

APPENDICES

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APPENDIX A

FILED: June 18, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4650
(3:24-cr-00130-REP-1)

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROSS ALLAN JEFFERSON, a/k/a Ross Allen Jefferson, a/k/a Ross Duke,
a/k/a Ross Dukie,

Defendant - Appellant.

O R D E R

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

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The Government moves for summary affirmance in light of our decisions in *United States v. Canada*, in which we held that “Section 922(g)(1) is facially constitutional because it has a plainly legitimate sweep and may constitutionally be applied in at least *some* set of circumstances,” 123 F.4th 159, 161 (4th Cir. 2024) (internal quotation marks omitted), and *United States v. Hunt*, where we reiterated “the Supreme Court’s repeated instruction that longstanding prohibitions ‘on the possession of firearms by felons . . . are presumptively lawful,’” 123 F.4th 697, 708 (4th Cir. 2024) (citing *United States v. Rahimi*, 602 U.S. 680, 699 (2024)), *cert. denied*, 145 S. Ct. 2756 (2025). The Government contends that Jefferson’s arguments on appeal are foreclosed by *Canada* and *Hunt*, and are thus “manifestly unsubstantial.” *See* 4th Cir. R. 27(f)(1). Jefferson concedes that his arguments are foreclosed but nevertheless opposes summary affirmance.

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

Entered at the direction of the panel: Judge Gregory, Judge Rushing, and Senior Judge Keenan.

For the Court

/s/ Nwamaka Anowi, Clerk

APPENDIX B

FILED: June 18, 2026

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4650
(3:24-cr-00130-REP-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

ROSS ALLAN JEFFERSON, a/k/a Ross Allen Jefferson, a/k/a Ross Duke, a/k/a
Ross Dukie

Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

APPENDIX C

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA

v.

Criminal No. 3:24-cr-130

ROSS ALLAN JEFFERSON,

Defendant.

MEMORANDUM ORDER

This matter is before the Court on MR. JEFFERSON'S MOTION TO DISMISS THE INDICTMENT (FORECLOSED BY PRECEDENT) (ECF No. 13) (the "MOTION"), and the Government's Response in Opposition to Defendant's Motion to Dismiss the Indictment (ECF No. 14). For the reasons set forth below, the MOTION is denied.

BACKGROUND

Ross Allan Jefferson was indicted for violating 18 U.S.C. § 922(g)(1), the federal law prohibiting felons from possessing firearms. (ECF No. 1). The possession by Jefferson that is charged in COUNT ONE of the INDICTMENT arose from an incident on or around May 7, 2024, in which officers surveilled and stopped Jefferson's vehicle because he had several outstanding warrants. As Jefferson interacted with the officers, an officer observed a handgun under the driver's seat. That is the firearm he is charged with possession of.

By May 2024, Jefferson was a convicted felon. Prior to that

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date, Jefferson had ten adult felony convictions, including convictions for Possession with Intent to Distribute a Controlled Substance (2002); Possession of a Controlled Substance (2002); Possession with Intent to Distribute a Controlled Substance (2010); Possession of a Controlled Substance (2015); and Possession of Ammunition by a Felon (2015). (ECF No. 10, pp. 3-14). Thus, it appears beyond dispute that, on the date in 2024 when Jefferson allegedly possessed the firearm, he was a convicted felon.

In the MOTION, Jefferson contends that 18 U.S.C. § 922(g)(1) is unconstitutional on its face and as applied to him. His facial constitutional challenge relies on the decision of the Supreme Court of the United States in New York Rifle & Pistol Assn, Inc. v. Bruen, 597 U.S. 1 (2022). Jefferson argues that Bruen "set forth a new standard for evaluating laws burdening Second Amendment rights, rooted solely in constitutional text and historical tradition." (ECF No. 13, p. 1). Under this new standard, Jefferson posits that "the government cannot meet its burden to show that the categorical prohibition in § 922(g)(1) is consistent with the nation's historical tradition of firearm regulation." (ECF No. 13, p. 2). Jefferson acknowledge that these arguments are foreclosed under current Fourth Circuit precedent, and that they are being made to "to preserve the issue for appellate and post-conviction review." (ECF No. 13, p. 1). For that reason, and in reliance

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on the decisions in United States v. Canada, 103 F.4th 257 (4th Cir. 2024) and United States v. Hunt, 123 F.4th 697 (4th Cir. 2024), the MOTION is denied.¹

Jefferson's arguments were fully and correctly addressed by the Court recently in United States v. Sullivan, 2024 WL 3540987 (E.D. Va. July 25, 2024) (ECF No. 37).² For the reasons adequately explained in Sullivan, neither Bruen nor Rahimi disturbed the validity of the "longstanding prohibition of firearms by felons." United States v. Sullivan, supra, ECF No. 37, p. 6 (citations omitted).

Here, as in Sullivan, the Court concludes that, "[a]s a felon, [Jefferson] is not one of 'the people' that the Second Amendment protects." United States v. Sullivan, supra, ECF No. 37, p. 8. The Fourth Circuit has also expressly held that "neither Bruen nor Rahimi abrogates this Court's precedent foreclosing as-applied challenges to Section 922(g)(1) and those decisions remain binding." Hunt, 123 F.4th at 702. Even if that were not the case, Jefferson's record of felony conviction evinces that he is

1 The Fourth Circuit has recently granted Government motions for summary affirmance relating to district courts' denying motions making the same arguments. See, e.g., United States v. Crews, Case No. 24-4519, Doc. No. 34 (4th Cir., May 22, 2025); United States v. Brown, Case No. 24-4295, Doc. No. 32 (4th Cir., June 12, 2025).

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

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certainly not a law-abiding citizen who is protected by the Second Amendment.

Nor is any "text and history" argument persuasive. In United States v. Riley, 635 F. Supp.3d 411 (E.D. Va. 2022), the Court explained thoroughly and carefully why "felon in possession prohibition laws are consistent with the Founders' understanding of the Second Amendment ratification." United States v. Riley, 635 F. Supp.3d at 426-28.³ And, as in Sullivan, the Court finds Riley to be authoritative and correct.

In sum, for the reasons set forth in Sullivan, it is hereby ORDERED that MR. JEFFERSON'S MOTION TO DISMISS THE INDICTMENT (FORECLOSED BY PRECEDENT) (ECF No. 13) is denied. It is further ORDERED that the facts and legal contentions are adequately presented in the materials before the Court and oral argument would not aid the decisional process.

Counsel are directed to contact chambers by July 25, 2025, to schedule a telephone conference for the purpose of setting a trial date.

It is so ORDERED.

_____/s/ *REP*
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: July 18, 2025

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