

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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KENNETH SIMPSON, Petitioner

v.

UNITED STATES OF AMERICA, Respondent

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On Petition for Writ of Certiorari  
to the U.S. Court of Appeals, Eighth Circuit

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APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

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Carlyle Parish LLC  
Kathryn B. Parish\*  
3407 Jefferson, #128  
Saint Louis, MO 63118  
\*Counsel of Record  
ATTORNEY FOR PETITIONER

United States Court of Appeals  
For the Eighth Circuit

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No. 24-2575

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United States of America

*Plaintiff - Appellee*

v.

Kenneth Robert Simpson

*Defendant - Appellant*

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No. 24-2576

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United States of America

*Plaintiff - Appellee*

v.

Kenneth Robert Simpson

*Defendant - Appellant*

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Appeals from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: September 19, 2025  
Filed: November 6, 2025  
[Unpublished]

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Before BENTON, GRASZ, and KOBES, Circuit Judges.

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PER CURIAM.

Kenneth Simpson pleaded guilty in 2011 to receipt of child pornography under 18 U.S.C § 2252(a)(2). He was sentenced to 60 months in prison and a life term of supervised release. Since then, he has refused to register as a sex offender, leading to three revocations of his supervised release. After serving his fourth prison sentence, he absconded from supervision. The probation office petitioned for a fourth revocation, and the district court issued a warrant for his arrest. About three years later, he was found, arrested, and indicted for failure to register as a sex offender under 18 U.S.C § 2250(a).

Before trial, the district court<sup>1</sup> denied Simpson's pro se motion challenging the constitutionality of § 2250(a). A jury found Simpson guilty, and the district court sentenced him to 60 months in prison, varying up from the 12- to 18-month Guidelines range. The court also imposed a consecutive 10-month revocation sentence, followed by a life term of supervised release.

First, Simpson's constitutional challenges to § 2250(a)(2)(A) fail. His argument that Congress lacked authority to enact § 2250(a)(2)(A) is foreclosed by precedent. United States v. Howell, 552 F.3d 709 (8th Cir. 2009) (holding that § 2250 is constitutional under the Commerce Clause). And his newly raised Due

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<sup>1</sup>The Honorable Ronnie L. White, United States District Judge for the Eastern District of Missouri, now retired, adopting the report and recommendation of the Honorable Rodney H. Holmes, United States Magistrate Judge for the Eastern District of Missouri.

Process argument is not properly before us. See Eagle Tech. v. Expander Americas, Inc., 783 F.3d 1131, 1138 (8th Cir. 2015) (“[W]e will not consider an argument raised for the first time on appeal.”).

Second, we have held—and now hold for the fourth time—that Simpson’s argument that the revocation violates the Double Jeopardy Clause amounts to an “improperly raised collateral attack[] on his underlying conviction and sentence.” United States v. Simpson, 653 F. App’x. 850, 851 (8th Cir. 2016) (per curiam); see United States v. Simpson, 704 F. App’x. 609 (8th Cir. 2017) (per curiam); United States v. Simpson, 932 F.3d 1154, 1156–57 (8th Cir. 2019). We will not revisit those decisions. See Simpson, 932 F.3d at 1156–57 (“When a court decides a rule of law, that decision governs the same issues in subsequent stages of the case.”).<sup>2</sup>

Third, the district court did not abuse its discretion by imposing an above-Guidelines, 60-month sentence for his failure to register as a sex offender. United States v. Cloud, 956 F.3d 985, 987 (8th Cir. 2019) (standard of review); see United States v. Clark, 998 F.3d 363, 368 (8th Cir. 2021) (“We have repeatedly stated that variances are appropriate based on repeated violations of supervised release.” (cleaned up)). Simpson argues that the court gave too little weight to mitigating factors, like the fact that he had a “stable job and housing,” and too much weight to aggravating factors, like his persistent refusal to register and yearslong flight from supervision. That the court did not weigh the § 3553(a) factors as Simpson would have preferred does not warrant reversal. United States v. Noriega, 35 F.4th 643, 652 (8th Cir. 2022).

Finally, the district court did not abuse its discretion by reimposing a life term of supervised release at the revocation hearing. United States v. McGhee, 869 F.3d

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<sup>2</sup>Simpson argues that the Supreme Court’s subsequent decision, United States v. Haymond, requires a different result. 588 U.S. 634 (2019). Haymond held that § 3583(k), a provision of the supervised release statute not implicated here, violated the defendant’s constitutional right to a jury trial. Id. at 637. It says nothing of the procedural bar at issue here.

703, 706 (8th Cir. 2017) (per curiam) (standard of review). Simpson argues that the court failed to “explain why it believed such a long term of supervision was necessary.” But it highlighted “Simpson’s ongoing blatant defiance of federal, state, and local sex offender registration laws,” his “history of violations,” and “his refusal to engage in the basic first step of reporting as directed for supervised release.” That was enough. Clark, 998 F.3d at 368 (“In explaining the sentence, the district court need only set forth enough to satisfy the appellate court that it has considered the parties’ arguments and has a reasoned basis for exercising its own legal decisionmaking authority.” (cleaned up)).

Simpson argues in the alternative that, to the extent the district court did explain the revocation sentence, its only asserted justification “was the need to promote respect for the law,” an improper factor in a revocation proceeding. See Esteras v. United States, 145 S. Ct. 2031, 2039–40 (2025). We disagree. The district court did not rely on that factor, but on appropriate § 3553(a) considerations, including “the nature and circumstances of the offense and the history and characteristics of the defendant.” See United States v. Pratt, 142 F.4th 1090, 1095 (8th Cir. 2025) (quoting § 3553(a)(1)). It “did not abuse its discretion by placing great weight on [Simpson’s] history of noncompliance with court supervision.” Id.

Affirmed.

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

No: 24-2575

United States of America

Appellee

v.

Kenneth Robert Simpson

Appellant

No: 24-2576

United States of America

Appellee

v.

Kenneth Robert Simpson

Appellant

---

Appeal from U.S. District Court for the Eastern District of Missouri - St. Louis  
(4:10-cr-00169-HEA-1)  
(4:23-cr-00297-HEA-1)

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**ORDER**

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

December 11, 2025

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Susan E. Bindler

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**  
(For **Revocation** of Probation or Supervised Release)

v.

**KENNETH SIMPSON**  
Pro Se

Case Number: **4:10-CR-00169-RLW(1)**  
USM Number: **37171-044**  
**Craig J. Concannon**  
Defendant's Standby Attorney

**THE DEFENDANT:**

<input checked="" type="checkbox"/>	admitted guilty to the following violation of condition(s):	(See violations listed below)
<input type="checkbox"/>	was found in violation of the following condition(s) after denial of guilt:	(See violations listed below)

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
Standard Condition No. 1	You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame. [USSG §7B1.1(a)(3)(B)]	November 7, 2019
Special Condition No. 1	You must reside in a residential reentry center for a term of not more than 120 days. You must follow the rules and regulations of the center. [USSG §7B1.1(a)(3)(B)]	November 7, 2019
Mandatory Condition No. 1	You must not commit another federal, state or local crime. [USSG §7B1.1(a)(2)]	May 16, 2023

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has not violated condition(s) and is discharged as to such violation(s) condition.

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.

Last Four Digits of Defendant's Soc. Sec. 5367

Defendant's Year of Birth: 1983

City and State of Defendant's Residence:  
St. Louis, Missouri

**July 22, 2024**

Date of Imposition of Judgment

*Ronnie L. White*  
Signature of Judge

**RONNIE L. WHITE**  
**UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

**July 22, 2024**

Date

DEFENDANT: KENNETH SIMPSON  
CASE NUMBER: 4:10-CR-00169-RLW(1)

### ADDITIONAL VIOLATIONS

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
Mandatory Condition No. 6	You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. [USSG §7B1.1(a)(2)]	May 16, 2023
Standard Condition No. 5	You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change. [USSG §7B1.1(a)(3)(B)]	May 16, 2023
Special Condition No. 15	You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner. [USSG §7B1.1(a)(3)(B)]	May 16, 2023
Special Condition No. 19	You must submit your computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media, to a search. [USSG §7B1.1(a)(3)(B)]	May 16, 2023
Special Condition No. 16	You must not possess and/or use computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media without the written approval of the probation office. [USSG §7B1.1(a)(3)(B)]	May 16, 2023
Special Condition No. 17	You must advise the probation office of all computers, electronic equipment, and web enabled equipment, including cell phones, to which you possess or have access within 24 hours of obtaining same. [USSG §7B1.1(a)(3)(B)]	May 16, 2023
Special Condition No. 18	You must not access the Internet except for reasons approved in advance by the probation officer. [USSG §7B1.1(a)(3)(B)]	May 16, 2023

DEFENDANT: KENNETH SIMPSON  
CASE NUMBER: 4:10-CR-00169-RLW(1)

### ADDITIONAL VIOLATIONS

Special Condition No. 25	You must not view or possess any "visual depiction" (as defined in 18 U.S.C. § 2256), including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of "sexually explicit conduct" (as defined in 18 U.S.C. § 2256). [USSG §7B1.1(a)(3)(B)]	May 16, 2023
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**THIS SECTION INTENTIONALLY LEFT BLANK**

DEFENDANT: KENNETH SIMPSON  
CASE NUMBER: 4:10-CR-00169-RLW(1)

## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

ten (10) months. It is further ordered that this sentence be served consecutively to any sentence imposed in U.S. District Court under Docket No. 4:23CR00297-1 RLW.

The court makes the following recommendations to the Bureau of Prisons:

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

The defendant shall surrender to the United States Marshal for this district:

at  a.m.  p.m. on

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

**MARSHALS RETURN MADE ON SEPARATE PAGE**

DEFENDANT: KENNETH SIMPSON  
CASE NUMBER: 4:10-CR-00169-RLW(1)

## SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **life**.

## MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must 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 above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7.  You must participate in an approved program for domestic violence. *(check if applicable)*

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

DEFENDANT: KENNETH SIMPSON  
CASE NUMBER: 4:10-CR-00169-RLW(1)

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. I understand additional information regarding these conditions is available at [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: KENNETH SIMPSON  
CASE NUMBER: 4:10-CR-00169-RLW(1)

## **SPECIAL CONDITIONS OF SUPERVISION**

While on supervision, the defendant shall comply with the standard conditions that have been adopted by this Court and shall comply with the following additional conditions. If it is determined there are costs associated with any services provided, the defendant shall pay those costs based on a co-payment fee established by the probation office.

If required to register, you must 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 you reside, work, are a student, or were convicted of a qualifying offense.

You must reside in a residential reentry center for a term of not more than 120 days. You must follow the rules and regulations of the center.

You must participate in the Location Monitoring Program for a period of 90 days and shall abide by all technology requirements. As determined by the probation officer, you may be required to maintain a telephone at your place of residence without any service that would interfere with the operation of the location monitoring equipment for the above period. At the discretion of the probation officer, unless otherwise ordered by the Court, you may be required to wear a location monitoring device that may include Global Positioning System and/or Random Tracking. You must follow the location monitoring procedures specified by the probation office.

You are restricted to your residence at all times, except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities as preapproved by the officer (home detention).

You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

You must participate in a substance abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

You must not use or possess alcohol.

You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

You must participate in a sex offense-specific treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

You must submit to periodic physiological testing which may include but is not limited to polygraph testing at the discretion of the probation officer as a means to ensure that you are in compliance with the requirements of your supervision or treatment program.

You must not view or possess any "visual depiction" (as defined in 18 U.S.C. § 2256), including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of "sexually explicit conduct" (as defined in 18 U.S.C. § 2256).

You must not have direct contact with any child you know or reasonably should know to be under the age of 18, including your own children, without the permission of the probation officer. If you do have any direct contact with any child you know or reasonably should know to be under the age of 18, including your own children, without the permission of the probation officer, you must report this contact to the probation officer within 24 hours. Direct contact includes written communication, in-person communication, or physical contact. Direct contact does not include incidental contact during ordinary daily activities in public places.

You are prohibited from engaging in any occupation, business, profession, or volunteer work where you have access to children under the age of 18 without prior written approval from the probation office.

DEFENDANT: KENNETH SIMPSON  
CASE NUMBER: 4:10-CR-00169-RLW(1)

## **SPECIAL CONDITIONS OF SUPERVISION – CONTINUED**

You must not go to, or remain at, any place where you know children under the age of 18 are likely to be, including parks, schools, playgrounds, and childcare facilities.

You must not go to, or remain at, a place for the primary purpose of observing or contacting children under the age of 18.

You must not access the Internet except for reasons approved in advance by the probation officer.

You must not possess and/or use computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media without approval of the probation office.

You must not possess or use any audio/visual recording or producing equipment at any location without the written approval of the probation office. If approval is given, you must consent to the probation office or probation service representative conducting unannounced examinations, including retrieval and copying of all data related to the equipment.

You must advise the probation office of all computer, electronic equipment, and web enabled equipment, including cell phones, to which you possess or have access within 24 hours of obtaining same.

You must allow the probation officer to install computer monitoring software on any computer (as defined in 18 U.S.C. § 1030(e)(1)) you use.

To ensure compliance with the computer monitoring condition, you must allow the probation officer to conduct initial and periodic unannounced searches of any computers (as defined in 18 U.S.C. § 1030(e)(1)) subject to computer monitoring. These searches shall be conducted for the purposes of determining whether the computer contains any prohibited data prior to installation of the monitoring software; to determine whether the monitoring software is functioning effectively after its installation; and to determine whether there have been attempts to circumvent the monitoring software after its installation. You must warn any other people who use these computers that the computers may be subject to searches pursuant to this condition.

You must submit your computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media, to a search.

You must warn any other people who use these computers or devices capable of accessing the Internet that the devices may be subject to searches pursuant to this condition. A probation officer may conduct a search pursuant to this condition only when reasonable suspicion exists that there is a violation of a condition of supervision and that the computer or device contains evidence of this violation. Any search will be conducted at a reasonable time and in a reasonable manner.

You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a physical or electronic search conducted by a United States probation officer. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation.

You must not purchase or maintain a post office box, any other type of private mailbox or any type of storage locker, unit or facility without written approval of the probation office.

DEFENDANT: KENNETH SIMPSON  
CASE NUMBER: 4:10-CR-00169-RLW(1)  
USM Number: 37171-044

**UNITED STATES MARSHAL  
RETURN OF JUDGMENT IN A CRIMINAL CASE**

**I have executed this judgment as follows:**

Date defendant was delivered with certified copy of this judgment: \_\_\_\_\_

Name and location of facility: \_\_\_\_\_

Defendant was sentenced to Time Served and was released on: \_\_\_\_\_

Defendant was sentenced to \_\_\_\_\_ months/years of Probation and was released on: \_\_\_\_\_

Defendant was sentenced to \_\_\_\_\_ months/years of Supervised Release and was released on: \_\_\_\_\_

\_\_\_\_\_  
NAME OF US MARSHAL/WARDEN

\_\_\_\_\_  
By: NAME OF DEPUTY US MARSHAL/CSO

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION - ST. LOUIS  
BEFORE THE HONORABLE RONNIE L. WHITE  
DISTRICT JUDGE

UNITED STATES OF AMERICA,	)	
	)	
	)	Government,
vs.	)	Case Numbers:
	)	4:23-CR-00297-RLW-1
	)	4:10-CR-00169-RLW-1
KENNETH ROBERT SIMPSON,	)	
	)	
	)	Defendant.

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PRO SE MOTIONS, POST-TRIAL SENTENCING,  
AND SUPERVISED RELEASE REVOCATION & SENTENCING HEARING

JULY 22ND, 2024

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APPEARANCES

For the Government:  
Nathan Chapman, AUSA  
U.S. ATTORNEY'S OFFICE  
111 South 10th Street  
St. Louis, MO 63102

For the Defendant:  
Kenneth R. Simpson, Pro Se

Standby Counsel:  
Craig J. Concannon, Esq.  
CONCANNON LAW  
7911 Forsyth, Suite 300  
St. Louis, MO 63105

Stenographically Reported & Produced by:  
LINDA NICHOLS, RDR, CRR  
Official Court Reporter  
United States District Court  
Eastern District of Missouri  
111 South 10th Street, Third Floor  
St. Louis, MO 63102

- INDEX -

PRO SE MOTIONS, POST-TRIAL SENTENCING  
AND SUPERVISED RELEASE REVOCATION & SENTENCING HEARING

JULY 22ND, 2024

INDEX	p. i
APPEARANCES	p. 1
PRO SE MOTIONS	p. 2
TRIAL SENTENCING	p. 7
SUPERVISED RELEASE REVOCATION & SENTENCING	p. 21
REPORTER'S CERTIFICATE	p. 36

1                   - PRO SE MOTIONS, POST-TRIAL SENTENCING -  
2                   AND SUPERVISED RELEASE REVOCATION & SENTENCING HEARING  
3                                   JULY 22ND, 2024

4                   PROCEEDINGS IN OPEN COURT  
5                   AT 1:30 P.M.:

6                   THE COURT: Good afternoon, counsel.

7                   MR. CONCANNON: Good afternoon.

8                   MR. CHAPMAN: Good afternoon, Your Honor.

9                   THE COURT: Are we ready to proceed?

10                  MR. CHAPMAN: Yes, Your Honor.

11                  MR. CONCANNON: Yes, Judge.

12                  THE COURT: This is *The United States vs. Kenneth*  
13 *Robert Simpson*. The Cause Number is 4:23-CR-297. The  
14 Government is represented by Assistant United States Attorney  
15 Nathan Chapman, defense counsel is Craig Concannon, and  
16 Mr. Simpson is here.

17                  Counsel, I thought we might take up some of these  
18 pro se matters first.

19                                   - PRO SE MOTIONS -

20                  THE COURT: Mr. Simpson, I'm going to have you sworn in  
21 before I continue.

22                  Please swear him in.

23                                   (Defendant sworn.)

24                  THE COURT: Mr. Simpson, in your sentencing hearing  
25 you're currently represented by Mr. Concannon.

1 THE DEFENDANT: Yes.

2 THE COURT: But you have filed several pro se motions.

3 THE DEFENDANT: Yes.

4 THE COURT: I would just like to ask you this. You  
5 filed a motion titled Reassertion of Faretta/Motions for  
6 Dismissal, ECF Number 143.

7 By this document are you asking to represent yourself  
8 at this sentencing hearing?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Well, then I'm going to have to go over  
11 your Sixth Amendment right to counsel with you.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: You have a Sixth Amendment right to counsel  
14 at this sentencing hearing. The Sixth Amendment also gives you  
15 the right to represent yourself.

16 THE DEFENDANT: Uh-hm.

17 THE COURT: The Court previously appointed counsel for  
18 you in this matter and counsel represented you at trial.

19 Do you nevertheless wish to proceed as your own lawyer  
20 for the sentencing hearing?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Do you wish to refuse court-appointed  
23 counsel?

24 THE DEFENDANT: Yes.

25 THE COURT: Because you have indicated that you wish to

1 represent yourself at this stage, I want to impress upon you  
2 that self-representation comes with many dangers and  
3 disadvantages. Simply put, it's not a good idea. The use of  
4 trained counsel is a much better alternative.

5 At trial, the jury found you guilty of Count One,  
6 Failure to Register as a Sex Offender. The potential sentence  
7 for this crime is significant. The maximum possible penalty  
8 provided by law for failure to register as a sex offender is  
9 imprisonment of up to ten years, a fine of not more than  
10 \$250,000, or both. The Court may also impose a period of  
11 supervised release of not more than five years.

12 Do you understand the possible penalties you face?

13 THE DEFENDANT: I was under the impression it was a  
14 different term of supervised release.

15 THE COURT: We'll get to that but do you understand the  
16 penalties?

17 THE DEFENDANT: Yes.

18 THE COURT: Have you read the Presentence Report?

19 THE DEFENDANT: Yes.

20 THE COURT: Are you familiar with the Federal  
21 Sentencing Guidelines?

22 THE DEFENDANT: Yes.

23 THE COURT: Those Guidelines advise the sentencing  
24 court in determining what is the appropriate sentence for a  
25 person convicted of a crime in federal court. The Guidelines

1 are very complex. If you represent yourself at sentencing, you  
2 will be expected to argue the application of the proper  
3 Sentencing Guidelines.

4 Have you ever worked with the Federal Sentencing  
5 Guidelines in the past?

6 THE DEFENDANT: Yes.

7 THE COURT: An experienced attorney understands the  
8 complex Federal Sentencing Guidelines at issue in this case and  
9 knows how to prepare for a sentencing hearing. An experienced  
10 attorney knows how to preserve issues for appeal.

11 Do you know how to make appropriate objections and  
12 preserve issues for appeal?

13 THE DEFENDANT: I know how to make objections. I would  
14 hope they're appropriate.

15 THE COURT: An experienced attorney can view your case  
16 objectively and strategize accordingly, without letting emotions  
17 get in the way. Seeing as you are the Defendant and you are  
18 necessarily very close to this matter, do you believe you can  
19 present your case effectively?

20 THE DEFENDANT: Yes.

21 THE COURT: Have you ever studied the law?

22 THE DEFENDANT: Yes.

23 THE COURT: I must advise you that in my opinion you  
24 would be better off represented by a trained lawyer. I think it  
25 is unwise for you to represent yourself and I strongly urge you

1 not to do so.

2 I remind you again that you have a right to counsel at  
3 this sentencing hearing and that the Court previously appointed  
4 counsel for you in this matter. Counsel is still available to  
5 you at no cost. Otherwise you can represent yourself.

6 Knowing that these are your options, in light of the  
7 penalties that may be imposed at sentencing and in considering  
8 the dangers and disadvantages that attach to  
9 self-representation, do you still wish to give up your  
10 constitutional right to assistance of counsel?

11 THE DEFENDANT: Yes.

12 THE COURT: Is your decision entirely voluntary?

13 THE DEFENDANT: It is.

14 THE COURT: I find that the Defendant has knowingly and  
15 voluntarily waived his right to counsel. I find that the  
16 Defendant is competent to do so.

17 I have advised the Defendant of the possible penalties  
18 he faces, and the dangers and disadvantages of  
19 self-representation, and he has made a knowing and intelligent  
20 decision to waive his right to assistance of counsel and to  
21 represent himself in this matter. I will therefore permit  
22 Defendant to represent himself in Cause Number 4:23-CR-297-RLW.

23 The Court will again appoint Mr. Craig Concannon as  
24 Standby Counsel.

25 Are you ready to proceed with your sentencing hearing,

1 Mr. Simpson?

2 THE DEFENDANT: Yes, sir.

3 - POST-TRIAL SENTENCING -

4 THE COURT: On April 22nd, 2024, you were found guilty,  
5 after a trial by jury, of Failure to Register as a Sex Offender.

6 Do you remember that?

7 THE DEFENDANT: I do.

8 THE COURT: Do you understand you're here this  
9 afternoon for your sentencing?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Have you read the Presentence Report?

12 THE DEFENDANT: I have.

13 THE COURT: Do you have any objections to the factual  
14 accuracy of the report?

15 THE DEFENDANT: I do, as I set forward in my pretrial  
16 motions and the motion to dismiss.

17 THE COURT: Well, let's take those up now.

18 THE DEFENDANT: Yes.

19 THE COURT: You filed a motion to dismiss, ECF 143.  
20 You may proceed.

21 THE DEFENDANT: Yes. So I understand the Court doesn't  
22 like me and that's fine.

23 The issue that I've consistently raised here, I've  
24 never actually failed to register and I've stated this on the  
25 record. I was told by the State that I do not have to register

1 and it's weird to me that nobody is contesting this.

2 Nobody has ever said at any point, Mr. Simpson is  
3 lying. Mr. Simpson was never told this. Mr. Simpson is making  
4 this up out of whole cloth. I keep coming in front of the Court  
5 every time I'm here, saying, Excuse me. I'm not failing to  
6 register. I'm in compliance with state law. And in essence I'm  
7 told, Well, we're ignoring that today.

8 So, fine. If I'm going to get sentenced, that's great.  
9 I've come to terms with that. But to keep pointing out and  
10 saying that I'm like this serial violator of the law -- in 2016,  
11 as Ms. Meyers stated on the stand, she met me in County Jail  
12 because I walked into the St. Francois County Police Department  
13 and I said, I don't think this is legal. I'm here to challenge  
14 it.

15 Like you did today, they advised me of my rights and  
16 said that it was maybe not in my best interests, but we went  
17 through the proceedings and I won my court case in the State.  
18 They determined I was likely to prevail on my arguments and that  
19 I was allowed to be released pending litigation. And I've  
20 stated this every time I've come in front of the Court.

21 THE COURT: Mr. Simpson, we've taken this up several  
22 times so if you can just confine your comments --

23 THE DEFENDANT: I'm sorry.

24 THE COURT: -- to this motion specifically?

25 THE DEFENDANT: Okay.

1 THE COURT: And we'll move on.

2 THE DEFENDANT: Well, I was kind of doing the -- sorry.  
3 I was hitting the motion to vacate.

4 So my knowledge on the record is not that I'm  
5 intentionally violating the law. I do believe what I've said,  
6 that I was told I don't have to register. I believe that the  
7 charge should be vacated on that basis alone.

8 THE COURT: Mr. Chapman?

9 MR. CHAPMAN: Your Honor, I think maybe to answer one  
10 question, probably part of the reason that no one has contested  
11 this alleged statement is because no one who is making decisions  
12 about Mr. Simpson's case probably believes it, nor have we ever  
13 seen any evidence of it.

14 You know, somehow the Defendant has clung to a mystery  
15 person who we've never heard from, that has supposedly told him  
16 he doesn't have to register, despite the fact that he has had  
17 federal judges and federal probation officers for years, going  
18 on now for probably close to a decade, saying, You do. Then  
19 when he doesn't, he goes to prison.

20 My hope for Mr. Simpson, when it's all said and done,  
21 is that at some point there's some self-reflection that, Maybe  
22 the problem is me and it's not everybody else that constantly  
23 has this wrong.

24 So all that I guess to say, Your Honor, that there is  
25 no evidence before this Court that Mr. Simpson has been given a

1 special exemption that was not available to every other  
2 individual in the United States that has to register as a sex  
3 offender.

4 THE COURT: Mr. Simpson, your motion to dismiss is  
5 denied. We will now --

6 THE DEFENDANT: If I may, just real quick --

7 THE COURT: We will now take up the motion to set aside  
8 under Rule 29(c), ECF Number 149.

9 THE DEFENDANT: Oh, I'm sorry. I thought that's what  
10 we were just addressing.

11 THE COURT: No, we were addressing the Motion to  
12 Dismiss.

13 THE DEFENDANT: Okay. Yeah, I'm sorry. That's what  
14 I was just going over, was the knowledge.

15 So, yeah. I'm sorry. I just --

16 THE COURT: I mean you don't need to repeat it. If  
17 that's your --

18 THE DEFENDANT: No, no, no.

19 THE COURT: If that's your argument, the Court will  
20 accept that as the argument.

21 THE DEFENDANT: Right. I just listened to the  
22 prosecutor basically say I'm delusional. I mean my State  
23 case --

24 THE COURT: No, I want you to argue your motions.

25 THE DEFENDANT: Right. Right. I'm doing so. Please.

1           If we believe that I'm delusional, if I'm not in my  
2 right mind, that would still seem to lack knowledge. I did, in  
3 fact, get charged with failure to register at the State.

4           THE COURT: The Government has given its response.

5           THE DEFENDANT: Okay.

6           THE COURT: I want you to argue your motion.

7           THE DEFENDANT: I mean that's what I'm doing.

8           THE COURT: If you don't have anything to add --

9           THE DEFENDANT: No, that's what I'm saying.

10          THE COURT: If you don't have anything to add to  
11 ECF 149?

12          THE DEFENDANT: No. That's it, then.

13          THE COURT: Mr. Chapman, would you like to respond?

14          MR. CHAPMAN: Your Honor, I would rely on the same  
15 arguments made for the previous motion.

16          THE COURT: Mr. Simpson, your motion is denied.

17          How about the Motion to Expedite Hearing, ECF 150?

18          THE DEFENDANT: I mean we're here today, so that's  
19 moot.

20          THE COURT: It's moot.

21          Now we will continue with the Sentencing. Are there  
22 any objections as to the factual accuracy of the Presentence  
23 Report?

24          MR. CHAPMAN: Not on behalf of the United States,  
25 Your Honor.

1 THE COURT: Mr. Simpson?

2 THE DEFENDANT: Just the ones I set forward.

3 THE COURT: Are there any objections to the probation  
4 officer's application of the Sentencing Guidelines?

5 MR. CHAPMAN: Not on behalf of the United States.

6 THE DEFENDANT: No.

7 THE COURT: There being no objections to the factual  
8 statements contained in the Presentence Report, the Court adopts  
9 these statements as its Findings of Fact.

10 The Court determines that the applicable Guidelines are  
11 a Total Offense Level of 12 and the Criminal History Category  
12 is II. The Guideline provisions call for a sentence of  
13 12 months to 18 months in prison.

14 Under Local Rule 13.05 it is the procedure of this  
15 Court to hold a bench conference in every plea and every  
16 sentencing hearing. We will now conduct the bench conference  
17 and this portion of the transcript of this hearing will be filed  
18 under seal.

19 Mr. Concannon, as Standby Counsel, you can come to the  
20 bench. And you can place the headphones on Mr. Simpson.

21 Counsel, please approach.

22 **SEALED COURT PROCEEDINGS:**

23 *(Pursuant to Local Rule 13.05*

24 *a sidebar conference was held on the record*

25 *and placed under Seal.)*

1 **PROCEEDINGS RETURNED TO OPEN COURT:**

2 THE COURT: Does either party know of any reason why  
3 this Court should not now proceed with the imposition of  
4 sentence?

5 MR. CHAPMAN: No, Your Honor.

6 THE DEFENDANT: I would simply argue what I did in my  
7 Sentencing Memorandum.

8 THE COURT: I just asked if --

9 THE DEFENDANT: No. I'm sorry.

10 THE COURT: All right. Now, do you wish to make a  
11 statement in mitigation of your sentence?

12 THE DEFENDANT: Absolutely. In this, I won't even  
13 argue myself as a person. I'll just argue the nature of the  
14 crime is --

15 THE COURT: I'm asking you if you want to speak to the  
16 Court about a sentence.

17 THE DEFENDANT: Right.

18 THE COURT: I don't need to lecture about --

19 THE DEFENDANT: Okay.

20 THE COURT: -- what you think about all these various  
21 things.

22 THE DEFENDANT: No, no.

23 THE COURT: Just tell me what you think the appropriate  
24 sentence should be.

25 THE DEFENDANT: I think an appropriate sentence would

1 be time served. No supervised release.

2 THE COURT: Do you want to tell me why?

3 THE DEFENDANT: Well, as I've stated before, the crime  
4 itself is failing to act. They're not picking me up on a  
5 playground. They're not hitting me doing anything prefacing  
6 having a victim.

7 I'm simply minding my own business and going to work.  
8 And from what I've seen of the case law, this is standard with  
9 this crime, with people just living their lives and not jumping  
10 through hoops for their freedom.

11 Whether that's right, wrong, or indifferent, it's  
12 radically different than someone drunk driving or, heck, for  
13 that matter, even firing a gun at New Year's with reckless  
14 endangerment for others.

15 It's something that if I was never caught, there would  
16 be no risk to society. There would be no danger to anybody.  
17 I would simply continue to go to work and mind my own business.

18 So from that aspect, three years is a rather harsh  
19 sentence, whether viewed in aggregate or for the crime itself.

20 THE COURT: Mr. Chapman?

21 MR. CHAPMAN: Thank you.

22 Your Honor, first, I did want to note for the Court a  
23 slight amendment to the recommendation in the United States'  
24 Sentencing Memorandum.

25 In the memorandum I asked for 18 months on this case,

1 which is still the request, and 12 months on the supervised  
2 release, consecutive. I miscalculated the supervised release  
3 maximum to be 12 months as opposed to 10, so I just wanted to  
4 let the Court know that's the only modification as to that.

5 In regard to a sentence, Your Honor, I won't belabor it  
6 because I know that the Court heard the jury trial which pretty  
7 much set out Mr. Simpson's entire history with failing to  
8 register as a sex offender on multiple occasions.

9 I would note, though, that the Defendant has a prior  
10 felony conviction for receiving child pornography. So to  
11 characterize him as kind of an everyday, ordinary guy who is  
12 just trying to mind his own business I think is a little bit  
13 unfair. And that also goes to what his potential risk is  
14 because although he is claiming that he's just been minding his  
15 own business, going to work, and not been on a playground and  
16 all these things, we actually don't know that because he  
17 absconded for the long period of time that he did.

18 So, you know, a good way for Mr. Simpson, in the  
19 future -- hopefully, we don't end up here -- but a good way for  
20 him to build up credit and evidence of that is, in addition to  
21 not failing to register, is to follow all of the other  
22 conditions. So, again, I think characterizing him as an  
23 ordinary individual in this circumstance clearly doesn't apply.

24 The last thing that I would say, Your Honor, is that,  
25 clearly again, one of the things we saw in the procedural

1 history was an increase in the amount of time that the Defendant  
2 was receiving, obviously hoping that at some point Mr. Simpson  
3 was going to decide that it would just be in his best interests  
4 to comply with the law. So in this case, although 18 months  
5 doesn't seem like a lot considering the amount of time the  
6 Defendant has already done, it is the top of the Guidelines and.

7 I think it's important for the Defendant, going  
8 forward, to know that from this point out, he's going to be  
9 facing closer to maximum sentences. Hopefully, that will help  
10 deter his insistence that he not have to register and hopefully  
11 we won't be back here for a fifth time.

12 Your Honor, for all of those reasons the Government  
13 does request a sentence of 18 months.

14 THE DEFENDANT: I do have one more quick thing to say  
15 to that. So I read a lot of statistics --

16 THE COURT: Mr. Simpson --

17 THE DEFENDANT: I'm sorry.

18 THE COURT: -- you don't get a rebuttal to the  
19 Government's statement.

20 THE DEFENDANT: I'm sorry.

21 THE COURT: You had an opportunity to make your  
22 statement.

23 THE DEFENDANT: My apologies.

24 THE COURT: Before we continue, Mr. Concannon, you  
25 filed a motion in Docket Number 159. The Court is going to

1 grant your request.

2 MR. CONCANNON: Okay. Thank you.

3 THE COURT: Because Mr. Simpson is proceeding Pro Se  
4 and you have been appointed standby counsel.

5 MR. CONCANNON: All right.

6 THE COURT: After hearing from both the Defendant and  
7 the Government and reviewing the Presentence Report and the  
8 Government's sentencing memorandum, the Court is now ready to  
9 proceed with the imposition of sentence.

10 The instant offense involved the Defendant, a sex  
11 offender, failing to register as a sex offender as required by  
12 SORNA. Specifically, the Defendant absconded from supervised  
13 release and failed to register as a sex offender.

14 The Defendant's criminal history includes a federal  
15 conviction for receipt of child pornography and he was on  
16 supervised release when he committed the instant offense.

17 As such, in light of the Advisory Guidelines range and  
18 the provisions of 18 U.S.C. § 3553(a), a sentence of 60 months  
19 imprisonment, which represents an upward variance from the  
20 high end of the Guidelines range, I believe would be sufficient  
21 but not greater than necessary to comply with the purposes set  
22 forth in 18 U.S.C. § 3553(a).

23 This sentence shall run consecutive to any sentence  
24 imposed in Docket Number 4:10-CR-00169-1, as the Defendant was  
25 serving a term of supervised release for the serious offense of

1 receipt of child pornography at the time he committed the  
2 instant offense.

3 Pursuant to the Sentencing Reform Act of 1984 and the  
4 provisions of 18 U.S.C. § 3553(a), it is the judgment of the  
5 Court that the Defendant, Kenneth Robert Simpson, is hereby  
6 committed to the custody of the Bureau of Prisons to be  
7 imprisoned for a term of 60 months.

8 This sentence shall run consecutive to any sentence  
9 imposed in the United States District Court, Eastern District of  
10 Missouri, under Docket Number 4:10-CR-00169-1.

11 It is recommended the Defendant be evaluated for  
12 participation in an occupational/educational program  
13 specifically in plumbing, electrical work, auto repair, or  
14 heating, ventilation and air conditioning. Such recommendations  
15 are made to the extent they are consistent with the Bureau of  
16 Prisons policies.

17 Upon release from imprisonment, the Defendant shall be  
18 placed on supervised release for a term of five years. Within  
19 72 hours of release from the custody of the Bureau of Prisons,  
20 the Defendant shall report in-person to the probation office in  
21 the district to which the Defendant is released.

22 As part of your supervision, you must comply with the  
23 standard conditions of supervision that have been adopted by  
24 this Court. You must also comply with the following additional  
25 special conditions. If it is determined that there are costs

1 associated with any services provided, you shall pay those costs  
2 based on a copayment fee established by the probation office.

3 You must submit to substance abuse testing to determine  
4 if you have used a prohibited substance. You must not attempt  
5 to obstruct or tamper with the testing methods.

6 You must submit your person, property, house,  
7 residence, vehicles, papers, computers, other electronic  
8 communications, or data storage devices, or media, or office to  
9 a physical or electronic search conducted by a United States  
10 Probation Officer. You must warn any other occupants that the  
11 premises may be subject to searches pursuant to this condition.

12 The probation officer may conduct a search under this  
13 condition only when reasonable suspicion exists that you have  
14 violated a condition of supervision and that the areas to be  
15 searched contain evidence of this violation.

16 You must participate in a sex offense specific  
17 assessment.

18 The Court finds that the Defendant does not have the  
19 ability to pay a fine. It is further ordered that the Defendant  
20 shall pay to the United States a special assessment of \$100,  
21 which shall be due immediately.

22 Mr. Simpson, do you have any questions about any of  
23 those conditions of supervision?

24 THE DEFENDANT: I objected to the drug use one because  
25 it's based off of a simple statement that I have at some point

1 in the past tried marijuana. There is no finding that I'm  
2 currently on it because I'm not, nor have I done it for any  
3 significant time. So I find that one to be completely --

4 THE COURT: Well, I will let the Probation office make  
5 the determination as to whether or not you should have to follow  
6 it.

7 I want to mention to you, Mr. Simpson, that the reason  
8 for the upward variance on your case is your continued failure  
9 to register. We haven't gotten your attention the last three  
10 times you were here. Also, when you were out, you were  
11 absconding. You have totally no respect for the law. So I want  
12 you to be clear that the reason why I made a variance upward is  
13 because of that.

14 Now, I must advise you that it is your right to file a  
15 Notice of Appeal from this sentence within 14 days from today.  
16 Failure to do so within that time period shall be deemed a  
17 waiver of your right to appeal.

18 THE DEFENDANT: I have it today, Your Honor.

19 THE COURT: Does either party have any objections to  
20 the Court's Findings of Fact and Conclusions of Law, or to the  
21 manner in which this sentence was pronounced?

22 MR. CHAPMAN: No, Your Honor.

23 THE DEFENDANT: Just the ones I've already stated.

24 THE COURT: And those objections have been ruled.

25 THE DEFENDANT: Yes.

1 THE COURT: The sentence will be imposed as stated.  
2 Is there anything else from the Government?

3 MR. CHAPMAN: No, Your Honor.

4 THE COURT: Mr. Simpson?

5 THE DEFENDANT: Not on this matter.

6 THE COURT: We will now proceed with the Supervised  
7 Release Revocation matter.

8 - SUPERVISED RELEASE REVOCATION & SENTENCING -

9 THE COURT: This is Cause Number 4:10-CR-169.  
10 Mr. Simpson, you agreed to self-represent in this case a while  
11 back. Mr. Concannon is still appointed as Standby Counsel. You  
12 have been representing yourself in this case since March 6th,  
13 2024.

14 THE DEFENDANT: Yes.

15 THE COURT: Do you still want to continue Pro Se, or  
16 would you like to have counsel reappointed to represent you in  
17 this matter?

18 THE DEFENDANT: I'll continue Pro Se.

19 THE COURT: Okay. We're here regarding a motion to  
20 revoke your supervised release. Before I take up that  
21 revocation, I'm going to take up the Pro Se motions you filed in  
22 this matter.

23 THE DEFENDANT: Okay.

24 THE COURT: You filed ECF Number 299, a Motion to  
25 Reconsider. You may proceed.

1 THE DEFENDANT: Actually, I didn't have that one in  
2 front of me today.

3 Basically, the first issue that I had was I saw that  
4 you said there has been a significant amount of case law where  
5 they've told defendants they don't have to address challenges at  
6 revocation. I've yet to find a single case. I actually printed  
7 off a bunch of cases where they have, in fact, raised the kind  
8 of challenges that I've been told I can't raise at this point.  
9 I have these here to enter into the record.

10 So I am actually at a loss for why the Court keeps  
11 telling me that this thing that's been raised in dozens of other  
12 cases can't be raised by me and apparently only me.

13 THE COURT: Mr. Chapman?

14 MR. CHAPMAN: I believe Mr. Simpson is referring to  
15 what at least the Government and I believe the Court has deemed  
16 trying to collaterally attack his previous conviction. That  
17 issue has actually not only been longstanding but it's already  
18 been briefed before this Court.

19 THE COURT: And ruled.

20 MR. CHAPMAN: Yes. So I would just stand on that,  
21 Your Honor.

22 THE DEFENDANT: It's been procedurally ruled.

23 THE COURT: Mr. Simpson --

24 THE DEFENDANT: Not merits.

25 THE COURT: -- your motion is denied.

1 ECF Number 300, Motion for Dismissal. You may proceed.  
2 (Brief discussion off the record  
3 between Defendant and Standby Counsel.)

4 THE DEFENDANT: I'm unaware of what that motion is at  
5 this moment, Your Honor. I'm sorry. As you can understand, I'm  
6 in shakedowns as an inmate, so I don't always have my own  
7 records.

8 THE COURT: Mr. Chapman, would you like to respond to  
9 the motion?

10 MR. CHAPMAN: Your Honor, for the same reasons that  
11 have already been ruled, the Government would ask that the Court  
12 just remain consistent with its previous ruling and deny it.

13 THE COURT: Your motion is denied, Mr. Simpson.  
14 Now ECF Number 308, Motion to Expedite Hearing.

15 THE DEFENDANT: Moot.

16 THE COURT: Moot.

17 We will proceed with the Supervised Release Revocation  
18 Hearing. Mr. Chapman, you may go forward.

19 MR. CHAPMAN: Thank you, Your Honor.

20 I guess I should first inquire, Your Honor. I don't  
21 know if the Defendant's intention is to admit his violations or  
22 if he wishes to have a hearing.

23 THE COURT: Mr. Simpson?

24 THE DEFENDANT: I mean the violations are pretty much  
25 settled by the trial. I object that I didn't do it, of course,

1 but I'm kind of bound by the jury's finding at this stage, as  
2 far as I understand.

3 THE COURT: What we need to hear from you is whether  
4 you admit to those violations, or if the Government will have to  
5 prove those violations.

6 THE DEFENDANT: Well, we'll concede them for this sake.

7 THE COURT: So you will admit to all the violations  
8 contained in the Violation Report?

9 THE DEFENDANT: There was something about the --

10 THE COURT: You understand them and you are admitting  
11 to them?

12 THE DEFENDANT: There was something about inappropriate  
13 contact with a minor which absolutely did not happen. I'll go  
14 over these again real quick.

15 Yes, all the technical violations are conceded.

16 THE COURT: Mr. Chapman, do we need to go through and  
17 put in the record what each of them are, or is the Government  
18 willing to accept his admission to all of the technical  
19 violations?

20 It seems like he's objected to at least one of them and  
21 I can't tell which one that is.

22 THE DEFENDANT: There is one in there --

23 THE COURT: Is there a number?

24 THE DEFENDANT: They mentioned a text message with a  
25 coworker. I'm trying to find the number here involving the

1 phone.

2           On the last page, page 6 of 7, it insinuates that I had  
3 some sort of inappropriate contact with a minor, which did not  
4 occur, simply because it says I was sent a picture of a woman  
5 and her son. Nothing inappropriate happened there and I object  
6 to any insinuation to the contrary.

7           THE COURT: So you're objecting to Special Condition  
8 Number 16, Special Condition Number 17, Special Condition Number  
9 18, and Special Condition Number 25, but you admit to all the  
10 other conditions about --

11           THE DEFENDANT: Well, I'm not even going to deny  
12 meeting the minor or anything else but the inappropriate nature  
13 that is being insinuated.

14           THE COURT: Mr. Chapman, would you like to put forth  
15 your evidence on that one violation?

16           MR. CHAPMAN: Your Honor, I don't believe it's  
17 necessary. Some of those interactions were contained on the  
18 cell phone but in looking at the specific actual conditions --  
19 and Mr. Simpson, feel free to correct me -- I don't believe  
20 there is a dispute about possessing an unauthorized device,  
21 failing to notify probation about that possession within  
22 24 hours, accessing the internet, and accessing pornographic  
23 material.

24           So the "insinuation" that the Defendant has an issue  
25 with, I'm fine with striking that as I don't believe that

1 actually goes to those conditions.

2 THE COURT: Your objection is overruled as to those  
3 conditions, subject to the information that Mr. Chapman is going  
4 to strike.

5 THE DEFENDANT: Okay. As long as that part is  
6 stricken.

7 THE COURT: Does either party know of any reason why  
8 this Court should not now proceed with the imposition of  
9 sentence?

10 MR. CHAPMAN: No, Your Honor.

11 THE DEFENDANT: No.

12 THE COURT: Mr. Simpson, would you like to speak about  
13 your sentence?

14 THE DEFENDANT: The only issue I have going forward is  
15 again being put back on supervised release. Considering every  
16 time I come up here, other people are taken off of it, again,  
17 it's simply untrue that you can't request that at this point.  
18 That really bothers me.

19 I have no problem at this point just going on and being  
20 left alone. I have no problem registering. I just want to go  
21 back, after my five years, which is already kind of a harsh  
22 sentence as it is, and be left alone after that.

23 I do not believe that this five-year revolving door  
24 that you keep doing is legal in any way, shape, or form.

25 THE COURT: Mr. Chapman?

1 MR. CHAPMAN: Well, Your Honor, the lifetime  
2 supervision is already imposed. It's part of the Defendant's  
3 initial sentence. And in reading through the transcripts of all  
4 the previous revocation proceedings before Judge Sippel, that  
5 was explained to him. All I would say is that, really, the  
6 person who would control the revolving door here would be  
7 Mr. Simpson.

8 So I would just argue, Your Honor, that obviously the  
9 term of supervision is already a part of his original sentence.

10 In regard to what the Defendant is sentenced to, the  
11 Government would request the top of the Guidelines, ten months,  
12 and that that run consecutive to his 2023 Failure to Register  
13 case.

14 THE DEFENDANT: The imposition of new papers still has  
15 to be justified.

16 THE COURT: Mr. Simpson, you had your opportunity.

17 The Court finds that the Defendant has violated the  
18 alleged conditions of supervised release and the Court will now  
19 proceed with the imposition of sentence.

20 Based upon Simpson's ongoing blatant defiance of  
21 federal, state, and local sex offender registration laws,  
22 Simpson's history of violations, the seriousness of the offense,  
23 and his refusal to engage in the basic first step of reporting  
24 as directed for supervised release, it appears Simpson is not  
25 amenable to community supervision at this time.

1           After consideration of the statutory limits for the  
2 original offense, the policy statements found in Chapter 7 of  
3 the Sentencing Guidelines, and 18 U.S.C., Section 3553(a)  
4 entitled, Factors to be Considered in Imposing a Sentence,  
5 I believe a sentence of ten months imprisonment, to be followed  
6 by a life term of supervised release, is sufficient but not  
7 greater than necessary to address the sentencing objectives.

8           This sentence shall run consecutive to the sentence  
9 imposed in U.S. District Court under Docket Number  
10 4:23-CR-00297-1. The Defendant is found to have violated  
11 conditions of supervised release and the term of supervised  
12 release is hereby revoked.

13           Pursuant to the Sentencing Reform Act of 1984, it is  
14 the judgment of the Court that the Defendant, Kenneth Robert  
15 Simpson, is hereby committed to the custody of the Bureau of  
16 Prisons to be imprisoned for a term of ten months.

17           It is further ordered that this sentence shall be  
18 served consecutively to any sentence imposed in U.S. District  
19 Court under Docket Number 4:23-CR-00297-1.

20           Upon release from imprisonment, the Defendant shall be  
21 placed on supervised release for a term of life.

22           Within 72 hours of release from the custody of the  
23 Bureau of Prisons, the Defendant shall report in-person to the  
24 probation office in the district to which the Defendant is  
25 released.

1           While on supervision, the Defendant shall comply with  
2 the originally-imposed mandatory conditions and standard  
3 conditions that have been adopted by this Court, and shall  
4 comply with the following additional conditions. If it is  
5 determined that there are costs associated with any services  
6 provided, the Defendant shall pay those costs based on a  
7 copayment fee established by the Probation office.

8           If required to register, you must comply with the  
9 requirements of the Sex Offender Registration and Notification  
10 Act as directed by the probation officer, the Bureau of Prisons,  
11 or any state sex offender registration agency in which you  
12 reside, work, are a student, or were convicted of a qualifying  
13 offense.

14           You must reside in a residential reentry center for a  
15 term of not more than 120 days. You must follow the rules and  
16 regulations of that center.

17           You must participate in the Location Monitoring Program  
18 for a period of 90 days and shall abide by all technology  
19 requirements.

20           As determined by the probation officer, you may be  
21 required to maintain a telephone at your place of residence  
22 without any service that would interfere with the operation of  
23 the location monitoring equipment for the above period.

24           At the discretion of the probation officer, unless  
25 otherwise ordered by the Court, you may be required to wear a

1 location monitoring device that may include global positioning  
2 system and/or random tracking. You must follow the location  
3 monitoring procedures specified by the probation office.

4 You are restricted to your residence at all times  
5 except for employment, education, religious services, medical,  
6 substance abuse, or mental health treatment, attorney visits,  
7 court appearances, court-ordered obligations, or other  
8 activities, as pre-approved by the probation officer.

9 You must submit to substance abuse testing to determine  
10 if you've used a prohibited substance. You must not attempt to  
11 obstruct or tamper with the testing methods.

12 You must participate in a substance abuse treatment  
13 program and follow the rules and regulations of that program.  
14 The probation officer will supervise your participation in the  
15 program. You must not use or possess alcohol.

16 You must participate in a mental health treatment  
17 program and follow the rules and regulations of that program.  
18 The probation officer, in consultation with the treatment  
19 provider, will supervise your participation in the program.

20 You must participate in a sex offense specific  
21 treatment program and follow the rules and regulations of that  
22 program. The probation officer will supervise your  
23 participation in the program.

24 You must submit to periodic psychological testing,  
25 which may include but is not limited to polygraph testing at the

1 discretion of the probation officer as a means to ensure that  
2 you are in compliance with the requirements of your supervision  
3 or treatment program.

4           You must not view or possess any visual depiction,  
5 including any photograph, film, video, picture, or computer, or  
6 computer-generated image or picture, whether made or produced by  
7 electronic, mechanical, or other means, of sexually explicit  
8 conduct.

9           You must not have direct contact with any child you  
10 know or reasonably should know to be under the age of 18,  
11 including your own children, without the permission of the  
12 probation officer. If you do have any direct contact with any  
13 child you know or reasonably should know to be under the age  
14 of 18, including your own children, without the permission of  
15 the probation officer, you must report this contact to the  
16 probation officer within 24 hours.

17           Direct contact includes written communication,  
18 in-person communication, or physical contact. Direct contact  
19 does not include incidental contact during ordinary daily  
20 activities in public places.

21           You are prohibited from engaging in any occupation,  
22 business, profession, or volunteer work where you have access to  
23 children under the age of 18 without prior written approval from  
24 the probation office.

25           You must not go to or remain at any place where you

1 know children under the age of 18 are likely to be, including  
2 parks, schools, playgrounds, and child care facilities. You  
3 must not go to or remain at a place for the primary purpose of  
4 observing or contacting children under the age of 18.

5           You must not access the internet except for reasons  
6 approved in advance by the probation officer. You must not  
7 possess and/or use computers, or other electronic  
8 communications, or data storage devices, or media, without  
9 approval of the probation office.

10           You must not possess or use any audiovisual recording  
11 or producing equipment at any location without the written  
12 approval of the probation office. If approval is given, you  
13 must consent to the probation officer or probation service  
14 representative conducting unannounced examinations, including  
15 retrieval and copying of all data related to the equipment.

16           You must advise the probation office of all computer  
17 electronic equipment and web-enabled equipment, including cell  
18 phones, which you possess or have access, within 24 hours of  
19 obtaining same.

20           You must allow the probation office to install computer  
21 monitoring software on any computer you use. To ensure  
22 compliance with the computer monitoring condition, you must  
23 allow the probation officer to conduct initial and periodic  
24 unannounced searches of any computers subject to computer  
25 monitoring. These searches shall be conducted for the purpose

1 of determining whether the computer contains any prohibited data  
2 prior to installation of the monitoring software, to determine  
3 whether the monitoring software is functioning effectively after  
4 installation, and to determine whether there have been attempts  
5 to circumvent the monitoring software after its installation.

6           You must warn any other people who use these computers  
7 that the computers may be subject to searches pursuant to this  
8 condition. You must submit your computers, or other electronic  
9 communications, or data storage devices, or media, to a search.

10 You must warn any of the people who use these computers or  
11 devices that are capable of accessing the internet that the  
12 devices maybe subject to searches pursuant to this condition.

13           A probation officer may conduct a search pursuant to  
14 this condition only when reasonable suspicion exists that there  
15 is a violation of a condition of supervision and that the  
16 computer or device contains evidence of this violation. Any  
17 search will be conducted at a reasonable time and in a  
18 reasonable manner.

19           You must submit your person, property, house,  
20 residence, vehicles, papers, computers, other electronic  
21 communications, or data storage devices, or media, or office to  
22 a physical or electronic search conducted by a United States  
23 probation officer. You must warn any other occupants that the  
24 premises may be subject to searches pursuant to this condition.

25           The probation officer may conduct a search under this

1 condition only when reasonable suspicion exists that you have  
2 violated a condition of supervision and that the areas to be  
3 searched contain evidence of this violation.

4           You must not purchase or maintain a post office box or  
5 any other type of private mailbox, or any type of storage  
6 locker, unit or facility, without written approval of the  
7 probation office.

8           Do you have any questions about any of those conditions  
9 of supervision?

10           THE DEFENDANT: They sound largely like the earlier  
11 ones. Is that correct?

12           THE COURT: They are basically the same.

13           THE DEFENDANT: Okay. I re-object on the *Hayman*  
14 grounds.

15           THE COURT: So noted for the record.

16           I must now advise you that it is your right to file a  
17 Notice of Appeal from this sentence within 14 days from today.  
18 Failure to do so within that time period shall be deemed a  
19 waiver of your right to appeal.

20           THE DEFENDANT: I have that here, as well.

21           THE COURT: Mr. Chapman, is there anything else from  
22 the Government?

23           MR. CHAPMAN: No, Your Honor. Thank you.

24           THE COURT: Mr. Simpson?

25           THE DEFENDANT: No, not that I can think of.

1 THE COURT: That will conclude this hearing.

2 MR. CONCANNON: Judge, just one final thing.

3 THE COURT: Yes.

4 MR. CONCANNON: As Standby Counsel, he's filing his  
5 Notice of Compliance with Rule 12.07, stating that he will be  
6 filing the Notice of Appeal.

7 THE COURT: That will be noted for the record, as well.

8 THE DEFENDANT: And we have that here, as well.

9 MR. CONCANNON: Yes.

10 THE COURT: Thank you.

11 - RECESS AT 2:15 P.M. -

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- REPORTER'S CERTIFICATE -

I, Linda C. Nichols, Registered Diplomate Reporter and Certified Realtime Reporter, do hereby certify that I am a duly appointed Official Court Reporter for the United States District Court, Eastern District of Missouri, and that the foregoing is a true and accurate reproduction of the Pro Se Motions, Post-Trial Sentencing and Revocation of Supervised Release & Sentencing proceedings held on July 22nd, 2024, in the matters of:

UNITED STATES OF AMERICA

vs.

KENNETH ROBERT SIMPSON

Case Numbers

4:23-CR-00297-RLW-1 & 4:10-CR-00169-RLW-1

I further certify that this transcript consists of pp. 1-36 inclusive.

Dated: September 30th, 2024.

    \s\ Linda Nichols      
Linda Nichols, RDR, CRR  
Official Court Reporter  
United States District Court  
Eastern District of Missouri



KeyCite Red Flag

Unconstitutional or Preempted Recognized as Unconstitutional by [United States v. Flores](#), 5th Cir.(Tex.), Mar. 04, 2025



KeyCite Yellow Flag Proposed Legislation

[United States Code Annotated](#)

[Title 18. Crimes and Criminal Procedure \(Refs & Annos\)](#)

[Part II. Criminal Procedure](#)

[Chapter 227. Sentences \(Refs & Annos\)](#)

[Subchapter D. Imprisonment \(Refs & Annos\)](#)

18 U.S.C.A. § 3583

## § 3583. Inclusion of a term of supervised release after imprisonment

Effective: January 5, 2023

[Currentness](#)

**(a) In general.**--The court, in imposing a sentence to a term of imprisonment for a felony or a misdemeanor, may include as a part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment, except that the court shall include as a part of the sentence a requirement that the defendant be placed on a term of supervised release if such a term is required by statute or if the defendant has been convicted for the first time of a domestic violence crime as defined in [section 3561\(b\)](#).

**(b) Authorized terms of supervised release.**--Except as otherwise provided, the authorized terms of supervised release are--

(1) for a Class A or Class B felony, not more than five years;

(2) for a Class C or Class D felony, not more than three years; and

(3) for a Class E felony, or for a misdemeanor (other than a petty offense), not more than one year.

**(c) Factors to be considered in including a term of supervised release.**--The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in [section 3553\(a\)\(1\)](#), [\(a\)\(2\)\(B\)](#), [\(a\)\(2\)\(C\)](#), [\(a\)\(2\)\(D\)](#), [\(a\)\(4\)](#), [\(a\)\(5\)](#), [\(a\)\(6\)](#), and [\(a\)\(7\)](#).

**(d) Conditions of supervised release.**--The court shall order, as an explicit condition of supervised release, that the defendant not commit another Federal, State, or local crime during the term of supervision, that the defendant make restitution in accordance with [sections 3663](#) and [3663A](#), or any other statute authorizing a sentence of restitution, and that the defendant not unlawfully possess a controlled substance. The court shall order as an explicit condition of supervised release for a defendant convicted for the first time of a domestic violence crime as defined in [section 3561\(b\)](#) that the defendant attend a public, private, or private nonprofit offender rehabilitation program that has been approved by the court, in consultation with a State Coalition Against Domestic Violence or other appropriate experts, if an approved program is readily available within a 50-mile radius of

the legal residence of the defendant. The court shall order, as an explicit condition of supervised release for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act. The court shall order, as an explicit condition of supervised release, that the defendant cooperate in the collection of a DNA sample from the defendant, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000. The court shall also order, as an explicit condition of supervised release, that the defendant refrain from any unlawful use of a controlled substance and submit to a drug test within 15 days of release on supervised release and at least 2 periodic drug tests thereafter (as determined by the court) for use of a controlled substance. The condition stated in the preceding sentence may be ameliorated or suspended by the court as provided in [section 3563\(a\)\(4\)](#). The results of a drug test administered in accordance with the preceding subsection shall be subject to confirmation only if the results are positive, the defendant is subject to possible imprisonment for such failure, and either the defendant denies the accuracy of such test or there is some other reason to question the results of the test. A drug test confirmation shall be a urine drug test confirmed using gas chromatography/mass spectrometry techniques or such test as the Director of the Administrative Office of the United States Courts after consultation with the Secretary of Health and Human Services may determine to be of equivalent accuracy. The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3583(g) when considering any action against a defendant who fails a drug test. The court may order, as a further condition of supervised release, to the extent that such condition--

- (1) is reasonably related to the factors set forth in [section 3553\(a\)\(1\)](#), [\(a\)\(2\)\(B\)](#), [\(a\)\(2\)\(C\)](#), and [\(a\)\(2\)\(D\)](#);
- (2) involves no greater deprivation of liberty than is reasonably necessary for the purposes set forth in [section 3553\(a\)\(2\)\(B\)](#), [\(a\)\(2\)\(C\)](#), and [\(a\)\(2\)\(D\)](#); and
- (3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to [28 U.S.C. 994\(a\)](#);

any condition set forth as a discretionary condition of probation in [section 3563\(b\)](#) and any other condition it considers to be appropriate, provided, however that a condition set forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with section 3583(e)(2) and only when facilities are available. If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he be deported and remain outside the United States, and may order that he be delivered to a duly authorized immigration official for such deportation. The court may order, as an explicit condition of supervised release for a person who is a felon and required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

**(e) Modification of conditions or revocation.**--The court may, after considering the factors set forth in [section 3553\(a\)\(1\)](#), [\(a\)\(2\)\(B\)](#), [\(a\)\(2\)\(C\)](#), [\(a\)\(2\)\(D\)](#), [\(a\)\(4\)](#), [\(a\)\(5\)](#), [\(a\)\(6\)](#), and [\(a\)\(7\)](#)--

- (1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice;

(2) extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, at any time prior to the expiration or termination of the term of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation and the provisions applicable to the initial setting of the terms and conditions of post-release supervision;

(3) revoke a term of supervised release, and require the defendant to serve in prison all or part of the term of supervised release authorized by statute for the offense that resulted in such term of supervised release without credit for time previously served on postrelease supervision, if the court, pursuant to the Federal Rules of Criminal Procedure applicable to revocation of probation or supervised release, finds by a preponderance of the evidence that the defendant violated a condition of supervised release, except that a defendant whose term is revoked under this paragraph may not be required to serve on any such revocation more than 5 years in prison if the offense that resulted in the term of supervised release is a class A felony, more than 3 years in prison if such offense is a class B felony, more than 2 years in prison if such offense is a class C or D felony, or more than one year in any other case; or

(4) order the defendant to remain at his place of residence during nonworking hours and, if the court so directs, to have compliance monitored by telephone or electronic signaling devices, except that an order under this paragraph may be imposed only as an alternative to incarceration.

**(f) Written statement of conditions.**--The court shall direct that the probation officer provide the defendant with a written statement that sets forth all the conditions to which the term of supervised release is subject, and that is sufficiently clear and specific to serve as a guide for the defendant's conduct and for such supervision as is required.

**(g) Mandatory revocation for possession of controlled substance or firearm or for refusal to comply with drug testing.**--If the defendant--

(1) possesses a controlled substance in violation of the condition set forth in subsection (d);

(2) possesses a firearm, as such term is defined in [section 921](#) of this title, in violation of Federal law, or otherwise violates a condition of supervised release prohibiting the defendant from possessing a firearm;

(3) refuses to comply with drug testing imposed as a condition of supervised release; or

(4) as a part of drug testing, tests positive for illegal controlled substances more than 3 times over the course of 1 year;

the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).

**(h) Supervised release following revocation.**--When a term of supervised release is revoked and the defendant is required to serve a term of imprisonment, the court may include a requirement that the defendant be placed on a term of supervised release after imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release.

**(i) Delayed revocation.**--The power of the court to revoke a term of supervised release for violation of a condition of supervised release, and to order the defendant to serve a term of imprisonment and, subject to the limitations in subsection (h), a further term of supervised release, extends beyond the expiration of the term of supervised release for any period reasonably necessary for the adjudication of matters arising before its expiration if, before its expiration, a warrant or summons has been issued on the basis of an allegation of such a violation.

**(j) Supervised release terms for terrorism predicates.**--Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in [section 2332b\(g\)\(5\)\(B\)](#) is any term of years or life.

**(k)** Notwithstanding subsection (b), the authorized term of supervised release for any offense under [section 1201](#) involving a minor victim, and for any offense under [section 1591](#), [1594\(c\)](#), [2241](#), [2242](#), [2243](#), [2244](#), [2245](#), [2250](#), [2251](#), [2251A](#), [2252](#), [2252A](#), [2260](#), [2421](#), [2422](#), [2423](#), or [2425](#), is any term of years not less than 5, or life. If a defendant required to register under the Sex Offender Registration and Notification Act commits any criminal offense under chapter 109A, 110, or 117, or [section 1201](#) or [1591](#), for which imprisonment for a term longer than 1 year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years.

#### CREDIT(S)

(Added [Pub.L. 98-473, Title II, § 212\(a\)\(2\)](#), Oct. 12, 1984, 98 Stat. 1999; amended [Pub.L. 99-570, Title I, § 1006\(a\)\(1\)](#) to (3), Oct. 27, 1986, 100 Stat. 3207-6; [Pub.L. 99-646, § 14\(a\)](#), Nov. 10, 1986, 100 Stat. 3594; [Pub.L. 100-182, §§ 8, 9, 12, 25](#), Dec. 7, 1987, 101 Stat. 1267, 1268, 1272; [Pub.L. 100-690, Title VII, §§ 7108, 7303\(b\), 7305\(b\)](#), Nov. 18, 1988, 102 Stat. 4418, 4464, 4465; [Pub.L. 101-647, Title XXXV, § 3589](#), Nov. 29, 1990, 104 Stat. 4930; [Pub.L. 103-322, Title II, § 20414\(c\)](#), [Title XI, § 110505](#), [Title XXXII, § 320921\(c\)](#), Sept. 13, 1994, 108 Stat. 1831, 2016, 2130; [Pub.L. 105-119, Title I, § 115\(a\)\(8\)\(B\)\(iv\)](#), Nov. 26, 1997, 111 Stat. 2466; [Pub.L. 106-546, § 7\(b\)](#), Dec. 19, 2000, 114 Stat. 2734; [Pub.L. 107-56, Title VIII, § 812](#), Oct. 26, 2001, 115 Stat. 382; [Pub.L. 107-273, Div. B, Title II, § 2103\(b\)](#), [Title III, § 3007](#), Nov. 2, 2002, 116 Stat. 1793, 1806; [Pub.L. 108-21, Title I, § 101](#), Apr. 30, 2003, 117 Stat. 651; [Pub.L. 109-164, Title II, § 209\(d\)](#), formerly [Pub.L. 114-22, Title I, § 114\(d\)](#), May 29, 2015, 129 Stat. 242, renumbered § 209(d) of [Pub.L. 109-164](#) by [Pub.L. 117-347, Title I, § 106\(b\)\(1\)](#), Jan. 5, 2023, 136 Stat. 6204; [Pub.L. 109-177, Title II, § 212](#), Mar. 9, 2006, 120 Stat. 230; [Pub.L. 109-248, Title I, § 141\(e\)](#), [Title II, § 210\(b\)](#), July 27, 2006, 120 Stat. 603, 615; [Pub.L. 110-406, § 14\(b\)](#), Oct. 13, 2008, 122 Stat. 4294; [Pub.L. 114-324, § 2\(a\)](#), Dec. 16, 2016, 130 Stat. 1948.)

#### VALIDITY

<The United States Supreme Court in [United States v. Haymond, \(U.S. 2019\) 139 S. Ct. 2369, 588 U.S. 634, 204 L.Ed. 2d 897](#), held that as applied, subsection (k) of this section governing revocation of supervised release, authorizing a new mandatory minimum sentence based on a judge's fact-finding by a preponderance of the evidence, rather than beyond a reasonable doubt, violated the Due Process Clause and the Sixth Amendment right to jury trial.>

#### Notes of Decisions (1310)

18 U.S.C.A. § 3583, 18 USCA § 3583

Current through P.L. 119-73, except P.L. 119-60. Some statute sections may be more current, see credits for details.

End of Document

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