

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

RODERICK WAYNE BELL,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent

PETITION FOR A WRIT OF CERTIORARI

APPENDIX

/s/ Taylor Wills Edwards "T.W." Brown
Taylor Wills Edwards "T.W." Brown
Assistant Federal Public Defender
Northern District of Texas
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Appendix A Opinion of Fifth Circuit, CA No. 24-10090,
United States v. Bell, No. 24-10090, 2024 WL 4315125
(5th Cir. Sept. 27, 2024)(unpublished)

Appendix B Judgment and Sentence of the United States District Court for the
Northern District of Texas, entered February 2, 2024,
United States v. Bell, Dist. Court No. 4:23-CR-275-P

APPENDIX A

United States Court of Appeals for the Fifth Circuit

No. 24-10090
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 27, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

RODERICK WAYNE BELL,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:23-CR-275-1

Before ELROD, HAYNES, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Roderick Wayne Bell appeals his conviction for possessing ammunition as a convicted felon in violation of 18 U.S.C. § 922(g)(1). For the first time on appeal, he contends that the statute violates the Second Amendment under *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). As he concedes, this argument is foreclosed on plain error review by

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 24-10090

United States v. Jones, 88 F.4th 571, 573-74 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 1081 (2024). He seeks to preserve it for further review.

The Government moves without opposition for summary affirmance. Because “the position of one of the parties is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case,” summary affirmance is appropriate. *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969). The Government’s motion is GRANTED, its alternative motion for an extension of time to file an appellate brief is DENIED, and the judgment of the district court is AFFIRMED.

APPENDIX B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
Fort Worth Division

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.
RODERICK WAYNE BELL

Case Number: 4:23-CR-00275-P(01)
U.S. Marshal's No.: 73902-510
Levi Thomas, Assistant U.S. Attorney
Andrea Aldana, Attorney for the Defendant

On October 18, 2023 the defendant, RODERICK WAYNE BELL, entered a plea of guilty as to Count One of the Information filed on October 6, 2023. Accordingly, the defendant is adjudged guilty of such Count, which involves the following offense:

<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)	Possession of Ammunition by a Convicted Felon	6/20/2023	One

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to Title 18, United States Code § 3553(a), taking the guidelines issued by the United States Sentencing Commission pursuant to Title 28, United States Code § 994(a)(1), as advisory only.

The defendant shall pay immediately a special assessment of \$100.00 as to Count One of the Information filed on October 6, 2023.

The defendant shall notify the United States Attorney for this district within thirty 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.

Sentence imposed February 1, 2024.



MARK T. PITTMAN
U.S. DISTRICT JUDGE

Signed February 2, 2024.

Judgment in a Criminal Case
Defendant: RODERICK WAYNE BELL
Case Number: 4:23-CR-00275-P(1)

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IMPRISONMENT

The defendant, RODERICK WAYNE BELL, is hereby committed to the custody of the Federal Bureau of Prisons (BOP) to be imprisoned for a term of **Twenty-Seven (27) months** as to Count One of the Information filed on October 6, 2023. This sentence shall run concurrently with any future sentences which may be imposed in Case No. 1787600, in the 485th District Court of Tarrant County; and Case No. 1787603, in Tarrant County Criminal Court Number 4, which are relevant conduct to the instant offense.

The Court recommends to the Bureau of Prisons that the defendant be allowed to serve his term of imprisonment as near as geographically possible to an FCI facility within the Dallas/Fort Worth area of Texas or FCI Texarkana.

The defendant is remanded to the custody of the United States Marshal.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **Two (2) years** as to Count One of the Information filed on October 6, 2023.

While on supervised release, in compliance with the standard conditions of supervision adopted by the United States Sentencing Commission, the defendant shall:

- 1) The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame;
- 2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed;
- 3) The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer;
- 4) The defendant shall answer truthfully the questions asked by the probation officer;
- 5) The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall 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, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change;
- 6) The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observed in plain view;

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Defendant: RODERICK WAYNE BELL
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- 7) The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation excuses the defendant from doing so. If the defendant does not have full-time employment, he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her employment (such as the position or the job responsibilities), the defendant shall 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, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change;
- 8) The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer;
- 9) If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours;
- 10) The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed , or was modified for, the specific purpose of causing bodily injury or death to another person, such as nunchakus or tasers);
- 11) The defendant shall not act or make an 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 the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk; and,
- 13) The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

In addition the defendant shall:

not commit another federal, state, or local crime;

not possess illegal controlled substances;

not possess a firearm, destructive device, or other dangerous weapon;

cooperate in the collection of DNA as directed by the U.S. probation officer;

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;

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pay the assessment imposed in accordance with 18 U.S.C. § 3013; and,

make all court-ordered child support payments on a timely basis, producing proof of payment to the probation officer within the first 5 days of each month, whether as a part of a written report required by the probation officer or otherwise.

FINE/RESTITUTION

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because there is no victim other than society at large.

FORFEITURE

Pursuant to 18 U.S.C. §982(a)(1) and 28 U.S.C. § 2461(c), it is hereby ordered that the defendant's interest in the following property is condemned and forfeited to the United States: any firearm and ammunition involved in or used in the knowing commission of the offense or seized in the investigation of this offense, including but not limited to, the following: a SCCY, model CPX-2, 9 millimeter pistol, bearing serial number C344632; and multiple rounds of 9 millimeter Lugar ammunition.

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RETURN

I have executed this judgment as follows:

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

United States Marshal

BY _____
Deputy Marshal