

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 21 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN BRUNST, AKA Jed,

Defendant - Appellant.

No. 24-5374

D.C. No.

2:18-cr-00422-DJH-4

District of Arizona,

Phoenix

ORDER

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SCOTT SPEAR,

Defendant - Appellant.

No. 24-5375

D.C. No.

2:18-cr-00422-DJH-3

District of Arizona,

Phoenix

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL LACEY,

Defendant - Appellant.

No. 24-5376

D.C. No.

2:18-cr-00422-DJH-1

District of Arizona,

Phoenix

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

SCOTT SPEAR,

Defendant - Appellee.

No. 24-5748

D.C. No.

2:18-cr-00422-DJH-3

District of Arizona,

Phoenix

UNITED STATES OF AMERICA,

Plaintiff - Appellant,

v.

JOHN BRUNST, AKA Jed,

Defendant - Appellee.

No. 24-5750

D.C. No.

2:18-cr-00422-DJH-4

District of Arizona,

Phoenix

Before: S.R. THOMAS, BYBEE, and COLLINS, Circuit Judges.

The motions (Docket Entry No. 45 in Appeal Nos. 24-5374 & 24-5375; Docket Entry No. 27 in Appeal No. 24-5376) to file oversized replies in support of bail pending appeal are granted.

The joint motion (Docket Entry No. 27 in Appeal No. 24-5374; Docket Entry No. 25 in Appeal No. 24-5375) for bail pending appeal filed by Scott Spear and John Brunst is **DENIED**. Brunst and Spear have not shown that their appeals raise a “substantial question” of law or fact that is likely to result in reversal or a new trial on all counts of conviction, or a sentence with a term of imprisonment

less than time served plus the expected duration of the appeal process. *See* 18 U.S.C. § 3143(b)(1)(B); *United States v. Handy*, 761 F.2d 1279, 1283 (9th Cir. 1985).

Lacey's motion (Docket Entry No. 15 in Appeal No. 24-5376) for bail pending appeal is **GRANTED**. The district court found, and the government does not dispute, that Lacey is not likely to flee or to pose a danger to the safety of any other person or the community if released. Moreover, Lacey has shown that his appeal raises a "substantial question" of law or fact that is "fairly debatable" and that, if determined favorably to him, is likely to result in reversal on the single count of conviction. *See* 18 U.S.C. § 3143(b)(1)(B)(i); *Handy*, 761 F.2d at 1283.

Lacey's case is remanded to the district court for the limited purpose of establishing appropriate conditions of release for Lacey.

All other pending motions will be decided by separate order.

The existing briefing schedule remains in effect.