

ADDENDUM

Appendix A

Judges: Justice SMITH, KENOLD, and SHEPHERD, Circuit Judges.

Kenneth Robert Simpson, Lieutenant - Appointed 1966

For United States of America, Plaintiff - Appellee: Alfred H. Bell, Jr.,
Assistant U.S. Attorney, Robert F. Livengood, Assistant U.S. Attorney, U.S. Attorney's Office,
Eastern District of Missouri, Saint Louis, MO.

2/18/2014 11:13 AM FAX 352-351-1111 (E.D. No. 13-28, 2014)

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United States v. Simpson, 2017 U.S. App. LEXIS 24413 (8th Cir. Mo., Dec. 4, 2017)
882, 2016 U.S. LEXIS 8137 (U.S. Ct. 11/20/16) (en banc proceeding of Decision rendered on a writ of
2016 US Supreme Court certiorari denied by Simpson v. United States, 137 S. Ct. 918, 196 L. Ed. 2d
Reluctant holding by Chief Justice v. Simpson, 2016 U.S. App. LEXIS 13868 (8th Cir. Minn., Aug. 11,

~~Yakovlev, I. I. (1932). The role of the state in the development of the economy.~~

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MAY 21 2015 FILED
 MAY 20 2015
 NO. 12-1037
 423 P. 1 App. 2015 U.S. App. LEADS 879
 UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
 United States of America Plaintiff - Appellee v. Kenneth Robert Simpson Defendant - Appellant

United States of America, Plaintiff - Appellee v. Kenneth Robert Simpson, Defendant - Appellant
UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT
653 Fed. Appx. 850; 2016 U.S. App. LEXIS 9779
No. 16-1031
May 25, 2016, Submitted
May 31, 2016, Filed

Notice:

PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

Editorial Information: Subsequent History

Rehearing denied by United States v. Simpson, 2016 U.S. App. LEXIS 13996 (8th Cir. Mo., Aug. 1, 2016)US Supreme Court certiorari denied by Simpson v. United States, 137 S. Ct. 318, 196 L. Ed. 2d 232, 2016 U.S. LEXIS 6177 (U.S., Oct. 11, 2016)Related proceeding at, Decision reached on appeal by United States v. Simpson, 2017 U.S. App. LEXIS 24413 (8th Cir. Mo., Dec. 4, 2017)

Editorial Information: Prior History

Appeal from United States District Court for the Eastern District of Missouri - St. Louis.Simpson v. United States, 2014 U.S. Dist. LEXIS 25616 (E.D. Mo., Feb. 28, 2014)

Counsel For United States of America, Plaintiff - Appellee: Allison Hart Behrens, Assistant U.S. Attorney, Robert F. Livergood, Assistant U.S. Attorney, U.S. Attorney's Office, Eastern District of Missouri, Saint Louis, MO.
Kenneth Robert Simpson, Defendant - Appellant, Pro se,
Springfield, MO.

Judges: Before SMITH, ARNOLD, and SHEPHERD, Circuit Judges.

Opinion

{653 Fed. Appx. 850} PER CURIAM.

At a supervised release revocation hearing, Kenneth Simpson admitted that immediately upon commencement of his lifetime term of supervision, he had refused to **{653 Fed. Appx. 851}** follow his probation officer's instruction to register as a sex offender. He directly appeals after the district court¹ revoked supervision, sentenced him to 12 months in prison, and reimposed a lifetime term of supervision.

Upon careful review of the record and the parties' briefs, we conclude that Simpson's arguments for reversal lack merit. First, we reject his argument that the district court abused its discretion by failing to recuse itself. See United States v. Martin, 757 F.3d 776, 778 (8th Cir. 2014) (standard of review). Second, Simpson's challenges regarding jurisdiction and double jeopardy amount to improperly raised collateral attacks on his underlying conviction and sentence. See United States v. Miller, 557 F.3d 910, 913 (8th Cir. 2009). Third, the record supports the district court's finding that Simpson violated his supervised release. See United States v. Black Bear, 542 F.3d 249, 252 (8th Cir. 2008) (standard of review). Fourth, the court did not err in reimposing a lifetime term of supervision, see 18

DATE OF RECEIPT

5. 11. 2019

The Honorable Richard W. Roth, Clerk, District Judge for the Eastern District of Missouri.

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1. The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, regarding the land owned by the United States in the State of Nevada:

U.S.C. §§ 3583(h), (k); United States v. Aslati, 615 F.3d 1001, 1006 (8th Cir. 2010) (reasonableness of revocation sentence reviewed for abuse of discretion), and we reject his challenge to the reimposition of special release conditions, see United States v. Koch, 625 F.3d 470, 481 (8th Cir. 2010). Finally, Simpson's newly raised constitutional challenge to the Sex Offender Registration Act is not properly before us. See Liberty State Bank v. Minnesota Life & Health Ins. Guar. Ass'n, 149 F.3d 832, 834 (8th Cir. 1998).

Accordingly, we affirm.

Footnotes

1

The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.

United States of America, Plaintiff - Appellee v. Kenneth Robert Simpson, Defendant - Appellant
UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT
704 Fed. Appx. 609; 2017 U.S. App. LEXIS 24413
No. 16-4498
November 6, 2017, Submitted
December 4, 2017, Filed

Notice:

PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

Editorial Information: Subsequent History

Rehearing denied by, Rehearing, en banc, denied by United States v. Simpson, 2018 U.S. App. LEXIS 1090 (8th Cir., Jan. 17, 2018)

Editorial Information: Prior History

Appeal from United States District Court for the Eastern District of Missouri - St. Louis. United States v. Simpson, 653 Fed. Appx. 850, 2016 U.S. App. LEXIS 9779 (8th Cir. Mo., May 31, 2016)

Counsel For United States of America, Plaintiff - Appellee: Allison Hart Behrens, Assistant U.S. Attorney, Robert F. Livergood, Assistant U.S. Attorney, U.S. Attorney's Office, Eastern District of Missouri, Saint Louis, MO.

Kenneth Robert Simpson, Defendant - Appellant, Pro se,
Springfield, MO.

Judges: Before COLLOTON, BOWMAN, and KELLY, Circuit Judges.

Opinion

{704 Fed. Appx. 609} PER CURIAM.

Kenneth Robert Simpson, proceeding pro se, appeals after the District Court¹ revoked his supervised release for the second time, sentenced him to 18 months in prison, and reimposed a life term of supervised release.

After reviewing the record, we conclude that Simpson's jurisdictional and double-jeopardy arguments amount to collateral attacks on his conviction and sentence, see United States v. Miller, 557 F.3d 910, 913 (8th Cir. 2009) ("A defendant may challenge the validity of his underlying conviction and sentence through a direct appeal or a habeas corpus proceeding, not through a collateral attack in a supervised-release revocation proceeding."), and that his remaining arguments lack merit. Simpson also moves to strike a brief filed by his former counsel. Because Simpson is proceeding pro se, we have not considered the arguments raised in the counseled brief, and we deny as moot the motion to strike.

We affirm the judgment.

Footnotes

1

The Honorable Rodney W. Sippel, Chief Judge, United States District Court for the Eastern District of Missouri.

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