

# APPENDIX

**APPENDIX INDEX**

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United States Court of Appeals  
for the Fifth Circuit

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No. 23-30871

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 20, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

LAMORRIS ALLAN FRENCH,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 5:23-CR-64-1

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Before HIGGINBOTHAM, JONES, and OLDHAM, *Circuit Judges*.

PER CURIAM:

LaMorris Allan French appeals his conviction, arguing that the statute of conviction, 18 U.S.C. § 922(g)(1), is facially unconstitutional under the Second Amendment. Section 922(g)(1) is known as the felon-in-possession statute. It prohibits any person convicted of “a crime punishable by imprisonment” for more than one year from possessing “any firearm or ammunition.” Although the Supreme Court has yet to address the constitutionality of § 922(g)(1), it has continued to emphasize that laws disarming “felons” are “presumptively lawful.” *United States v. Rahimi*, 144

No. 23-30871

S. Ct. 1889, 1902 (2024) (quoting *District of Columbia v. Heller*, 554 U.S. 570, 626–27 n.26 (2008)).

A facial challenge is the “most difficult challenge to mount successfully.” *United States v. Salerno*, 481 U.S. 739, 745 (1987). As the Supreme Court has recently reminded, courts must apply the *Salerno* test to every facial challenge not “based on the First Amendment.” *Moody v. NetChoice*, 144 S. Ct. 2383, 2397 (2024); *see also id.* at 2409 (“Even in the First Amendment context, facial challenges are disfavored . . .”). So, naturally, *Salerno* applies to this facial challenge based on the Second Amendment. *Rahimi*, 144 S. Ct. at 1898. Under *Salerno*, French must “establish that no set of circumstances exists under which” the law “would be valid.” *Salerno*, 481 U.S. at 745.

We recently applied these standards to § 922(g)(1) and held the statute is facially constitutional. *See United States v. Diaz*, --- F.4th ---, No. 23-50452, 2024 WL 4223684, at \*9 (5th Cir. Sept. 18, 2024) (applying *Salerno* and upholding § 922(g)(1)).

AFFIRMED.

AO 245B (Rev. 09/19 - WDLA) Judgment in a Criminal Case  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

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DEC - 8 2023

# UNITED STATES DISTRICT COURT

Western District of Louisiana

Shreveport Division

TONY R. MOORE, CLERK  
BY: [Signature]  
DEPUTY

UNITED STATES OF AMERICA

## JUDGMENT IN A CRIMINAL CASE

v.

LAMORRIS ALLAN FRENCH

Case Number: 5:23-CR-00064-1

USM Number: 51220-510

Caroline (Tory) Green  
Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) 1 of the 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 &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18:922(g)(1)	Unlawful Transport Of Firearms, Etc. - Possession Of A Firearm By A Convicted Felon With Forfeiture Notice	04/18/2022	1

The defendant is sentenced as provided in pages 2 through 6 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.

November 28, 2023

Date of Imposition of Judgment

[Signature]

Signature of Judge

S. MAURICE HICKS, JR., United States District Judge

Name of Judge Title of Judge

12/8/23

Date

DEFENDANT: LAMORRIS ALLAN FRENCH  
CASE NUMBER: 5:23-CR-00064-1

### IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of: 120 months as to count 1. On April 18, 2022, the defendant was arrested by the Shreveport Police Department on charges related to the instant offense. On March 22, 2023, a federal arrest warrant was issued. On April 6, 2023, the federal warrant was executed, and the defendant has been incarcerated continuously since that date. The Court notes the potential of "anticipated state sentences" in Docket Number 388650 that represents relevant conduct. Pursuant to U.S.S.G. §5G1.3(c), it is the Order of the Court that this sentence shall run concurrently to any sentence imposed in Docket Number 388650 from the First Judicial District Court, Caddo Parish, Louisiana. The Court also notes the potential of "anticipated state sentences" in Docket Number 2014-CRM-938890 Bossier City, Louisiana, and a matter pending in Nederland, Texas. These cases do not represent relevant conduct. Pursuant to U.S.S.G. §5G1.3(d) and 18 U.S.C. §3584, it is the Order of the Court that this sentence shall run consecutively with any state sentence imposed in these matters. Should defendant be entitled to credit for any of the time he has already spent in custody, the Federal Bureau of Prisons will make that determination.

- The court makes the following recommendations to the Bureau of Prisons:  
It is the recommendation of the Court that the defendant 1) participate in the 500-hour or 100-hour RDAP Programs; and 2) be designated to a facility as close to home as possible.
- 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: LAMORRIS ALLAN FRENCH
CASE NUMBER: 5:23-CR-00064-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of: three (3) years

MANDATORY CONDITIONS (MC)

- 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.
4. [ ] The above drug testing condition is suspended...
5. [ ] You must make restitution...
6. [x] You must cooperate in the collection of DNA...
7. [ ] You must comply with the requirements of the Sex Offender Registration...
8. [ ] You must participate in an approved program for domestic violence.
9. [ ] The passport restriction imposed at the time of initial release...
10. [ ] The passport restriction imposed at the time of initial release...
11. You must comply with the standard conditions that have been adopted by this court...

STANDARD CONDITIONS OF SUPERVISION (SC)

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...
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...
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.
6. You must allow the probation officer to visit you at any time at your home or elsewhere...
7. You must work full time (at least 30 hours per week) at a lawful type of employment...
8. You must not communicate or interact with someone you know is engaged in criminal activity.
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...
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant...
12. If the probation officer determines that you pose a risk to another person...
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: LAMORRIS ALLAN FRENCH  
CASE NUMBER: 5:23-CR-00064-1

### **SPECIAL CONDITIONS OF SUPERVISION (SP)**

1. Because the presentence report and/or other reliable sentencing information indicates a high risk of future substance abuse, the defendant shall participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The defendant shall submit to drug testing as directed by the treatment facility and probation officer during the term of supervision. The defendant shall contribute to the cost of the treatment program if financially able.



DEFENDANT: LAMORRIS ALLAN FRENCH  
 CASE NUMBER: 5:23-CR-00064-1

**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>
<b>TOTALS</b>	\$100.00	\$ .00	\$ .00	\$ .00	\$ .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.

- 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/or penalties and it is ordered that:
  - the interest and/or  penalty requirement is waived for the  fine  restitution.
  - the interest and/or  penalty 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: LAMORRIS ALLAN FRENCH  
CASE NUMBER: 5:23-CR-00064-1

### 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  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:

The Court orders that any federal income tax refund payable to the defendant from the Internal Revenue Service will be turned over to the Clerk of Court and applied toward any outstanding balance with regard to the outstanding financial obligations ordered by the Court.

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, or, unless ordered otherwise, criminal debt payments may be made online at [www.lawd.uscourts.gov/fees](http://www.lawd.uscourts.gov/fees).

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

- Joint and Several
  - Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
  - The Court gives notice this case involves other defendants who may be held jointly and several liable for payment of all or part of the restitution ordered herein and may order such payment in the future.
- 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:  
The Final Order of Forfeiture was signed on November 7, 2023. See Record Document 43.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.