

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

CHARLES LEE KRUSE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

APPENDIX

JASON HAWKINS
Federal Public Defender
Northern District of Texas
TX State Bar No. 00759763
525 Griffin Street, Suite 629
Dallas, TX 75202
(214) 767-2746

/s/ Quincy Hope Ferrill
QUINCY HOPE FERRILL**
Assistant Federal Public Defender
Northern District of Texas
TX Bar No. 24108851
819 Taylor Street, Room 9A10
Fort Worth, Texas 76102
(817) 978-2753

INDEX TO APPENDICES

Appendix A Opinion of Fifth Circuit, *United States v. Kruse*,
No. 25-10497, 2026 WL 383605 (5th Cir. Feb. 11, 2026) (unpublished)

Appendix B Judgment and Sentence of the United States District Court
for the Northern District of Texas, entered April 2, 2025.
United States v. Kruse, Dist. Court 2:18-CR-135-Z

APPENDIX A

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

February 11, 2026

Lyle W. Cayce
Clerk

No. 25-10497

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CHARLES LEE KRUSE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:18-CR-135-1

Before SOUTHWICK, WILLETT, and HO, *Circuit Judges.*

PER CURIAM:*

Charles Lee Kruse violated the conditions of his supervised release. Following revocation, the district court sentenced Kruse to 24 months of imprisonment and a life term of supervised release. Kruse argues the district court erred by relying on previously undisclosed facts at the revocation sentencing, that his revocation sentence is plainly unreasonable, and that the

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 25-10497

term of supervised release imposed in the written judgment is ambiguous. We AFFIRM.

FACTUAL AND PROCEDURAL BACKGROUND

Kruse pled guilty to possession of child pornography in 2019. He was sentenced to 97 months of imprisonment and 15 years of supervised release. His term of supervised release began on September 27, 2024.

In 2025, Kruse's probation officer filed a petition to revoke his supervised release, alleging he violated the conditions prohibiting him from having a computer or contacting a convicted felon without permission from the probation officer. According to the petition, Kruse told his probation officer he had built a computer, without prior permission, to play games online with his mother. He also exchanged text messages with Shawn Paschal, whom he met while incarcerated and who was on supervised release for conduct like Kruse's. The probation officer calculated a policy-statement range of three to nine months of imprisonment and stated the maximum supervised-release term was life, minus the revocation sentence. *See* 18 U.S.C. § 3583(h).

Kruse did not oppose the petition to revoke. He submitted a memorandum requesting a sentence of three-months imprisonment. In arguing that neither of his violations was severe, he asserted that (1) he did not seek prior permission to build the computer because he wanted to ensure it worked before notifying his probation officer; (2) he self-reported the computer, on which no prohibited content existed; and (3) the extent of his communication with Paschal was a text message stating "woot" in response to a text from Paschal regarding an audiobook containing no prohibited content. Kruse also cited several factors that he argued warranted leniency, including his maintaining gainful employment, participation in mental-health and sex-offender counseling, compliance with drug and alcohol testing,

No. 25-10497

sharing a home with his mother, and compliance with other supervised-release conditions.

At the revocation hearing, Kruse pled true to both allegations. Proceeding to sentencing, the district court found that the policy-statement range was three to nine months of imprisonment and that the maximum supervised-release term was “life, minus revocation sentence.” Kruse reiterated the arguments in his sentencing memorandum and requested a sentence of three months of imprisonment followed by 15 years of supervised release. The Government requested nine months of imprisonment and 15 years of supervised release. The court announced a sentence of 24 months of imprisonment and a life term of supervised release. The court explained that the sentence was justified by the need to promote respect for the law, deter criminal conduct, and protect the public from further crimes by Kruse. *See* 18 U.S.C. § 3533(a). It also stated that, in a report referred to as “the blue sheet,” the probation officer wrote that Kruse had been advised twice that he could not build a computer without prior permission and that he continued “to express a desire to place himself into high-risk situations and associate with individuals in similar situations and to consume alcohol, which is a trigger to child sexual exploitation material . . . consumption.” That information was “relayed by the sex offender counselor consulted by the probation officer and relayed through the blue sheet to the Court.”

The written judgment stated, in relevant part, that Kruse is “to be imprisoned for a term of Twenty-Four (24) months” and “shall be placed on supervised release for a term of life, minus revocation sentence.” Kruse timely appealed his sentence.

DISCUSSION

Kruse argues that the district court erred by relying on previously undisclosed facts at the revocation sentencing, his revocation sentence is

No. 25-10497

plainly unreasonable, and the term of supervised release imposed in the written judgment is ambiguous.

I. Whether Sentence is Plainly Unreasonable

We begin with Kruse’s claims that the district court erred by relying on previously undisclosed facts at the revocation sentencing and that his sentence is plainly unreasonable. To review a sentence imposed upon revocation of supervised release, this court employs a two-step process “under a plainly unreasonable standard.” *United States v. Foley*, 946 F.3d 681, 685 (5th Cir. 2020) (quotation omitted). First, this court ensures the district court did not commit a significant procedural error. *Id.* Second, if the district court’s sentencing decision is procedurally sound, this court considers the substantive reasonableness of the sentence under an abuse of discretion standard. *Id.*

Even if this court concludes the revocation sentence is unreasonable, it may vacate only “if the error is obvious under existing law, so that the sentence is not just unreasonable but is *plainly* unreasonable.” *Id.* (quotation omitted). This standard is “more deferential” than the general standard for reviewing the reasonableness of criminal sentences, and this court has observed that “the Sentencing Commission intended to give district courts substantial latitude in devising revocation sentences.” *United States v. Miller*, 634 F.3d 841, 843 (5th Cir. 2011) (quotation omitted).

A. Procedural Reasonableness

Kruse contends the district court erred by relying at sentencing on facts contained in the undisclosed blue sheet. He asserts this violated Federal Rule of Criminal Procedure 32.1 and his Fifth Amendment right to due process. Although he does not expressly characterize these claims as challenging the procedural reasonableness of his sentence, this court has analyzed similar claims under the first step of the “plainly unreasonable”

No. 25-10497

standard, and we do the same here. *See, e.g., United States v. Warren*, 720 F.3d 321, 327–31 (5th Cir. 2013) (applying procedural reasonableness framework to defendant’s claims that reliance on undisclosed facts at revocation sentencing violated Rule 32.1 and due process).

Kruse did not object on these grounds in the district court. Unpreserved challenges to the procedural reasonableness of a revocation sentence are reviewed for plain error. *United States v. Whitlaw*, 580 F.3d 256, 259 (5th Cir. 2009). Kruse contends plain-error review should not apply because he did not have a meaningful opportunity to object to the court’s reliance on the blue sheet, given that the court did not mention it until after pronouncing the sentence. After pronouncing the sentence and mentioning the blue sheet, however, the district court explicitly asked if there was “[a]nything further from the defendant.” Because Kruse did not take that opportunity to object, we conclude plain-error review applies. *See also United States v. Johnson*, 956 F.3d 740, 743 (5th Cir. 2020) (applying plain-error review to unpreserved claim that district court improperly considered probation officer’s confidential report first mentioned by court at defendant’s original sentencing).

To succeed on plain-error review, Kruse must show a forfeited error that is clear or obvious and that affected his substantial rights. *See* FED. R. CRIM. P. 52(b); *Puckett v. United States*, 556 U.S. 129, 135 (2009). If he makes that showing, this court has discretion to correct the error only if it “seriously affect[s] the fairness, integrity or public reputation of judicial proceedings.” *Puckett*, 556 U.S. at 135 (alteration in original) (quotation omitted).

Kruse contends the district court erred by relying at sentencing on facts contained in the undisclosed blue sheet. In explaining the revocation sentence, the court cited previously undisclosed allegations that Kruse

No. 25-10497

“continues to express a desire to place himself into high-risk situations and associate with individuals in similar situations and to consume alcohol, which is a trigger to child sexual exploitation material . . . consumption.” According to Kruse, he did not have a chance to contest or mitigate the allegations because the court did not mention the blue sheet until after it imposed the sentence. He also argues that due process requires, before a court imposes a sentence, that it give the defendant notice of the facts it considered in deciding that sentence.

The Government responds that Kruse cannot establish any clear or obvious error given this court’s decision in *Warren*. See 720 F.3d at 326–27. That case addressed “whether pre-hearing notice is required for all facts on which the district court may rely at revocation sentencing.” *Id.* at 327 (citation omitted). There, the district court revoked Warren’s supervised release because he pled true to the allegation that he had tested positive for marijuana. *Id.* at 324–25. At the revocation hearing, the district court and Warren discussed both the basis for revocation — Warren’s positive drug test — and a distinct issue: Warren’s submission of 11 invalid urine samples, which suggested improper interference by him. *Id.* at 325–26. The Probation Office informed the district court of the possible interference but did not mention it in the revocation petition. *Id.* The district court imposed the statutory-maximum term of supervised release. *Id.* at 326.

On appeal, this court discussed the “notable contrast” between the Federal Rules of Criminal Procedure’s elaboration of “extensive, pre-hearing notice mechanisms for information at original sentencing” and its lack of any “clear provision for notice of information . . . relevant to revocation sentencing.” *Id.* at 328 (emphasis omitted). Holding for the Government, this court concluded that “there is no constitutional or statutory basis, and no recommendation by the U.S. Sentencing Commission, on which to find error when the district court engages in the

No. 25-10497

predictive and discretionary task of revocation sentencing by referencing without prior notice conduct that . . . was part of” the defendant’s “behavior while on supervised release.” *Id.* at 330 (quotation omitted).

Warren controls Kruse’s case. The district court did not err by referencing a fact regarding Kruse’s behavior while on supervised release that the Probation Office had communicated directly to the court. Kruse attempts to distinguish *Warren* because there, unlike here, the district court discussed the factual issue before pronouncing the revocation sentence; hence, *Warren* at least had some notice, opportunity to be heard, and “disclosure of the evidence against the person” before the choice of sentence. FED. R. CRIM. P. 32.1(b)(2)(B); *see* 720 F.3d at 327. *Warren*’s reasoning, however, did not turn on a distinction between notice provided before versus after the pronouncement of a sentence, and we see no reason to make such a distinction either. Rather, *Warren* relied on the lack of authority prohibiting courts from referring at revocation sentencings to any previously undisclosed facts conveyed by the Probation Office. *See* 720 F.3d at 330. Its logic thus applies squarely here. Furthermore, regarding the right to “disclosure of the evidence against the person” that Kruse cites, *Warren* aptly observed that this provision refers to a district court’s “determination that the defendant *violated* a condition of supervised release,” and is not “relevant to revocation *sentencing*.” *Id.* at 328 (citing FED. R. CRIM. P. 32.1(b)(2)(B)).

It is true that *Warren* acknowledged “it is procedural error at revocation sentencing to” impose “a sentence based on clearly erroneous facts.” *Id.* at 331 (quotation omitted). Here, though, Kruse does not make such a showing regarding the information that the district court referenced. As in *Warren*, “[n]either at sentencing nor in his appellate briefing does” Kruse “contest the accuracy of the district court’s statement that” he expressed a desire to place himself into high-risk situations, associate with

No. 25-10497

individuals convicted of similar offenses, and consume alcohol. *Id.* Therefore, we find no procedural error in Kruse’s revocation sentence.

B. Substantive Reasonableness

In determining whether a sentence is plainly unreasonable, we analyze its substantive reasonableness under an abuse of discretion standard. *Foley*, 946 F.3d at 685. “A sentence is substantively unreasonable if it (1) does not account for a factor that should have received significant weight, (2) gives significant weight to an irrelevant or improper factor, or (3) represents a clear error of judgment in balancing the sentencing factors.” *Id.* (quotation omitted).

Kruse contends his sentence is substantively unreasonable because it represents a clear error of judgment in balancing the sentencing factors. He asserts that his violations were not serious and did not subject him to independent criminal or civil liability, his self-reporting of the computer demonstrated a desire to reform, and his successful employment and compliance with substance-abuse testing showed a severe sentence was unwarranted. Kruse also contends the extent of the upward variance is unreasonable, especially considering it exceeded the Government’s sentence recommendation.

The district court, however, did not abuse its discretion in deciding that an above-Guidelines sentence was justified. That is because building a computer and communicating with another felon who had previously possessed child pornography constituted serious transgressions by Kruse, whose original offense involved using a homemade computer to possess child pornography. Additionally, Kruse had recently agreed to a modification of his conditions to require approval for computer use, giving the district court further grounds to conclude, as it did, that his violation was a “blatant” one constituting “a serious and egregious breach of trust.” The district court

No. 25-10497

acted within its “substantial latitude in devising revocation sentences” by finding that these factors outweighed Kruse’s self-reporting of the computer, successful employment, and compliance with substance-abuse testing. *Miller*, 634 F.3d at 843 (quotation omitted). Although Kruse may disagree with the district court’s balancing of the factors, he fails to establish an error that “is obvious under existing law, so that the sentence is not just unreasonable but is *plainly* unreasonable.” *Foley*, 946 F.3d at 685 (quotation omitted).

We “have routinely affirmed revocation sentences exceeding the advisory range, even where the sentence equals the statutory maximum.” *Warren*, 720 F.3d at 332 (collecting cases); see *United States v. Walker*, 742 F.3d 614, 617 (5th Cir. 2014); *United States v. Montes*, 764 F. App’x 409, 410 (5th Cir. 2019) (unpublished). Kruse does not demonstrate that his case justifies different treatment.

II. *Ambiguity of Supervised-Release Sentence*

Kruse also argues the supervised-release term imposed in the written judgment — life, minus the 24-month post-revocation imprisonment — constitutes an illegal sentence because it is ambiguous. He asserts that, because his life expectancy is unknown, it is impossible to calculate a date that is 24 months before his death; therefore, he contends, the end date of his supervised-release term is uncertain.

The parties disagree on whether the standard of review is *de novo* or plain error. This court need not resolve the conflict, however, because Kruse’s argument fails even on *de novo* review.

“The Supreme Court has long held that ‘[s]entences in criminal cases should reveal with fair certainty the intent of the court and exclude any serious misapprehensions by those who must execute them.’” *United States v. Willis*, 76 F.4th 467, 478 (5th Cir. 2023) (alteration in original) (quoting

No. 25-10497

United States v. Daugherty, 269 U.S. 360, 363 (1926)). “A sentence violates this command when it is ambiguous with respect to the time and manner in which it is to be served or is internally self-contradictory.” *Id.* (quotation omitted).

Upon revoking a term of supervised release and imposing a sentence of imprisonment, the sentencing court may require the defendant to be placed on supervised release after his incarceration. 18 U.S.C. § 3583(h). The additional supervised-release term “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.” *Id.* In Kruse’s case, life is the maximum term of supervised release allowed for his underlying conviction under 18 U.S.C. § 2252A. *See* § 3583(k).

Two opinions issued by this court clarify how the maximum additional term of supervised release is determined under Section 3583(h) where, as here, a life term is authorized for the underlying conviction. *See United States v. Jackson*, 559 F.3d 368, 370–72 (5th Cir. 2009); *United States v. Campos*, 922 F.3d 686, 688 (5th Cir. 2019). In *Jackson*, the defendant argued the sentencing court erred by concluding the maximum term of supervised release that could be imposed upon revocation was life because, *inter alia*, it was impossible to subtract his revocation sentence from a life term of supervised release, as required by Section 3583(h). 559 F.3d at 370–72. This court held that, because the district court was permitted to “impose any term three years or greater, less the fifteen months of new imprisonment Jackson received,” it did not err in deciding “the new maximum to be a life-term” of supervised release. *Id.* at 371–72. In *Campos*, this court stated that where the maximum term of supervised release authorized by the statute of conviction for the underlying offense is life, the maximum supervised-release term that

No. 25-10497

may be imposed “is a life term less” the defendant’s “post-revocation imprisonment.” 922 F.3d at 688 (citing 18 U.S.C. § 3583(h)).

Taken together, *Jackson* and *Campos* demonstrate that the law draws no distinction between a supervised-release term of “life” and a term of “life, minus revocation sentence,” which are functionally equivalent. *See Jackson*, 559 F.3d at 371–72; *Campos*, 922 F.3d at 688. Accordingly, in Kruse’s case, the district court’s imposition in its written judgment of a supervised-release term of life, minus revocation sentence, is simply the maximum life term that the court orally pronounced. The sentence is therefore not “ambiguous with respect to the time and manner in which it is to be served.” *Willis*, 76 F.4th at 478 (quotation omitted).

AFFIRMED.

APPENDIX B

United States District Court
Northern District of Texas
Amarillo Division

UNITED STATES OF AMERICA

v.

Case Number 2:18-CR-135-Z-BR-(1)

CHARLES LEE KRUSE
Defendant.

USM Number 57974-177

JUDGMENT IN A CRIMINAL CASE
(For **Revocation** of Probation or Supervised Release)
(For Offenses Committed On or After November 1, 1987)

The defendant, CHARLES LEE KRUSE, was represented by Felipe Zavala.

THE DEFENDANT:

Pled true to violating Paragraphs I & II of the Motion to Revoke Supervised Release filed on February 18, 2025.


See Petitions for Offender Under Supervision.

Certified copy of the Judgment imposed on April 30, 2019, in the U.S. District Court for the Northern District of Texas, Amarillo Division, is attached.

As pronounced on April 1, 2025, the defendant is sentenced as provided on page 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant shall 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 shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

Signed: April 2, 2025.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **Twenty-Four (24) months**.

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

1. that the Defendant be allowed to participate in any and all mental health treatment with particular emphasis on sex offender treatment and substance abuse treatment, if possible, if eligible, if consistent with security classification; and
2. that the Defendant be assigned to FCI-Seagoville, if possible, if eligible, if consistent with security classification.

Defendant is remanded to the custody of the US Marshal.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of **LIFE, minus revocation sentence**.

While on supervised release, in compliance with the Standard Conditions of supervision adopted by the United States Sentencing Commission at Section 5D1.3(c), the defendant shall:

1. The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.
3. The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.
4. The defendant shall answer truthfully the questions asked by the probation officer.
5. The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall 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, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.

7. The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or the job responsibilities), the defendant shall 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, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.
10. The defendant shall 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. The defendant shall 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 the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.
13. The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

Also, as set forth in the Notice of Intent to Impose Conditions of Supervised Release signed and dated April 1, 2025, the Defendant shall comply with the below-listed other conditions of supervised release, which are derived from Sections 5D1.3(a), (b), (d), and (e), in relevant part:

1. The defendant shall not commit another federal, state or local offense (*see* 18 U.S.C. § 3583(d)).
2. The defendant shall not unlawfully possess a controlled substance (*see* 18 U.S.C. § 3583(d)).
3. The defendant who is convicted for a domestic violence crime as defined in 18 U.S.C. § 3561(b) for the first time shall attend a public, private, or private non-profit 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 available within a 50-mile radius of the legal residence of the defendant (*see* 18 U.S.C. § 3583(d)).
4. The defendant shall refrain from any unlawful use of a controlled substance and submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court for any individual defendant if the defendant's presentence report or other reliable information indicates a low risk of future substance abuse by the defendant (*see* 18 U.S.C. § 3583(d)).

5. If a fine is imposed and has not been paid upon release to supervised release, the defendant shall adhere to an installment schedule to pay that fine (*see* 18 U.S.C. § 3624(e)).
6. The defendant shall (A) make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A, or any other statute authorizing a sentence of restitution; and (B) pay the assessment imposed in accordance with 18 U.S.C. § 3013. If there is a court-established payment schedule for making restitution or paying the assessment (*see* 18 U.S.C. § 3572(d)), the defendant shall adhere to the schedule.
7. The defendant is required to register under the Sex Offender Registration and Notification Act, the defendant shall comply with the requirements of that Act (*see* 18 U.S.C. § 3583(d)).
8. The defendant shall submit to the collection of a DNA sample from the defendant at the direction of the United States Probation Office if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (34 U.S.C. § 40702).
9. The defendant shall participate in an outpatient program approved by the probation officer for treatment of narcotic, drug, or alcohol dependency that will include testing for the detection of substance use, abstaining from the use of alcohol and all other intoxicants during and after completion of treatment, and contributing to the costs of services rendered (copayment) at the rate of at least \$10 per month.
10. The defendant shall participate in mental health treatment services as directed by the probation officer until successfully discharged. These services may include medications prescribed by a licensed physician. You must contribute to the costs of services rendered (copayment) at a rate of at least \$10 per month.
11. The defendant shall participate in sex offender treatment services as directed by the probation officer until successfully discharged. These services may include psycho-physiological testing (i.e., clinical polygraph, plethysmograph, and the ABEL screen) to monitor the defendant's compliance, treatment progress, and risk to the community. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$10 per month.
12. Without prior permission from the Court or probation officer, the defendant shall have no unsupervised communication or contact with persons under the age of 18; the defendant shall not be at or near places where minors congregate, nor shall the defendant create an opportunity for minors to congregate; the defendant shall not be employed or be a volunteer at places where minors congregate; and the defendant shall not date or befriend someone who has minors.
13. The defendant shall neither possess nor have under his control any sexually oriented, or sexually stimulating materials of adults or children. This includes visual, auditory, telephonic, electronic media, email, chat communications, instant messaging, or computer programs. The defendant shall not patronize any place where such material or entertainment is available. The defendant shall not use any sex-related telephone numbers.
14. The defendant shall not possess, have access to, or utilize a computer or Internet connection device, including, but not limited to cellular phones, Xbox, PlayStation, Nintendo, or similar device, without permission of the probation officer. This condition requires preapproval for categories of computer or Internet access or use; it does not require separate pre-use approval every time the defendant accesses or uses a computer or the Internet.
15. The defendant shall not engage in or utilize any service that allows peer-to-peer file sharing or file transfer protocol activity.

16. The defendant shall submit to periodic, unannounced examinations of his computer/computers, storage media, and/or other electronic or Internet-capable devices, performed by the probation officer at reasonable times and in a reasonable manner based on reasonable suspicion of contraband evidence of a violation of supervision. This may include retrieval and copying of any prohibited data and/or the removal of such system for the purpose of conducting a more thorough inspection. The defendant shall provide written authorization for release of information from the defendant's Internet service provider. The defendant shall warn any other people who use these computer or devices capable of accessing the Internet that the devices may be subject to searches pursuant to this condition.
17. The defendant shall participate and comply with the requirements of the Computer and Internet Monitoring Program and shall pay the costs of the Program. The defendant shall consent to the probation officer's conducting ongoing monitoring of his computer/computers. The monitoring may include the installation of hardware and/or software systems that allow evaluation of computer use. The defendant shall not remove, tamper with, reverse engineer, or circumvent the software in any way. The defendant shall only use authorized computer systems that are compatible with the software and/or hardware used by the Computer and Internet Monitoring Program. The defendant shall permit the probation officer to conduct a preliminary computer search prior to the installation of software. At the discretion of the probation officer, the monitoring software may be disabled or removed at any time during the term of supervision.
18. Without prior approval of the probation officer, the defendant shall not maintain or create a user account on any social networking site (i.e., Facebook, Twitter, Snapchat, Instagram, Grindr, Tinder, etc.) that allows access to persons under the age of 18 or allows for the exchange of sexually-explicit material, chat conversations, or instant messaging. The defendant shall neither view nor access any web profile of users under the age of 18.
19. Pursuant to the Sex Offender Registration and Notification Act (SORNA) (42 U.S.C. § 16901, et seq.), the defendant must register, and keep the registration current, with state and local law enforcement, as directed by the probation officer, in each jurisdiction where he resides, is employed, or is a student. The defendant must, no later than three business days after each change of name, residence, employment, or student status, appear in person in at least one of the jurisdictions and inform that jurisdiction of all changes in the information required in the sex offender registry. The defendant must also initially register in the jurisdiction in which he was convicted if such jurisdiction is different from the jurisdiction of residence. Initial registration shall occur before completion of the sentence of imprisonment with respect to the offense giving rise to the registration requirement. The defendant must provide to the appropriate official all information required in accordance with SORNA guidelines and additional state-specific regulations for inclusion in the sex offender registry. The defendant must provide written verification of registration to the probation officer within three business days following registration. This registration shall be renewed as required by the assigned tier.

RESTITUTION

The Court does not order a fine or costs of incarceration because the defendant does not have the financial resources or future earning capacity to pay a fine or costs of incarceration.

Restitution is not ordered because there is no victim other than society at large.

RETURN

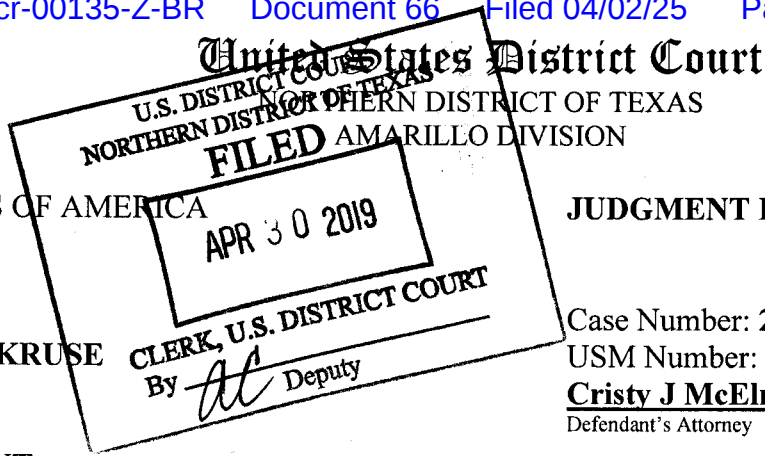
I have executed this Judgment as follows:

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

United States Marshal

By

Deputy Marshal



UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

v.

CHARLES LEE KRUSE

By *At* Deputy
CLERK, U.S. DISTRICT COURT

Case Number: 2:18-CR-00135-D-BR(1)

USM Number: 57974-177

Cristy J McElroy

Defendant's Attorney

THE DEFENDANT:

<input checked="" type="checkbox"/>	pleaded guilty to count(s)	1 of the superseding information filed on January 3, 2019
<input type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	

The defendant is adjudicated guilty of these offenses:

<u>Title & Section / Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. §§ 2252A(a)(5)(B) & 2252A(b)(2) - Possession of Prepubescent Child Pornography	01/01/2018	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s)
- Original indictment is are dismissed on the motion of the United States

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.

April 30, 2019

Date of Imposition of Judgment

Sidney A. Fitzwater
Signature of Judge

SIDNEY A. FITZWATER
SENIOR JUDGE

Name and Title of Judge

April 30, 2019
Date

79FH-985HF197CDM
?5F9B^A#7<9@@Z7@F?
By s/ **VICTORIA SHREWSBURY**
DEPUTY CLERK
U.S. DISTRICT COURT, NORTHERN
DISTRICT OF TEXAS
April 2, 2025

DEFENDANT: CHARLES LEE KRUSE
CASE NUMBER: 2:18-CR-00135-D-BR(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:

ninety seven (97) months as to count 1.

The court makes the following recommendations to the Bureau of Prisons: that the defendant be assigned to FCI-Seagoville, if eligible. The court further recommends that the defendant be allowed to participate in the Institutional Residential Drug Abuse Program, if eligible, and be assigned to serve his sentence at a facility where he can participate in the Program.

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.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By
DEPUTY UNITED STATES MARSHAL

DEFENDANT: CHARLES LEE KRUSE
CASE NUMBER: 2:18-CR-00135-D-BR(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **fifteen (15) years.**

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: CHARLES LEE KRUSE
CASE NUMBER: 2:18-CR-00135-D-BR(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.txnp.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: CHARLES LEE KRUSE
CASE NUMBER: 2:18-CR-00135-D-BR(1)

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall participate in a program (inpatient and/or outpatient) approved by the U.S. Probation Office for treatment of narcotic, drug, or alcohol dependency, which will include testing for the detection of substance use or abuse. The defendant shall abstain from the use of alcohol and/or all other intoxicants during and after completion of treatment. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$10 per month.
2. The defendant shall participate in mental health treatment services as directed by the probation officer until successfully discharged. These services may include medications prescribed by a licensed physician. You must contribute to the costs of services rendered (copayment) at a rate of at least \$10 per month.
3. The defendant shall participate in sex offender treatment services as directed by the probation officer until successfully discharged. These services may include psycho-physiological testing (i.e., clinical polygraph, plethysmograph, and the ABEL screen) to monitor the defendant's compliance, treatment progress, and risk to the community. The defendant shall contribute to the costs of services rendered (copayment) at a rate of at least \$10 per month.
4. Without prior permission from the Court or probation officer, the defendant shall have no unsupervised communication or contact with persons under the age of 18; the defendant shall not be at or near places where minors congregate, nor shall the defendant create an opportunity for minors to congregate; the defendant shall not be employed or be a volunteer at places where minors congregate; and the defendant shall not date or befriend someone who has minors.
5. The defendant shall neither possess nor have under his control any sexually oriented, or sexually stimulating materials of adults or children. This includes visual, auditory, telephonic, electronic media, email, chat communications, instant messaging, or computer programs. The defendant shall not patronize any place where such material or entertainment is available. The defendant shall not use any sex-related telephone numbers.
6. Pursuant to the Sex Offender Registration and Notification Act (SORNA) (42 U.S.C. § 16901, et seq.), the defendant must register, and keep the registration current, with state and local law enforcement, as directed by the probation officer, in each jurisdiction where he resides, is employed, or is a student. The defendant must, no later than three business days after each change of name, residence, employment, or student status, appear in person in at least one of the jurisdictions and inform that jurisdiction of all changes in the information required in the sex offender registry. The defendant must also initially register in the jurisdiction in which he was convicted if such jurisdiction is different from the jurisdiction of residence. Initial registration shall occur before completion of the sentence of imprisonment with respect to the offense giving rise to the registration requirement. The defendant must provide to the appropriate official all information required in accordance with SORNA guidelines and additional state-specific regulations for inclusion in the sex offender registry. The defendant must provide written verification of registration to the probation officer within three business days following registration. This registration shall be renewed as required by the assigned tier.

DEFENDANT: CHARLES LEE KRUSE
CASE NUMBER: 2:18-CR-00135-D-BR(1)

CRIMINAL MONETARY PENALTIES

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

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$100.00	\$.00	\$.00	\$.00

- The determination of restitution is deferred until *An Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- Restitution amount ordered pursuant to plea agreement \$
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
 - the interest requirement is waived for the fine restitution
 - the interest requirement for the fine restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22

** 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.

DEFENDANT: CHARLES LEE KRUSE
CASE NUMBER: 2:18-CR-00135-D-BR(1)

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 payments of \$ 100.00 due immediately, balance due
 not later than _____, or
 in accordance C, D, E, or F below; or
- B Payment to begin immediately (may be combined with C, D, or F below); or
- C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D Payment in equal 20 (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F Special instructions regarding the payment of criminal monetary penalties:

See special condition of supervision regarding restitution, as if set forth in full.

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.

- Joint and Several
See above for Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.
 Defendant shall receive credit on his restitution obligation for recovery from other defendants who contributed to the same loss that gave rise to defendant's restitution obligation.
- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Pursuant to 18 U.S.C. § 2253, it is hereby ordered that defendant's interest in the following property is condemned and forfeited to the United States: a black "CPU.COM" homemade desktop computer tower, serial number 538806, with a 2TB slave drive.

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) JVTA Assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.