

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WALTER GLENN
PRIMROSE, AKA Bobby Edward
Fort,

Defendant - Appellant.

No. 24-1462

D.C. No.
1:22-cr-00060-
LEK-1

OPINION

Appeal from the United States District Court
for the District of Hawaii
Leslie E. Kobayashi, District Judge, Presiding

Argued and Submitted February 12, 2026
Honolulu, Hawaii

Filed September 22, 2026

Before: Jay S. Bybee, Ryan D. Nelson, and Danielle J.
Forrest, Circuit Judges.

Opinion by Judge Forrest

SUMMARY*

Criminal Law

The panel affirmed Walter Glenn Primrose's convictions for conspiracy to make materially false, fictitious, and fraudulent statements to the Department of Defense (DOD); aggravated identity theft; making false statements in the application for and use of a passport; and conspiracy to make false statements in applications for passports.

Primrose assumed the identity of a child named Bobby Edward Fort, who died in infancy, and lived under the assumed identity for over 30 years, including serving in the United States Coast Guard. Primrose's wife also appropriated the name of an infant who died shortly after birth.

Primrose argued that he is not culpable for making false statements or identity theft because he had actually become Bobby Fort. He articulated an extension of the property-law concept of adverse possession, which allows one to obtain title to real property through extended open and hostile possession. The panel held that there is no basis in law or reason to conclude that one may adversely possess the identity of another person.

Disputing his conviction for conspiracy to make a false statement to the DOD arising from his application for Defense Enrollment Eligibility Reports System (DEERS) identification cards under the Fort name, Primrose argued

* This summary constitutes no part of the opinion of the court. It has been prepared by court staff for the convenience of the reader.

that the Government failed to prove that he had the requisite specific intent. The panel held that a rational juror could find sufficient evidence to prove that Primrose knew his statements on the DEERS identification application were false, despite Primrose's "belief" that he did not make a false statement because he identifies as Fort.

Primrose argued that his conviction for aggravated identity theft must be reversed because the means of identification made to obtain the DEERS identification card belonged to him and his wife, given that they had been using their assumed identities since 1987. He argued that under *Dubin v. United States*, 599 U.S. 110 (2023), the requisite relation to the predicate offense was not present. Rejecting this contention, the panel explained that it is precisely the use and possession of the deceased infants' identities that made his statements to the DOD false and, therefore, criminal.

Challenging his conviction for making false statements in applying for and using a passport, a charge that arose out of his use of the Fort passport to obtain a Hawaii driver's license in 2014, Primrose argued that his Fort passport was not "secured . . . by reason of a false statement" because he had assumed the identity of Fort since 1987. The panel held that this argument fails because the jury had ample evidence to conclude that Primrose secured the passport with a statement that he knew was false.

COUNSEL

Thomas C. Muehleck (argued), Assistant United States Attorney; Kenneth M. Sorenson, Acting United States Attorney; Office of the United States Attorney, United States Department of Justice, Honolulu, Hawaii; for Plaintiff-Appellee.

George C. Boisseau (argued), Law Offices of George C. Boisseau, Santa Rosa, California, for Defendant-Appellant.

OPINION

FORREST, Circuit Judge:

Defendant-Appellant Walter Glenn Primrose was convicted by a jury of aggravated identity theft and making false statements to the United States Government after he assumed the identity of a child named Bobby Edward Fort, who died in infancy. Primrose lived under his assumed identity for over 30 years, including serving in the United States Coast Guard. In this appeal, he challenges his convictions, raising a novel argument: a person's identity is not just the name and birthdate on their birth certificate but "what one does with that name and birth date." Indeed, Primrose reminds us that "Shakespeare is not known for his true name and birth date but for his body of work." Drawing on property-law principles, Primrose contends that he has adversely possessed his assumed identity such that he now *is* Bobby Fort. In his words: "There should come a time when a person who has lived under an assumed name has earned the right to that name and identity."

We reject Primrose's premise—one cannot obtain the *legal* right to another person's identity simply by using it for a long time. Therefore, we affirm his convictions.

BACKGROUND

Primrose was born Walter Glenn Primrose on December 17, 1955. He and his wife (born Gwynn Darle Morrison) married in 1980. Primrose received a passport under his real name in April 1987, which he renewed in 1999.

Primrose testified that in the 1980s, he found himself in financial trouble due to a struggling business venture, and he took on private debt. After someone came to his home and threatened him at gunpoint, he and his wife moved and assumed new identities: Primrose took on the Fort name and Morrison assumed the name of Julie Lyn Montague. Like Primrose, Morrison appropriated the name of an infant who died shortly after birth by using the infant's birth certificate.

In assuming Fort's identity, Primrose applied for and received a driver's license and Social Security card under Fort's name. Primrose and Morrison also remarried as Fort and Montague. Several years later, in the mid-1990s, Primrose enlisted as Fort in the United States Coast Guard, where he worked until 2016. After leaving the Coast Guard, Primrose worked for a Department of Defense (DOD) contractor.

Primrose applied for and received a passport under the Fort identity in 1996; he has since received four additional passports in that name, including two United States Government official passports. Primrose also obtained a Hawaii driver's license and Defense Enrollment Eligibility

Reports System (DEERS) identification cards¹ under the Fort name.

The United States Department of State's Fraud Prevention Office (FPO) opened an investigation into "Fort" in 2020 after his 2016 passport-renewal application was flagged as containing a late-issued Social Security Number.² The FPO found the death certificate for the real Fort and referred the matter for a criminal investigation. Primrose was arrested in July 2022.

Primrose went to trial for (1) conspiracy to make materially false, fictitious, and fraudulent statements to the DOD, in violation of 18 U.S.C. §§ 371, 1001; (2) aggravated identity theft, in violation of 18 U.S.C. § 1028A(c); (3) making false statements in the application for and use of a passport, in violation of 18 U.S.C. § 1542; and (4) conspiracy to make false statements in applications for passports, in violation of 18 U.S.C. §§ 371, 1542. Primrose

¹ DEERS is the database in which the DOD stores information about military personnel, their dependents, and other eligible individuals. DEERS registration is necessary to receive ID cards and DOD benefits, such as healthcare. *See* Department of Defense Instruction 1341.02 (Aug. 18, 2016).

² The Social Security Administration did not begin the "Enumeration at Birth" process—through which parents of a newborn can request a Social Security Number—until 1987. Carolyn Puckett, *The Story of the Social Security Number*, 69 Soc. Sec. Bull., no. 2, 2009, at 64. Previously, individuals applied for a Social Security Number as needed, usually when they began their first job or otherwise needed a personal identifier with a federal agency. *See id.* at 67–68; Wayne S. Long, *Social Security Numbers Issued: A 20-Year Review*, 56 Soc. Sec. Bull., no. 1, 1993, at 84. Most people applied for and received a number before they turned 16 years old. *See* Long, *supra*, at 86. Fort would have been 20 years old in 1987, when Primrose applied for a Social Security Number in his name.

represented himself with the assistance of standby counsel. The jury convicted Primrose on all charges. This appeal challenging the sufficiency of evidence supporting his convictions timely followed.

DISCUSSION

“We review de novo a claim challenging the sufficiency of the evidence supporting an element of an offense.” *United States v. Bennett*, 621 F.3d 1131, 1135 (9th Cir. 2010). We ask “whether ‘after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.’” *United States v. Nevils*, 598 F.3d 1158, 1163–64 (9th Cir. 2010) (en banc) (emphasis omitted) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)).

Primrose generally argues that none of his convictions can stand because the Fort identity had become his actual identity, analogizing to adverse-possession principles, and he also makes arguments specific to each of his convictions.

A. Identity via Adverse Possession

As he did at trial, Primrose insists on appeal that he is not culpable for making false statements or identity theft because he had actually become Bobby Fort. Primrose concedes that “there is no criminal case which purports to authorize a defendant [to] legally assum[e] the identity of another just through the passage of time.” But he nonetheless urges us, as a matter of “fairness,” to recognize “an exception authorizing one to assume another identity when one has lived most of their adult life under that name.”

Primrose articulates his theory as an extension of the property-law concept of adverse possession, which allows one to obtain title to real property through extended open and

hostile possession. See 2 C.J.S. *Adverse Possession* § 1, Westlaw (database updated Apr. 2026); *Adverse Possession*, Black's Law Dictionary (12th ed. 2024). We appreciate Primrose's candor in admitting that this is "a concept yet unrecognized in criminal law as it relates to assumed identities." But we decline his invitation to develop the new law that he advocates.

There is no basis in law or reason for us to conclude that one may adversely possess the identity of another person. The Supreme Court has held that "[a]n individual's identity is more than just his name or Social Security number." *Maryland v. King*, 569 U.S. 435, 450 (2013). A person's identity is a part of, not separate from, their personhood. And no matter how long one uses another person's name, they simply do not *become* the other person.

The identities that Primrose and his wife assumed belonged to infants who were not long for this world. That the infants' lives were short does not erase their existence or their importance. And no matter what Primrose and his wife did with the infants' identities, those identities still belonged to the infants who were born on the dates and received the names that were recorded in their birth certificates. It is not at all clear that the infants, their parents, or family were not "harmed" by Primrose's actions. And Primrose's contention that he is the one "who had done the work" to establish an identity under the Bobby Edward Fort name by living a life under that name for 30 years is beside the point.

B. Conspiracy to Make False Statements

Primrose disputes his conviction for conspiracy to make a false statement to the DOD arising from his application for DEERS identification cards, arguing that the Government

failed to prove that he had the requisite specific intent to prove this offense.

Section 1001 of Title 18 criminalizes “knowingly and willfully . . . mak[ing] any materially false, fictitious, or fraudulent statement or representation” when made “in any matter within the jurisdiction of the executive . . . branch of the Government of the United States.” 18 U.S.C. § 1001(a). And to prove a conspiracy to commit this offense under 18 U.S.C. § 371, the Government must establish “(1) an agreement to engage in criminal activity, (2) one or more overt acts taken to implement the agreement, and (3) the requisite intent to commit the substantive crime.” *United States v. Kaplan*, 836 F.3d 1199, 1212 (9th Cir. 2016) (citation omitted).

The specific-intent element for these offenses comes from § 1001’s “knowingly and willfully” mens rea requirement. 18 U.S.C. § 1001; *United States v. Carrier*, 654 F.2d 559, 561 (9th Cir. 1981), *abrogated on other grounds by Bryan v. United States*, 524 U.S. 184 (1998). Here, the jury was instructed that, to determine that Primrose knowingly and willfully made a false statement to the DOD, it must find that the Government proved two points of knowledge: that Primrose knew he was making a false statement, and that he knew making the false statement was illegal. *See Bryan*, 524 U.S. at 191–92 (“[I]n order to establish a ‘willful’ violation of a statute, ‘the Government must prove that the defendant acted with knowledge that his conduct was unlawful.’” (quoting *Ratzlaf v. United States*, 510 U.S. 135, 137 (1994))); Manual of Model Crim. Jury Instructions for the Ninth Cir. § 24.10 (Ninth Cir. Jury

Instructions Comm. 2026).³ The Government may rely on circumstantial evidence because “the jury is entitled to make common sense inferences,” especially for “matters that are not provable by direct evidence, such as intent.” *United States v. Charley*, 1 F.4th 637, 644 (9th Cir. 2021) (citations omitted).

The DEERS identification application asked for Primrose’s name and date of birth, and he answered, “Fort, Bobby E.,” and “1967.” He certified on that application that the information he provided was “true and accurate.” But this information was unquestionably false. Primrose admitted under oath that his birth name was Walter Glenn Primrose. And evidence was introduced that he was born in

³ There is tension in our precedent about the proper mens rea standard required to sustain a conviction under § 1001. *Compare Carrier*, 654 F.2d at 561 (“The word ‘willfull’ means no more than that the forbidden act is done ‘deliberately and with knowledge.’” (citation omitted)), and *United States v. Tatoyan*, 474 F.3d 1174, 1182 (9th Cir. 2007) (applying *Carrier*), and *United States v. Charley*, 1 F.4th 637, 644 & n.5 (9th Cir. 2021) (suggesting that the district court’s jury instruction requiring the Government to prove that the defendant “acted deliberately and with knowledge both that the statement was untrue and that her conduct was unlawful” potentially required “more than necessary under § 1001”), with *Bryan*, 524 U.S. at 191–92, and *United States v. Smith*, 831 F.3d 1207, 1222 n.27 (9th Cir. 2016) (defining “willfully” to require “that the defendant made the statement voluntarily and purposely and with knowledge that the defendants’ making of the statement was unlawful” “in accord with the statutory language of [§ 1001]”), and *Manual of Model Crim. Jury Instructions for the Ninth Cir.* § 24.10 cmt. (Ninth Cir. Jury Instructions Comm. 2026). We do not resolve this tension, however, because neither party challenges the jury instruction given by the district court or the *Bryan* formulation of “willful.” And the jury convicted Primrose after being instructed on the heightened standard established in *Bryan*, not the lower standard stated in *Carrier* and other cases, which would have imposed a lesser burden on the Government.

1955. A rational juror could find this sufficient to prove that Primrose knew his statements on the DEERS Identification form were false, despite Primrose’s “belie[f]” that he did not make a false statement because he identifies as Fort.

A few examples from the trial record further highlight the rationality of the jury’s finding that Primrose knew it was illegal to represent himself as Fort to the DOD. Primrose testified that he was concerned that his true identity would be discovered when he applied to the Coast Guard under the Fort name: “When I joined with the recruiter, he gave me the brief that there would be a security clearance. That was a concern because . . . there would be [a] background check, and surprisingly, I passed.” He also admitted that he did not tell his family that he used the Fort identity and that he burned documents identifying him as Primrose. *Cf. United States v. Singh*, 979 F.3d 697, 714 (9th Cir. 2020) (applying the *Bryan* standard for willfulness and holding that “the evidence proffered at trial indicated that Appellants took steps to conceal their actions, which suggests that they possessed knowledge that their actions were unlawful, not that they unwittingly engaged in criminal conduct”). One of his friends also testified that Primrose realized the advantage of using the Fort identity when he applied to join the Coast Guard because he was too old to enlist based on his actual birthday.

Because a “rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt,” we affirm Primrose’s conviction for conspiracy to make a false statement. *Nevils*, 598 F.3d at 1163–64 (quoting *Jackson*, 443 U.S. at 319).

C. Aggravated Identity Theft

Federal law provides that “[w]hoever, during and in relation to any [enumerated] felony violation”—including a violation of § 1001—“knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall” be subject to additional punishment. 18 U.S.C. § 1028A(a)(1); *see also id.* § 1028A(c)(4). Addressing the meaning of using another’s identity “in relation to any felony,” the Supreme Court has explained that “§ 1028A(a)(1) is violated when the defendant’s misuse of another person’s means of identification is at the crux of what makes the underlying offense criminal.” *Dubin v. United States*, 599 U.S. 110, 114 (2023). Accordingly, in this case, the Government had to prove that Primrose’s possession and use of Fort’s “means of identification [were] at the crux” of what made his statement to the DOD illegal. *United States v. Parviz*, 131 F.4th 966, 970 (9th Cir. 2025) (quoting *Dubin*, 599 U.S. at 114).

Primrose’s only argument for reversal is that “the means of identification made to obtain the DEE[RS] identification card” belonged to him and his wife because they had been using their assumed identities since 1987. Primrose insists that “under *Dubin*, the requisite ‘relation to’ the predicate offense was not present.” In fact, however, it is *precisely* the use and possession of the Fort and Montague identities that made his statements to the DOD false and, therefore, criminal. *See* 18 U.S.C. § 1028A(a)(1); *Dubin*, 599 U.S. at 114. Not only *could* rational jurors have reached this conclusion, they likely would feel *compelled* to reach this conclusion. *See Nevils*, 598 F.3d at 1163–64. We affirm Primrose’s conviction for aggravated identity theft.

D. Passport Fraud

Lastly, Primrose challenges his conviction for making false statements in applying for and using a passport. This charge arose out of his use of the Fort passport to obtain a Hawaii driver's license in 2014.

Section 1542 of Title 18 prohibits “willfully and knowingly us[ing] . . . any passport the issue of which was secured in any way by reason of any false statement.” 18 U.S.C. § 1542. This offense “does not require specific intent.” *United States v. Aifang Ye*, 808 F.3d 395, 399 (9th Cir. 2015). Rather, “willfully and knowingly,” as used in § 1542, refers only to conduct undertaken “deliberately and with knowledge and not something which is merely careless or negligent or inadvertent.” *Id.* (quoting *Browder v. United States*, 312 U.S. 335, 341 (1941)). The Government does not need to prove that “the defendant knew that [his] action was unlawful.” *Id.*

In challenging this conviction, Primrose again argues only that his Fort passport was not “secured . . . by reason of a false statement” because he “had assumed the identity of Bobby Edward Fort since 1987.” But this argument fails where the jury had ample evidence to conclude that Primrose secured the passport with a statement that he knew was false, his continued insistence to the contrary notwithstanding. Primrose does not dispute that he used the Fort passport to obtain a Hawaii driver's license, and the copy of his application introduced at trial includes a scan of the Fort passport. We affirm Primrose's passport fraud conviction.

* * * * *

Primrose has repeatedly invoked analogies to Shakespeare and his writings in this litigation. While we do

not answer, “[w]hat’s in a name,” William Shakespeare, *Romeo and Juliet* act 2, sc. 2, ll. 46–47, we find no error in the jury’s verdict concluding that Primrose “told a lie, an odious, damned lie,” William Shakespeare, *Othello* act 5, sc. 2, l. 216.

AFFIRMED.