

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

United States v. Jerome Brown

United States v. Brown · No. No. 23-3184 · Decided March 6, 2026

SUMMARY

The Third Circuit held that the district court violated Federal Rule of Criminal Procedure 11(c)(1) by participating in plea negotiations and proposing a minimum sentence. The court nevertheless affirmed the conviction and sentence because Brown failed to show that the violation affected his substantial rights, and it rejected his Second Amendment challenge to 18 U.S.C. § 922(g)(1) based on binding precedent concerning individuals on probation or supervised release.

CASE DETAILS

COURT	United States Court of Appeals for the Third Circuit
WRITING FOR THE COURT	Judge Restrepo; Judge Montgomery-Reeves; Judge Scirica
JURISDICTION	United States Court of Appeals for the Third Circuit
DECIDED	March 6, 2026
DOCKET	No. 23-3184
DISPOSITION	affirmed
PROCEDURAL POSTURE	Brown appealed after entering an open guilty plea and receiving a 235-month sentence followed by ten years of supervised release. He argued that the District Court violated Federal Rule of Criminal Procedure 11(c)(1) by participating in plea negotiations and that 18 U.S.C. § 922(g)(1) was unconstitutional.
STANDARD OF REVIEW	Plain-error review applied to the forfeited Rule 11(c)(1) objection. The defendant had to establish error, that was plain, that affected substantial rights, and that seriously affected the fairness, integrity, or public reputation of judicial proceedings.
PRECEDENTIAL VALUE	precedential
PARTIES	Jerome Brown, a/k/a Jerome F. Brown v. United States of America

TOPICS

- plea bargaining
- criminal procedure
- second amendment
- appellate procedure
- sentencing

PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

sentencing

QUESTIONS PRESENTED

1. Whether the District Court violated Federal Rule of Criminal Procedure 11(c)(1) by participating in plea negotiations and proposing a minimum sentence.
2. Whether the Rule 11(c)(1) violation affected Brown's substantial rights so as to require vacatur of his guilty plea under plain-error review.
3. Whether 18 U.S.C. § 922(g)(1) was unconstitutional as applied to Brown, who was on probation when he possessed the firearm.

HOLDINGS

1. The District Court violated Rule 11(c)(1) by participating in the parties' plea negotiations and inducing Brown to accept an open plea with a sentence of not less than 235 months.
2. The Rule 11(c)(1) violation did not require vacatur because Brown failed to show that the error affected his substantial rights by causing him to receive a heavier sentence or otherwise prejudicing him.
3. Section 922(g)(1) was constitutional as applied to Brown because a person on probation does not have a Second Amendment right to possess a firearm.

KEY QUOTATIONS

“The District Court unquestionably violated Rule 11(c)(1)’s bright-line rule prohibiting judicial interference.”
(4)

“Because Brown has not borne his burden of showing that the error affected his substantial rights by resulting in a heavier sentence, we must affirm despite the District Court’s violation of Rule 11(c)(1).” (5)

FACTUAL BACKGROUND

Law enforcement raided Brown's car, home, and storage unit during a drug-trafficking investigation near Pittsburgh and found more than 13 kilograms of fentanyl, a handgun, ammunition, and \$136,000 in cash. Brown confessed shortly after his arrest. The parties negotiated two stipulated plea agreements, but the District Court rejected both and proposed a sentence of not less than 235 months. Brown then entered an open guilty plea and received a 235-month sentence plus ten years of supervised release.

PROCEDURAL HISTORY

Brown was indicted for drug trafficking and unlawful firearm possession. The District Court rejected two stipulated plea agreements, proposed a sentence of not less than 235 months, and offered Brown the choice of renegotiating, entering an open guilty plea with that sentencing expectation, or proceeding to trial. Brown entered the open plea and was sentenced to 235 months. Because he did not object below to the judicial participation, the Third Circuit reviewed the Rule 11 issue for plain error and affirmed.

DISPOSITION

affirmed

CASES CITED

- United States v. Cruz, 95 F.4th 106, 110 (3d Cir. 2024)
- United States v. Moscahlaidis, 868 F.2d 1357, 1361 (3d Cir. 1989)
- United States v. Davila, 569 U.S. 597, 606, 609-12 (2013)
- United States v. Davila, 749 F.3d 982, 993 (11th Cir. 2014)
- United States v. Brown, 595 F.3d 498, 519 (3d Cir. 2010)
- United States v. Harrell, 751 F.3d 1235, 1239 (11th Cir. 2014)
- United States v. Quailles, 126 F.4th 215, 224 (3d Cir. 2025)
- United States v. Moore, 111 F.4th 266, 273 (3d Cir. 2024)

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