

No.____

IN THE
SUPREME COURT OF THE UNITED STATES

PETER BOBAL

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

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APRIL 29, 2021

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APPENDIX A

981 F.3d 971

United States Court of Appeals, Eleventh Circuit.

UNITED STATES of America, Plaintiff-Appellee,
v.

Peter Robert BOBAL, Defendant-Appellant.

No. 19-10678

|

(November 30, 2020)

Synopsis

Background: Following defendant's convictions for attempting to persuade a minor to engage in sexual activity and committing a felony involving a minor while required to register as a sex offender, he filed motion for new trial. The United States District Court for the Southern District of Florida, No. 0:18-CR-60072-BB-1, [Beth Bloom, J., 2018 WL 4323786](#), denied the motion. Defendant appealed.

Holdings: The Court of Appeals, [William H. Pryor](#), Chief Judge, held that:

[1] defendant was not entitled to a new trial based on prosecutor's statements during closing argument, and

[2] imposition of special condition of supervised release restricting defendant's computer use did not amount to plain error.

Affirmed.

Procedural Posture(s): Appellate Review; Post-Conviction Review.

West Headnotes (15)

[1] **Criminal Law** Necessity of Objections in General

The Court of Appeals reviews unpreserved issues for plain error.

[2] **Criminal Law** Necessity of Objections in General

The Court of Appeals may reverse a conviction under the plain error standard of review only if the error is plain, it affects substantial rights, and it seriously affects the fairness, integrity, or public reputation of the judicial proceeding.

[3] **Criminal Law** Necessity of Objections in General

An error cannot be "plain," under the plain error standard of review, if neither the United States Supreme Court nor the Court of Appeals has ever resolved the issue, and other circuits are split on it.

[4] **Criminal Law** In argument in general

Criminal Law Summing up

Defendant convicted of committing a felony involving a minor while required to register as a sex offender was not entitled to a new trial based on prosecutor's statements during closing argument, that defendant stipulated to the offense, instead of just one element of the offense, and that the "only verdict" was a verdict of guilty; when viewed in context, statements were proper and based on the evidence presented, and even if prosecutor's statements were improper, any error was cured by trial court's jury instruction that the lawyers' statements were not evidence.

1 Cases that cite this headnote

[5] **Criminal Law** For prosecution

A prosecutor's closing argument will constitute misconduct only if it was improper and prejudiced the substantial rights of the defendant.

1 Cases that cite this headnote

[6] **Criminal Law** Arguments and conduct of counsel

Criminal Law  **Statements as to Facts, Comments, and Arguments**

An appellate court assesses the prejudicial effect of a prosecutor's closing arguments by evaluating them in the context of the trial as a whole and assessing their probable impact on the jury.

[7] Criminal Law  **In argument in general**

To warrant a new trial because of the prosecutor's statements during closing arguments, there must be a reasonable probability that but for the prosecutor's improper remarks, the outcome would be different.

[8] Criminal Law  **Statements as to Facts and Arguments**

Prosecutors are permitted to make colorful and perhaps flamboyant remarks during closing arguments if they relate to the evidence adduced at trial.

[9] Criminal Law  **Instructions as to Duties of Jury****Criminal Law**  **Comments to jurors as to duties and obligations**

While a jury may render a verdict at odds with the evidence or the law, neither the court nor counsel should encourage jurors to violate their oath.

[10] Criminal Law  **Matters not sustained by evidence**

Statements and arguments of counsel are not evidence, and any improper statements can be rectified by the district court's instruction to the jury that only the evidence in the case be considered.

[1 Cases that cite this headnote](#)

[11] Criminal Law  **Probation and related dispositions**

Imposition of special condition of supervised release prohibiting defendant convicted of

attempting to persuade a minor to engage in sexual activity and committing a felony involving a minor while required to register as a sex offender from using a computer except for work and with the prior permission of the district court did not amount to plain error; although defendant's term of supervised release was for life, condition was reasonably related to legitimate need to protect the public from potential abuses of the internet, and no United States Supreme Court decision or binding decision of Court of Appeals invalidated such a condition on facts similar to defendant's case.

[1 Cases that cite this headnote](#)

[12] Criminal Law  **Probation and related dispositions****Sentencing and Punishment**  **Other Particular Conditions**

A district court does not commit plain error by imposing a computer restriction as a special condition of supervised release for a convicted sex offender, even if the term of supervised release is for life.

[2 Cases that cite this headnote](#)

[13] Sentencing and Punishment  **Other Particular Conditions**

Restrictions on the use of a computer during a sex offender's term of supervised release are reasonably related to legitimate sentencing considerations, namely the need to protect both the public and the sex offender from potential abuses of the internet.

[1 Cases that cite this headnote](#)

[14] Sentencing and Punishment  **Construction, operation, and compliance**

Restrictions on a sex offender's use of a computer during the offender's term of supervised release are not overly broad when the offender can still use the Internet for valid purposes by obtaining his probation officer's prior permission.

[1 Cases that cite this headnote](#)**[15] Sentencing and Punishment**  Validity or reasonableness of conditions in general

A district court may impose reasonable conditions that deprive a defendant of some freedoms enjoyed by law-abiding citizens during a term of supervised release.

[1 Cases that cite this headnote](#)**Attorneys and Law Firms**

***973** Jonathan E. Koprinski, [Daniel Matzkin](#), Emily M. Smachetti, [Jason Wu](#), Assistant U.S. Attorney, U.S. Attorney Service-SFL, MIAMI, FL, for Plaintiff-Appellee.

[Lori E. Barrist](#), Federal Public Defender's Office, West Palm Beach, FL, [Michael Caruso](#), Federal Public Defender, [Daryl Elliott Wilcox](#), Federal Public Defender's Office, Lauderdale, FL, Sara Wilson Kane, Federal Public Defender's Office, Miami, FL, for Defendant-Appellant.

Appeal from the United States District Court for the Southern District of Florida, D.C. Docket No. 0:18-CR-60072-BB-1

Before [WILLIAM PRYOR](#), Chief Judge, [HULL](#) and [MARCUS](#), Circuit Judges.

Opinion

[WILLIAM PRYOR](#), Chief Judge:

This appeal requires us to decide whether a district court plainly erred by denying a criminal defendant's motion for a new trial and by imposing a restriction on using a computer as a special condition of a lifetime term of supervised release. After a bifurcated trial, a jury convicted Peter Bobal of attempting to persuade a minor to engage in sexual activity and committing a felony involving a minor while required to register as a sex offender. Bobal's sentence included a lifetime term of supervised release, during which he could not use a computer except for work and with the permission of the district court. Bobal argues that the prosecutor misled the jury in her closing argument and that his computer restriction

is unconstitutional in the light of  [Packingham v. North Carolina](#), — U.S. —, 137 S. Ct. 1730, 198 L.Ed.2d 273

(2017). We conclude that the prosecutor's closing argument was not improper. We also conclude that  [Packingham](#) is distinguishable because Bobal's computer restriction does not extend beyond his term of supervised release, it is tailored to his offense, and he can obtain the district court's approval to use a computer for permissible reasons. We affirm.

I. BACKGROUND

In October 2017, a 62-year-old woman living with her 18-year-old daughter in Hallandale Beach, Florida, found a note on her door. The note said something like "I think you're beautiful," although it was unclear whether the note was addressed to the woman or her daughter. It included a phone number but no name. The woman suspected that her neighbor, Peter Bobal, had left it. She asked her friend, a 60-year-old man, to call the number. He did, and he reached Bobal's voicemail. The friend hung up without leaving a message, but a ***974** short time later he began receiving text messages from Bobal. Bobal wrote that he was a single male, and he asked the caller to text him back. The friend did not respond.

After continuing to ignore Bobal for a couple months, the friend decided to reply and to pose as a 14-year-old girl to see how Bobal would react. Bobal responded by asking if the girl's mother was single, and he said that he could talk with either the girl or her mother about anything. He continued texting the fictitious girl, and he eventually asked her to send him a picture. The man posing as the girl offered the excuse that he was at school, but he asked Bobal for a picture. Bobal responded by asking if he should send one of his face or of him naked. The man never answered, so Bobal sent a picture of his face. But after the man commented that Bobal had sent a picture of his face "instead of the other," Bobal sent the fictitious girl a picture of his penis. The man posing as the girl then contacted the Federal Bureau of Investigation and turned over copies of his text messages with Bobal.

A special agent of the Bureau assumed the identity of the fictitious 14-year-old girl. He exchanged numerous text messages with Bobal, many of which were sexual in nature. Eventually, Bobal and the special agent arranged to meet. When Bobal arrived at the agreed-upon meeting place, the special agent arrested him.

A federal grand jury indicted Bobal on two counts: using a facility and means of interstate commerce to knowingly attempt to persuade, induce, entice, and coerce a minor

to engage in sexual activity, 18 U.S.C. § 2422(b), and committing a felony offense involving a minor after being required to register as a sex offender, *id.* § 2260A. Bobal had previously been convicted in Florida for using a computer to solicit a child to engage in sexual activity. At trial, Bobal stipulated to the second element of the second count: at the time of the alleged criminal misconduct, he was a registered sex offender.

The district court held a two-day, bifurcated jury trial. It did not inform the jury about the charge under section 2260A until after the jury convicted Bobal of the charge under section 2422(b). In the trial for the latter charge, neither the government nor Bobal called any witnesses or offered any evidence other than Bobal's stipulation.

The prosecutor gave a short closing argument in which she explained the two elements of section 2260A: first, the defendant committed a felony offense involving a minor, and second, the defendant was required to register as a sex offender at the time of the offense. She explained that Bobal's stipulation about being a registered sex offender satisfied the second element: "So the Defense is telling you: 'We stipulate that the Government proves Count 2. I was a registered sex offender. I was required to register as a sex offender.' " And the prosecutor then asserted that the guilty verdict for section 2422(b) satisfied the first element of section 2260A. She concluded, "So the only verdict as to Count 2 is a verdict of guilty."

Bobal did not object to the prosecutor's statements, and he waived his own closing argument. The jury then convicted him of violating section 2260A.

Later that day, after the trial ended, Bobal moved the district court for a new trial on the second count. He argued that the prosecutor had misstated the law when she said that "the only verdict as to Count 2 is a verdict of guilty" because the jury was free to reevaluate the evidence as to the first count. The district court denied the motion.

*975 The district court sentenced Bobal to 240 months of imprisonment followed by a lifetime term of supervised release. As a special condition of supervised release, it ordered that Bobal "shall not possess or use a computer that contains an internal, external or wireless modem without the prior approval of the Court." And it further ordered that Bobal "shall not possess or use any computer; except that [he] may, with the prior approval of the Court, use a computer

in connection with authorized employment." Bobal did not object to these special conditions.

II. STANDARD OF REVIEW

[1] [2] [3] We review unpreserved issues for plain error.

 *United States v. Moran*, 573 F.3d 1132, 1137 (11th Cir. 2009);  *United States v. Pendergraft*, 297 F.3d 1198, 1211 (11th Cir. 2002). We may reverse only if the error is plain, it affects substantial rights, and it "seriously affects the fairness, integrity, or public reputation of the judicial proceeding."

 *Pendergraft*, 297 F.3d at 1211. An error cannot be "plain" if "neither the Supreme Court nor this Court has ever resolved [the] issue, and other circuits are split on it." *United States v. Aguijard*, 217 F.3d 1319, 1321 (11th Cir. 2000).

III. DISCUSSION

Bobal argues that the district court erred by denying his motion for a new trial and asks that we reverse his conviction for violating section 2260A. He also contends that the computer restriction is unconstitutional in the light of

 *Packingham*. Because Bobal did not contemporaneously object either to the prosecutor's closing argument or to his sentence, we review his arguments for plain error, and we reject them both.

A. The District Court Correctly Denied Bobal's Motion for a New Trial.

[4] Bobal argues that the district court should have granted his motion for a new trial for the charge under section 2260A because the prosecutor made two misstatements during her closing argument. First, the prosecutor said that Bobal stipulated to the second count instead of just one element of that count. Second, she told the jury that "the only verdict as to Count 2 is a verdict of guilty" when the jury was actually free to reevaluate the evidence for the first count and to reach an inconsistent verdict.

[5] [6] [7] The prosecutor's closing argument will constitute misconduct only if it was improper and prejudiced the substantial rights of the defendant. *United States v. Taohim*, 817 F.3d 1215, 1224 (11th Cir. 2013). We assess

the prejudicial effect of arguments by “evaluat[ing] them in the context of the trial as a whole and assess[ing] their probable impact on the jury. To warrant a new trial, there must be a reasonable probability that but for the remarks, the outcome would be different.” *Id.* (internal quotation marks and citation omitted). We conclude that the district court did not err in denying Bobal’s motion for a new trial because the prosecutor’s statements were not improper and did not prejudicially affect Bobal’s substantial rights.

In explaining Bobal’s stipulation to the jury, the prosecutor, paraphrasing Bobal, said, “We stipulate that the Government proves Count 2,” and on appeal, the government concedes that this statement was an “isolated slip of the tongue.” But, during the trial, the prosecutor immediately followed that “slip” with, “I was a registered sex offender. I was required to register as a sex offender.” From the full context of the quote, a reasonable juror would have understood the prosecutor to contend *976 that Bobal had stipulated to only one element of section 2260A—that he was required to register as a sex offender at the time of the offense—not the entire count.

[8] [9] The prosecutor’s statement that “the only verdict as to Count 2 is a verdict of guilty” was clearly an argument meant to persuade the jury, not an instruction as to how it must vote. We allow lawyers to make “colorful and perhaps flamboyant remarks if they relate to the evidence adduced at trial,”  *United States v. Bailey*, 123 F.3d 1381, 1400 (11th Cir. 1997) (internal quotation marks omitted), and the prosecutor’s remarks conveyed nothing more than elementary logic. Bobal’s stipulation that he was a registered sex offender satisfied one of the two elements of section 2260A. His conviction for violating [section 2422\(b\)](#)—delivered earlier that day by the exact same jury—satisfied the other. Because Bobal satisfied both elements, he was necessarily guilty of violating section 2260A. To be sure, the jury could have rendered an inconsistent verdict. But “[w]hile we recognize that a jury may render a verdict at odds with the evidence or the law, neither the court nor counsel should encourage jurors to violate their oath.”  *United States v. Trujillo*, 714 F.2d 102, 106 (11th Cir. 1983).

[10] Neither of the prosecutor’s statements was improper. But even if they were improper, “statements and arguments of counsel are not evidence, [and] improper statements can be rectified by the district court’s instruction to the jury that only the evidence in the case be considered.” *United States v. Smith*, 918 F.2d 1551, 1562 (11th Cir. 1990). Here, the district

court twice instructed the jury that the lawyers’ statements were not evidence. So even if there were something wrong with the prosecutor’s closing argument, the district court cured the problem, and the prosecutor’s statements do not warrant a new trial. We affirm Bobal’s conviction for violating section 2260A.

B. A Restriction on Computer Usage as a Special Condition of a Lifetime Term of Supervised Release Is Not Plainly Unconstitutional.

[11] Bobal next challenges the special condition of his supervised release that prohibits him from using a computer except for work and with the prior permission of the district court. He contends that this restriction is unconstitutional. But our precedents foreclose his argument.

[12] [13] [14] A district court does not commit plain error by imposing a computer restriction as a special condition of supervised release, even if the term of supervised release is life. We held in  *United States v. Zinn* that a limited restriction on a sex offender’s ability to use the internet while on a three-year period of supervised release was “a necessary and reasonable condition of supervised release” that did not burden the offender’s rights under the First Amendment.  321 F.3d 1084, 1086, 1093 (11th Cir. 2003). Such restrictions are reasonably related to legitimate sentencing considerations, namely “the need to protect both the public and sex offenders themselves from … potential abuses” of the internet.  *Id.* at 1093. And computer restrictions are not overly broad when a sex offender on supervised release can “still use the Internet for valid purposes by obtaining his probation officer’s prior permission.”  *Id.* Later, in *United States v. Carpenter*, we held that a district court did not plainly err by imposing a computer restriction as a special condition of supervised release for a period of life. 803 F.3d 1224, 1239–40 (11th Cir. 2015).

Bobal contends that *Carpenter* does not help us to resolve this appeal, but we disagree. To be sure, the issue we addressed *977 in *Carpenter* was whether a computer restriction as a special condition of a lifetime period of supervised release was unreasonable, not whether it violated the First Amendment. *Id.* at 1228. We also reached our conclusion in *Carpenter* in part because, even if there was any error in the length of the restriction, Carpenter invited it by asking the

district court to sentence him to a lifetime period of supervised release. *Id.* at 1239. But we also stated that because “no case of the Supreme Court or this Court says that a condition like this one cannot be imposed ... there can be no plain error.” *Id.*

Bobal argues that the Supreme Court abrogated our precedents in *Packingham v. North Carolina*, when it held that a North Carolina law prohibiting registered sex offenders from accessing social networking websites that permitted children to be present violated the First Amendment, *137 S. Ct. at 1733, 1738*, but *Packingham* is distinguishable for at least three reasons. First, the state law in *Packingham* restricted sex offenders even after they had completed their sentences. *Id. at 1737*. Bobal's computer restriction, by contrast, is a special condition of his supervised release and does not extend beyond his sentence. Second, the state law in *Packingham* applied to all registered sex offenders, not only those who had used a computer or some other means of electronic communication to commit their offenses. *137 S. Ct. at 1733*. The Supreme Court explained that it was not holding that the First Amendment bars the enactment of “more specific laws than the one at issue.” *Id. at 1737*. Indeed, the Court “assumed that the First Amendment permits a State to enact specific, narrowly tailored laws that prohibit a sex offender from engaging in conduct that often presages a sexual crime, like contacting a minor or using a website to gather information about a minor.” *Id.* Bobal used an electronic device to attempt to persuade a minor with whom he had never communicated in person to have sex with him. His computer restriction prevents him from engaging in activity that could result in his repeating that offense. Third, unlike the state law in *Packingham*, Bobal's computer restriction is not a “complete bar to the exercise of [his] First Amendment rights.” *Id. at 1738*. Instead, it allows Bobal to obtain court permission to use a computer in connection with employment. And Bobal can also ask the district court to modify the terms of his supervised release for other reasons. See *18 U.S.C. § 3583(e)(2); Fed. R. Crim. P. 32.1(c)*. The computer restriction does not leave Bobal without recourse to protect his First Amendment rights.

Bobal urges us to adopt a more sweeping interpretation of *Packingham*. He cites a parenthetical sentence from the opinion, where the Supreme Court said, “Of importance,

the troubling fact that the law imposes severe restrictions on persons who already have served their sentence and are no longer subject to the supervision of the criminal justice system is also not an issue before the Court.” *Packingham*, 137 S. Ct. at 1737. Bobal understands this language to mean that the holding of *Packingham* applies to all computer restrictions, regardless of whether the defendant is on supervised release or has completed his sentence.

[15] We disagree. The sentence in question clarified that the Supreme Court decided only whether the North Carolina law violated the First Amendment, not whether the law was unconstitutional for other reasons not raised in the appeal. Nothing in *Packingham* undermines the settled principle that a district court may “impose reasonable conditions that deprive the offender of some freedoms enjoyed by law-abiding citizens” during supervised release. *United States v. Knights*, 534 U.S. 112, 119, 122 S.Ct. 587, 151 L.Ed.2d 497 (2001). Several of our sister circuits have *978 likewise decided that, even after *Packingham*, a district court does not commit plain error by imposing a restriction on computer usage as a special condition of supervised release. *See United States v. Perrin*, 926 F.3d 1044, 1049–50 (8th Cir. 2019); *United States v. Halverson*, 897 F.3d 645, 658 (5th Cir. 2018); *United States v. Rock*, 863 F.3d 827, 831 (D.C. Cir. 2017).

Bobal urges us to follow the Third Circuit, which reached the opposite conclusion in *United States v. Holena* under an abuse-of-discretion standard. *906 F.3d 288, 290, 295 (3d Cir. 2018)*. The Third Circuit stated that, “[u]nder *Packingham*, blanket internet restrictions will rarely be tailored enough to pass constitutional muster.” *Id. at 295*. And it concluded that “even under *Packingham*’s narrower concurrence,” a blanket computer restriction fails because it “precludes access to a large number of websites that are most unlikely to facilitate the commission of a sex crime against a child.” *Id.* (internal quotation marks omitted).

Holena read the opinions in *Packingham* too broadly. Both the majority opinion and the concurring opinion in *Packingham* agreed that the North Carolina law infringed the First Amendment rights of registered sex offenders, who

would be committing an entirely new felony if they accessed certain websites. But neither opinion addressed whether the First Amendment is violated by a special condition of supervised release for a sex offender who is serving a sentence for an offense involving electronic communications sent to a minor.

IV. CONCLUSION

We **AFFIRM** Bobal's conviction and sentence.

All Citations

981 F.3d 971, 28 Fla. L. Weekly Fed. C 2211

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APPENDIX B

UNITED STATES DISTRICT COURT
Southern District of Florida
Fort Lauderdale Division

UNITED STATES OF AMERICA

v.

PETER ROBERT BOBAL

JUDGMENT IN A CRIMINAL CASE
Amended Judgment

REASON FOR AMENDMENT: To reflect proper
Date of imposition of sentence. (see page one)

Case Number: **18-60072-CR-BLOOM-001**
USM Number: **17322-104**

Counsel For Defendant: **DARYL WILCOX**
Counsel For The United States: **M. CATHERINE**
KOONTZ
Court Reporter: **Yvette Hernandez**

The defendant was found guilty on count(s) 1 & 2 of the indictment. of the indictment.

The defendant is adjudicated guilty of these offenses:

<u>TITLE & SECTION</u>	<u>NATURE OF OFFENSE</u>	<u>OFFENSE ENDED</u>	<u>COUNT</u>
18 U.S.C. § 2422(b)	Enticement of a minor	03/14/2018	1
18 U.S.C. § 2260(A)	Penalties for a registered sex offender	03/14/2018	2

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

All remaining counts are dismissed on the motion of the government.

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.

*Date of Imposition of Sentence: **2/15/2019**



Beth Bloom
United States District Judge

DEFENDANT: PETER ROBERT BOBAL
CASE NUMBER: 18-60072-CR-BLOOM-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **240 months. This sentence consists of 120 months as to Count 1 and 120 months as to Count 2, to be served consecutively to Count 1.**

The court makes the following recommendations to the Bureau of Prisons: that the defendant be designated to a South Florida facility.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

DEPUTY UNITED STATES MARSHAL

DEFENDANT: PETER ROBERT BOBAL
CASE NUMBER: 18-60072-CR-BLOOM-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **life as both Counts 1 and 2 to be served concurrently with each other.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. The defendant shall not leave the judicial district without the permission of the court or probation officer;
2. The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first fifteen days of each month;
3. The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. The defendant shall support his or her dependents and meet other family responsibilities;
5. The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
7. The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
10. The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
11. The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
12. The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
13. As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: PETER ROBERT BOBAL
CASE NUMBER: 18-60072-CR-BLOOM-001

SPECIAL CONDITIONS OF SUPERVISION

Adam Walsh Act Search Condition - The defendant shall submit to the U.S. Probation Officer conducting periodic unannounced searches of the defendant's person, property, house, residence, vehicles, papers, computer(s), other electronic communication or data storage devices or media, include retrieval and copying of all data from the computer(s) and any internal or external peripherals and effects at any time, with or without warrant by any law enforcement or probation officer with reasonable suspicion concerning unlawful conduct or a violation of a condition of probation or supervised release. The search may include the retrieval and copying of all data from the computer(s) and any internal or external peripherals to ensure compliance with other supervision conditions and/or removal of such equipment for the purpose of conducting a more thorough inspection; and to have installed on the defendant's computer(s), at the defendant's expense, any hardware or software systems to monitor the defendant's computer use.

Computer Modem Restriction - The defendant shall not possess or use a computer that contains an internal, external or wireless modem without the prior approval of the Court.

Computer Possession Restriction - The defendant shall not possess or use any computer; except that the defendant may, with the prior approval of the Court, use a computer in connection with authorized employment.

Employer Computer Restriction Disclosure - The defendant shall permit third party disclosure to any employer or potential employer, concerning any computer-related restrictions that are imposed upon the defendant.

Mental Health Treatment - The defendant shall participate in an approved inpatient/outpatient mental health treatment program. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

No Contact with Minors - The defendant shall have no personal, mail, telephone, or computer contact with children/minors under the age of 18 or with the victim.

No Contact with Minors in Employment - The defendant shall not be employed in a job requiring contact with children under the age of 18 or with the victim.

No Involvement in Youth Organizations - The defendant shall not be involved in any children's or youth organization.

Permissible Computer Examination - The defendant shall submit to the U.S. Probation Officer conducting periodic unannounced examinations of the defendant's computer(s) equipment which may include retrieval and copying of all data from the computer(s) and any internal or external peripherals to ensure compliance with this condition and/or removal of such equipment for the purpose of conducting a more thorough inspection; and to have installed on the defendant's computer(s), at the defendant's expense, any hardware or software systems to monitor the defendant's computer use.

Restricted from Possession of Sexual Materials - The defendant shall not buy, sell, exchange, possess, trade, or produce visual depictions of minors or adults engaged in sexually explicit conduct. The defendant shall not correspond or communicate in person, by mail, telephone, or computer, with individuals or companies offering to buy, sell, trade, exchange, or produce visual depictions of minors or adults engaged in sexually explicit conduct.

Sex Offender Registration - The defendant shall comply with the requirements of the Sex Offender Registration

and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense.

Sex Offender Treatment - The defendant shall participate in a sex offender treatment program to include psychological testing and polygraph examination. Participation may include inpatient/outpatient treatment, if deemed necessary by the treatment provider. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.

DEFENDANT: **PETER ROBERT BOBAL**
CASE NUMBER: **18-60072-CR-BLOOM-001**

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$200.00	\$0.00	\$0.00

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.

<u>NAME OF PAYEE</u>	<u>TOTAL LOSS*</u>	<u>RESTITUTION ORDERED</u>
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* 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.

**Assessment due immediately unless otherwise ordered by the Court.

DEFENDANT: PETER ROBERT BOBAL
CASE NUMBER: 18-60072-CR-BLOOM-001

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 \$200 due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during 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.

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

This assessment/fine/restitution is payable to the CLERK, UNITED STATES COURTS and is to be addressed to:

U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 08N09
MIAMI, FLORIDA 33128-7716

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

<u>CASE NUMBER</u>	<u>TOTAL AMOUNT</u>	<u>JOINT AND SEVERAL AMOUNT</u>
<u>DEFENDANT AND CO-DEFENDANT NAMES (INCLUDING DEFENDANT NUMBER)</u>		

The Government shall file a preliminary order of forfeiture within 3 days.

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.