A P P E N D I X A

OPINION OF DECEMBER 9, 2025, OF THE USCA FOR THE THIRD CIRCUIT

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

February 20, 2026

Glenda L. Lake
District Court of the Virgin Islands
Ron de Lugo Federal Building
5500 Veterans Drive, Suite 310
St. Thomas, VI 00802

RE: USA v. Russell Robinson
Case Number: 24-2655
District Court Case Number: 3:21-cr-00027-001

Dear District/Bankruptcy Clerk

Enclosed herewith is the certified judgment together with copy of the opinion or certified copy of the order in the above-captioned case(s). The certified judgment or order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the issuance of the mandate by copy of this letter. The certified judgment or order shows costs taxed, if any.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/ Kirsi
Case Manager
267-299-4911

cc: Mr. Russell Robinson
Adam Sleeper, Esq.
Ryan T. Truskoski, Esq.

APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-2655

UNITED STATES OF AMERICA

v.

RUSSELL ROBINSON,
Appellant

On Appeal from the District Court of the Virgin Islands
District Court No. 3:21-cr-00027-001
District Judge: Honorable Robert A. Molloy

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
December 8, 2025

Before: HARDIMAN, BIBAS, and PORTER, *Circuit Judges*

JUDGMENT

This cause came to be considered on the record from the District Court of the Virgin Islands and was submitted on December 8, 2025 pursuant to Third Circuit L.A.R. 34.1(a).

It is now hereby **ORDERED** and **ADJUDGED** by this Court that the judgment of the District Court entered on September 3, 2024 is hereby **AFFIRMED**.

APPENDIX A

All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

DATED: December 9, 2025

Certified as a true copy and issued in lieu of a formal mandate on February 20, 2026

Teste: Patricia S. Dodszuweit
Clerk, U.S. Court of Appeals for the Third Circuit

APPENDIX A

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 24-2655

UNITED STATES OF AMERICA

v.

RUSSELL ROBINSON,
Appellant

On Appeal from the District Court of the Virgin Islands
(D.C. No. 3:21-cr-00027-001)
District Judge: Honorable Robert A. Molloy

Submitted Under Third Circuit L.A.R. 34.1(a)
December 8, 2025

Before: HARDIMAN, BIBAS, and PORTER, *Circuit Judges*.

(Filed: December 9, 2025)

OPINION*

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* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

APPENDIX A

HARDIMAN, *Circuit Judge*.

A jury convicted Russell Robinson of two federal drug crimes. Robinson appeals, claiming entitlement to a new trial because a juror was impliedly biased against him. Because we agree with the District Court's factual findings and the juror's conduct did not create the risk of implied bias, we will affirm.

I

Robinson was charged in a two-count superseding indictment. Count One alleged that Robinson conspired with Trevor Stephen to possess with intent to distribute five or more kilograms of cocaine in violation of 21 U.S.C. § 846. Count Two alleged that Robinson possessed with intent to distribute five or more kilograms of cocaine and aided and abetted Stephen in possessing the cocaine with the intent to distribute in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A). A jury convicted Robinson on both counts. Robinson then moved for a judgment of acquittal or a new trial and Judge Molloy's recusal. The District Court denied all of Robinson's post-trial motions and sentenced Robinson to 300 months' imprisonment followed by ten years' supervised release. Robinson timely appealed.

II[1]

Robinson's appeal focuses on a note that Juror 127 wrote to the District Court on the second day of trial. The Government concluded its case-in-chief that afternoon. Robinson, proceeding pro se, began to present his case. When testimony concluded that

[1] The District Court had jurisdiction under 48 U.S.C. § 1612(a) and 18 U.S.C. § 3231. We have jurisdiction under 28 U.S.C. § 1291.

day, the Court informed the parties that it had received a note from Juror 127 stating: "Does the legal definition of 'distribute' . . . mean to deliver product to two or more entities? Or does [the] definition include a pass through to a single entity?" App. II 51. Robinson expressed confusion about the note and asked the District Court, "[D]idn't you instruct them there is no deliberations to happen until you give instructions?" Supp. App. 587. The Court told Robinson that he was correct and provided both parties an opportunity to review the note. The Court found that the jurors did not begin deliberations, stating that the note was "from one juror who's asking a question" and the Court "did not instruct [the jurors] that they could not ask . . . legal questions." Supp. App. 588.

When the District Court asked the Government for its position regarding the note, it responded that the jurors should be instructed to "continue to listen to all the evidence . . . to keep an open mind, and at the appropriate time, they'll be allowed to deliberate." Supp. App. 588–89. Robinson objected: "that's not a jury of my peers if they can't follow the instructions of the Court." Supp. App. 589. When asked what instruction Juror 127 violated, Robinson responded: "keep an open mind." Supp. App. 590. The Court countered: "I just see it as a juror asking a question based on something that came up in their mind. I don't find that this juror has failed to follow any of my instructions. . . . [T]here's no indication to me that they have commenced deliberations." *Id.*

The District Court confirmed that Juror 127 had submitted the handwritten note. It then instructed Juror 127: "[A]t the conclusion of all the evidence in this case, I will be giving you instructions on the law that you are to apply in this case. Please keep an open mind until then." Supp. App. 725–26. Juror 127 said that he understood this instruction. The trial proceeded, and the jury convicted Robinson on both counts of the superseding indictment.

Robinson later argued in his post-trial motion that Judge Molloy was biased, as evidenced in part by his refusal to replace Juror 127. He also contended that the District Court committed "plain and structural error" by refusing to replace Juror 127. Supp. App. 1026–27.

Now represented by counsel, Robinson argues that his Sixth Amendment right to an impartial jury and Fifth Amendment right to a fair trial were violated by the District Court's refusal to remove Juror 127—who Robinson alleges was impliedly biased against him. Robinson contends that he is entitled to "*per se* reversal," even without a showing of prejudice. Robinson Br. 11.

III

The parties dispute the proper standard of review. Robinson argues that de novo review applies to the determination of whether a juror was impliedly biased. The Government counters that we should review for plain error because Robinson did not raise the issue of implied bias in the District Court. The result is the same under both standards: the District Court did not err.

We have distinguished between two types of juror bias: actual and implied. *United States v. Mitchell*, 690 F.3d 137, 142 (3d Cir. 2012). Actual bias is "the existence of a state of mind that leads to an inference that the person will not act with entire impartiality." *Id.* (citation omitted). Implied bias is "'bias conclusively presumed as [a] matter of law,' or, put another way, 'bias attributable in law to the prospective juror regardless of actual partiality.'" *Id.* (quoting *United States v. Wood*, 299 U.S. 123, 133–34 (1936)). Implied bias "is rooted in the recognition that certain narrowly-drawn classes of jurors are highly unlikely, on average, to be able to render impartial jury service despite their assurances to the contrary." *Id.* (citations omitted). To determine whether a juror was impliedly biased, we ask whether the facts of the case "create in a juror an inherent risk of substantial emotional involvement" such that "an average person in the position of the juror in controversy would be prejudiced." *Id.* at 142 (citation omitted). Implied bias "is a limited doctrine, one reserved for exceptional circumstances." *Id.* at 147 (citations omitted).

It is unclear whether Robinson argues that Juror 127 engaged in premature deliberations with other jurors or inappropriately engaged with the evidence on his own before being instructed to do so by the District Court. Either way, Robinson's implied bias argument fails.

First, as the District Court found, there was no evidence that jurors began deliberating prematurely. And even assuming they did, premature deliberation is not a question of implied bias. Rather, we will reverse a conviction based on premature deliberations only if the defendant shows he was prejudiced by the deliberations. *See Szuchon v. Lehman*, 273 F.3d 299, 313–14 (3d Cir. 2001). Robinson has not shown prejudice.

Second, even if we assume that Juror 127 formed "some impression or opinion as to the merits of the case" before commencement of deliberations, this does not render him impliedly biased. *Irvin v. Dowd*, 366 U.S. 717, 722 (1961). There was no evidence that Juror 127 was incapable of laying "aside his impression or opinion," assuming he formed one, and rendering a "verdict based on the evidence presented in court." *Id.* at 723.

Juror 127 simply asked a legal question about an element of the statute in accordance with the District Court's instruction to put any questions in writing. The note did not create the kind of "extreme situation[]" where the relationship between the juror "and some aspect of the litigation is such that it is highly unlikely that the average person could remain impartial in his deliberations under the circumstances." *United States v. Calabrese*, 942 F.2d 218, 226 n.3 (3d Cir. 1991) (quoting *Person v. Miller*, 854 F.2d 656, 664 (4th Cir. 1988)).

* * *

For the reasons stated, we will affirm.

A P P E N D I X B

JUDGMENT OF DISTRICT COURT OF THE VIRGIN ISLANDS
ST. THOMAS AND ST. JOHN DIVISION

L. Robn

UNITED STATES DISTRICT COURT
DIVISION OF ST. THOMAS & ST. JOHN

UNITED STATES OF AMERICA	§	**JUDGMENT IN A CRIMINAL CASE**
	§	
v.	§	
	§	Case Number: 3:21-CR-00027-RAM-EAH(1)
RUSSELL ROBINSON	§	USM Number: 04776-094
	§	Russell Robinson, pro se
	§	Defendant's Attorney

THE DEFENDANT:

☐	pleaded guilty to count(s)	
☐	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
☐	pleaded nolo contendere to count(s) which was accepted by the court	
☒	was found guilty on count(s) after a plea of not guilty	I & II

Rec'd DCVI-ST 09 03'24 PM03:05

The defendant is adjudicated guilty of these offenses:

Title & Section / Nature of Offense	Offense Ended	Count
21:U.S.C. § 846 and 851Conspiracy To Possess With Intent To Distribute Cocaine	11/29/2021	1s
21:U.S.C. § 841(a)(1) and (b)(1)(A) Possession With Intent To Distribute Cocaine	11/29/2021	2s

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)

☐ Count(s) ☐ 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.

August 21, 2024
Date of Imposition of Judgment

/s/ Robert A. Molloy
Signature of Judge

Robert A. Molloy, Chief District Judge
Name and Title of Judge

September 3, 2024
Date

CERTIFIED A TRUE COPY THIS 3rd DAY OF September 2024
GLENDA L. LAKE, ESQ.
CLERK OF COURT
BY [signature]
DEPUTY

APPENDIX B

DEFENDANT: RUSSELL ROBINSON
CASE NUMBER: 3:21-CR-00027-RAM-EAH(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:

Three-hundred (300) months as to count 1s; and Three-hundred months as to count 2s. Terms imposed to be served concurrently. Pursuant to Public Law 108-405, Revised DNA Collection Requirements under the Justice for All Act of 2004, the defendant shall submit to DNA collection while incarcerated in the Bureau of Prisons, or at the direction of the U.S. Probation Office.

☒ The court makes the following recommendations to the Bureau of Prisons:
Defendant while incarcerated be housed in an institution where he can enroll in some course of study, vocational training, or college preparatory program.
Defendant while incarcerated be housed in an institution where he can participate in mental health treatment including cognitive behavioral treatment, if deemed necessary.
Defendant while incarcerated shall participate in the Inmate Financial Responsibility Program.
It is recommended defendant be housed in an institution in the State of Florida.

☒ 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: RUSSELL ROBINSON
CASE NUMBER: 3:21-CR-00027-RAM-EAH(1)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: Ten (10) years on count 1 and Ten (10) years on count 2. Term imposed to be served concurrently.

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: RUSSELL ROBINSON
CASE NUMBER: 3:21-CR-00027-RAM-EAH(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. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature ______________________________ Date ____________________

DEFENDANT: RUSSELL ROBINSON
CASE NUMBER: 3:21-CR-00027-RAM-EAH(1)

SPECIAL CONDITIONS OF SUPERVISION

1. Defendant while on supervised release shall provide the probation officer with access to any requested financial information.
2. If the defendant is unable to secure lawful employment, the defendant may be required to perform up to 20 hours of community service per week until employed. The defendant may also participate in training, counseling, daily job search, or other employment related activities, as directed by the probation officer.

DEFENDANT: RUSSELL ROBINSON
CASE NUMBER: 3:21-CR-00027-RAM-EAH(1)

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments page.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$200.00	$.00	$10,000.00	$.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 the schedule of payments page 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:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** 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: RUSSELL ROBINSON
CASE NUMBER: 3:21-CR-00027-RAM-EAH(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 $ ____________________ 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 ☒ **Defendant shall pay a fine in the amount of $10,000.00; payment shall be made in monthly installments of not less that 10% of the defendant's gross monthly income. Monies earned by the defendant would be used to satisfy the fine unless directed by the Court;** 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:
It is ordered that the Defendant shall pay to the United States a special assessment of $200.00 for Counts 1s and 2s , which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court.

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.

☐ 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:
Defendant shall forfeit any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such offenses and any property used, or intended to be used, in any matter or part, to commit, or to facilitate the commission of, the offenses, including, but not limited to, the conveyance of one (1) silver Toyota Tundra, bearing serial number 5TBBV541X7S451821 and tag number TG0-685.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

A P P E N D I X C

ORDER OF THE USCA FOR THE THIRD CIRCUIT DENYING REHEARING

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 24-2655

UNITED STATES OF AMERICA

v.

RUSSELL ROBINSON,
Appellant

SUR PETITION FOR REHEARING

Present: CHAGARES, *Chief Judge*, HARDIMAN, SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN, MONTGOMERY-REEVES, CHUNG, BOVE, and MASCOTT, *Circuit Judges*.

The petition for rehearing filed by the Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/ Thomas M. Hardiman
Circuit Judge

Dated: February 12, 2026

kr/cc: Russell Robinson
Ryan T. Turskoski, Esq.
Adam Sleeper, Esq.

APPENDIX C

Additional material from this filing is available in the Clerk's Office.