indicated was written by his mother
17 which I have reviewed.

18 He has three maternal half siblings and one
19 stepbrother. He is close to one of his brothers. He has
20 three paternal half siblings but is not in contact with
21 them.

22 He reports a normal childhood with all necessities
23 provided, although he indicated that his biological father's
24 absence, quote, messed with him mentally, end of quote.

25 The defendant has never been married. He has one minor

1 child who resides with the child's mother. He has no
2 contact with this child and is not ordered to pay child
3 support. He indicated that he may also be the father of
4 minor twins.

5 Domestic violence petitions were filed against him on
6 two occasions in 2009 by one woman and by another woman in
7 2021 and 2022.

8 Mr. Johnson had scar tissue removed from his esophagus
9 in 2022 and was treated for lung deterioration in 2024. The
10 lung deterioration may be related to drug use and continues
11 to cause shortness of breath, difficulty getting out of bed,
12 and severe pain. He is prescribed Sublicade and is allergic
13 to penicillin and onions. He requests a dental and vision
14 evaluation.

15 He reports that he has no history of mental health
16 diagnosis but is sometimes depressed. He does not feel he
17 needs mental health treatment.

18 He reports a history of alcohol abuse which he ceased
19 using at a young age. He reports that he began using
20 marijuana when he was eight years old and used it daily
21 until his arrest. He began using cocaine when he was 10 and
22 used it daily until he was 13.

23 He has a history of abusing opiates, mushrooms, LSD,
24 and Ecstasy. He began using methamphetamine when he was 26
25 or 27, initially smoking it, then using it intravenously.

1 He reduced his usage after a doctor's appointment, but
2 continued to use meth, last using a mixture of
3 methamphetamine and fentanyl on the day of his arrest.

4 He previously completed a residential substance abuse
5 treatment program during a term of incarceration and is
6 interested in future substance abuse treatment.

7 Mr. Johnson attended high school until the tenth grade.
8 He obtained a welder certification in a juvenile detention
9 facility and obtained a GED in jail in 2010.

10 He has past employment doing odd jobs, working in fast
11 food, in lawn care, and in a car detailing business he
12 operated with a former romantic partner.

13 He has no current income or expenses. He reported that
14 he previously owned vehicles that have been stolen. He has
15 outstanding collection accounts with total debt of less than
16 \$1,000.

17 Mr. Johnson, is there anything that you want to say
18 prior to the Court imposing sentence?

19 THE DEFENDANT: I mean, I realize that what I done
20 was wrong obviously when I was pulled over. I mean, I
21 admitted to being a felon and knowing that -- I mean, I was
22 carrying a firearm and I wasn't supposed to.

23 I mean, I don't want to be here, but maybe it was a
24 blessing in disguise, you know. Maybe being here now
25 stopped me from spending the rest of my life in prison in

1 some other way or not having a life any longer. So maybe
2 it's just a blessing in disguise that, you know, I'm here
3 and I have to go to jail, you know. I could be in the
4 ground.

5 THE COURT: Anything further?

6 THE DEFENDANT: That's it.

7 THE COURT: All right.

8 After giving consideration to the Pre-Sentence Report,
9 to the parties' sentencing memoranda, the arguments which
10 have been made here today, your statement, and, of course,
11 the letter that I received, and particularly giving
12 consideration to the 3553(a) factors, it is the judgment of
13 this Court that you be committed to the custody of the
14 Federal Bureau of Prisons for a term of 84 months.

15 Upon release from prison, it's ordered that you be
16 placed on supervised release for a term of three years.

17 Within 72 hours of your release from custody, it's
18 ordered that you report in person to the United States
19 Probation Office in the district in which you are released.

20 Mr. Johnson, while you're on supervised release, you
21 must not commit another federal, state, or local crime. You
22 must not possess a firearm or other dangerous device. And
23 you must not unlawfully possess a controlled substance.

24 You also must comply with the standard terms and
25 conditions of supervised release as recommended by the

1 United States Sentencing Commission and as adopted by this
2 Court, including the condition that you participate in a
3 program of testing, counseling, and treatment for drug and
4 alcohol abuse as directed by your probation officer.

5 I'm ordering that you comply with the standard
6 conditions of supervision adopted by the Southern District
7 of West Virginia in Local Rule of Criminal Procedure 32.3.

8 The conditions of supervised release are detailed in
9 the Pre-Sentence Report and I incorporate those conditions
10 as listed in that report.

11 I find that neither the Pre-Sentence Investigation
12 Report nor any other sentencing information would indicate a
13 low risk of future substance abuse by you, Mr. Johnson.
14 And, therefore, I'm ordering that you submit to one drug
15 test within 15 days of your release and at least two
16 periodic drug tests thereafter as a condition of supervised
17 release.

18 Counsel, are there any objections to the conditions of
19 supervised release?

20 MS. SHAMBLIN: No, Your Honor.

21 MS. ZIMAROWSKI: No, Your Honor.

22 THE COURT: I find that you do not have the
23 resources to pay a fine, you're unlikely to become able to
24 do so in the near future. And, therefore, I do not impose a
25 fine.

1 There's no identifiable victim and, so, I have not
2 included any order of restitution.

3 I do order that you pay a special assessment of \$100
4 for having been convicted of a felony offense. I direct
5 that you pay it in quarterly installments of no less than
6 \$25 by participating in the Bureau of Prisons' Inmate
7 Financial Responsibility Program.

8 Having given consideration to the guideline range and,
9 again, to the arguments and statements that have been made
10 and to the 3553(a) factors, I find this sentence of 84
11 months to be followed by three years of supervised release
12 is reasonable and appropriate.

13 You possessed two loaded firearms, Mr. Johnson, despite
14 having sustained three prior felony convictions. In
15 addition to being prohibited as a felon, you were an active
16 drug user while you possessed a firearm. That, of course,
17 increases the risk of danger associated with the firearms.

18 You also lied to officers about why you had the
19 firearms, claiming at the time of your arrest that you took
20 them from a friend who was suicidal, and in a later
21 interview that you took them from the home of a friend with
22 an abusive man in the house.

23 Although the Court has not imposed an enhancement for
24 possessing the firearms in connection with any other
25 offense, you admitted to officers that you were selling

1 drugs in the same time frame that you possessed the guns,
2 explaining that you sold only to keep yourself, quote,
3 afloat, end of quote, and support your own drug habit. That
4 the Court finds to be an aggravating factor.

5 You had been discharged from parole only about two
6 months prior to committing this offense following your
7 fourth parole violation.

8 You committed your first adult offense when you were
9 18, Mr. Johnson, and you continued to commit new crimes or
10 parole violations without significant periods of law-abiding
11 behavior while not incarcerated.

12 Your criminal history includes violent offenses,
13 including a robbery at knifepoint, as well as controlled
14 substance offenses.

15 I warn you that with your criminal history, future
16 offenses could well come with lengthy mandatory minimum
17 sentences. And your criminal history makes it unlikely that
18 you will find prosecutors who are inclined to offer lower
19 charges or judges inclined to give lenient sentences.

20 You're still relatively young, Mr. Johnson, and you can
21 still turn things around after you serve this sentence. But
22 we all only get so many years, and you have already given a
23 good lot of yours to prison.

24 I have carefully considered the parties' sentencing
25 request. The United States urges a sentence at the bottom

1 of the guidelines, noting that after the officer removed you
2 from the vehicle for a pat-down, you admitted to having the
3 guns and avoided escalating the situation.

4 Your attorney asks the Court to vary downward and
5 impose a sentence of 60 months. She points to your
6 substance abuse history, the need for treatment, in addition
7 to arguing that your criminal history is overstated because
8 it includes two convictions for possession with intent to
9 distribute marijuana accounting for five criminal history
10 points, as well as your age when these convictions occurred.

11 In addition, two convictions accounting for six points,
12 as she has argued, occurred when you were 19 and 22 years
13 old.

14 Your cooperation with the search may be mitigating,
15 although the remainder of your interactions with law
16 enforcement surrounding this offense are not. You gave
17 multiple stories attempting to justify your possession of
18 the firearms. And when you were arrested on the federal
19 warrant, you sought to conceal a baggie of suspected meth
20 and fentanyl.

21 The Court disagrees with the characterization of your
22 criminal history as overstated. While marijuana offenses
23 are no longer frequently prosecuted, choosing to distribute
24 an illegal substance reflects a lack of respect for the law
25 that is still properly considered as part of a defendant's

1 criminal history.

2 Further, those older convictions only still have points
3 attributed because the periods of incarceration were
4 extended by parole violations.

5 When a defendant's history includes youthful offenses
6 followed by a long period of law-abiding behavior, the Court
7 may give less weight to older offenses committed in a
8 defendant's teens and early 20s.

9 However, you began committing offenses as a young adult
10 and continued to commit new crimes or parole violations
11 within months of being released from prison.

12 Each time that you were paroled, Mr. Johnson, you were
13 given an opportunity to turn things around. And as I've
14 said before, you violated parole on four occasions across
15 your conviction.

16 This will be the longest single term of imprisonment
17 you have served. Given your history, I am not convinced
18 that prison is much of a deterrent for you, but I find this
19 lengthy term of incarceration is necessary to protect the
20 public.

21 I also find, having given consideration to the
22 appropriate term of supervised release, that a three-year
23 term is necessary to protect the public and to hopefully
24 assist you in transitioning to a law-abiding life-style.

25 You do not have a good track record as it relates to

1 parole. Supervised release can help you, Mr. Johnson, if
2 you approach it with the right attitude. But I can tell you
3 now that many of the conditions of supervised release are
4 very similar, if not the same, to those of parole which
5 you've already encountered.

6 Your probation officer can connect you with resources
7 you'll need after your release, including housing, helping
8 you find employment, substance abuse treatment. You do, in
9 fact, have a long history of substance abuse which I have
10 considered.

11 And in considering the lawyers' arguments, I have also
12 considered the need to protect the public and to deter you,
13 and that recidivism is a -- an important consideration for
14 this Court. Your history does not bode well in terms of
15 recidivism.

16 If you need help while you're on supervised release,
17 you can reach out to your probation office and you should
18 not be afraid to do so. If you choose not to cooperate with
19 supervision and commit new crimes or violate the terms of
20 supervised release, you're likely to return to prison.

21 I recommend that you be evaluated for dental and vision
22 needs and be placed in a facility able to meet your physical
23 and mental health needs.

24 I further recommend that you be permitted to
25 participate in any substance abuse treatment programs for

1 which you are eligible.

2 Having considered your history and characteristics, I
3 find the sentence is sufficient and, yet, not more than
4 necessary to meet the goals of sentencing. It reflects the
5 seriousness of your offense. It provides just punishment,
6 in my opinion. And it should promote respect for the law.

7 It also should deter you and others from committing
8 additional offenses. Whether it deters you or not is up to
9 you, Mr. Johnson.

10 It will protect the public from further crimes
11 committed by you, and you will have access to drug
12 treatment, mental health treatment, healthcare, educational
13 and vocational programs if you choose to take advantage of
14 them.

15 Lastly, I find that this sentence avoids unwarranted
16 sentence disparity between you and others who have committed
17 the same or similar offense who have similar history and
18 similar characteristics.

19 You have a right to appeal this Court's sentence. If
20 you want to appeal, you must file a written notice of appeal
21 with the clerk of this court within 14 days of the clerk's
22 entry of my order of sentence and judgment. If you fail to
23 file it during that time period, your right to appeal will
24 expire, Mr. Johnson.

25 Do you understand that?

NO. _____

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**APPENDIX C
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UNITED STATES DISTRICT COURT

Southern District of West Virginia

UNITED STATES OF AMERICA

v.

CHARLES DANA JOHNSON, II

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:25-cr-00027-1

USM Number: 65351-511

Rachel E. Zimarowski

Defendant's Attorney

THE DEFENDANT:☒ pleaded guilty to count(s) 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 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) and 924(a)(8)	felon in possession of a firearm	11/17/2024	One

The defendant is sentenced as provided in pages 2 through 7 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.

10/2/2025

Date of Imposition of Judgment



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA

Name and Title of Judge

10/6/2025

Date

DEFENDANT: CHARLES DANA JOHNSON, II

CASE NUMBER: 2:25-cr-00027-1

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 defendant shall be given credit for all time served to which he is legally entitled.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that the defendant: 1) receive a medical evaluation, as well as a dental and vision evaluation, and be placed in a facility that can address any issues revealed and meet his physical and mental health needs; 2) be permitted to participate in any substance abuse treatment programs for which he is eligible; and 3) be placed at FCI Gilmer if this facility is able to address his medical issues.

☒ 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: CHARLES DANA JOHNSON, II

CASE NUMBER: 2:25-cr-00027-1

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: CHARLES DANA JOHNSON, II
CASE NUMBER: 2:25-cr-00027-1

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 _____

DEFENDANT: CHARLES DANA JOHNSON, II
CASE NUMBER: 2:25-cr-00027-1

ADDITIONAL SUPERVISED RELEASE TERMS

While on supervised release, the defendant must not commit another federal, state, or local crime, must not possess a firearm or other dangerous device, and must not unlawfully possess a controlled substance. The defendant must also comply with the standard terms and conditions of supervised release as recommended by the United States Sentencing Commission and as adopted by the United States District Court for the Southern District of West Virginia, including the condition that the defendant shall participate in a program of testing, counseling, and treatment for drug and alcohol abuse as directed by the probation officer, until such time as the defendant is released from the program by the probation officer. In addition, the defendant shall comply with the following Standard Conditions of Supervision adopted by the Southern District of West Virginia in Local Rule of Criminal Procedure 32.3:

- 1) If the defendant is unemployed, the probation officer may direct the defendant to register and remain active with Workforce West Virginia;
- 2) The defendant shall submit to random urinalysis or any drug screening method whenever the same is deemed appropriate by the probation officer and shall participate in a substance abuse program as directed by the probation officer. The defendant shall not use any method or device to evade a drug screen;
- 3) As directed by the probation officer, the defendant will make co-payments for drug testing and drug treatment services at rates determined by the probation officer in accordance with a court-approved schedule based on ability to pay and availability of third-party payments;
- 4) A term of community service is imposed on every defendant on supervised release or probation. Fifty hours of community service is imposed on every defendant for each year the defendant is on supervised release or probation. The obligation for community service is waived if the defendant remains fully employed or actively seeks such employment throughout the year;
- 5) The defendant shall not possess a firearm, ammunition, destructive device, or any other 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), and shall reside in a residence free from such items; and
- 6) The defendant shall not purchase, possess, or consume any organic or synthetic intoxicants, including bath salts, synthetic cannabinoids, or other designer stimulants.

DEFENDANT: CHARLES DANA JOHNSON, II
CASE NUMBER: 2:25-cr-00027-1**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	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

☐ 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	\$	<u>0.00</u>	\$	<u>0.00</u>
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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: CHARLES DANA JOHNSON, II
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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:
 If not paid immediately, the defendant shall pay the \$100 special assessment while incarcerated through participation in the Inmate Financial Responsibility Program by paying quarterly installments of \$25 each.

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:

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) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.