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IN THE SUPREME COURT OF THE UNITED STATES

CARLOS ROBLES,

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

/s/ Stephanie Eileen Inman

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United States v. Robles, No. 25-10468, 2026 WL 908540 (5th Cir. Apr. 2, 2026) (unpublished).

Appendix B Judgment and Sentence of the United States District Court
for the Northern District of Texas, entered March 18, 2025.
United States v. Robles, No. 3:20-CR-247-S.

APPENDIX A

United States Court of Appeals
for the Fifth Circuit

No. 25-10468

United States Court of Appeals
Fifth Circuit

FILED

April 2, 2026

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CARLOS ROBLES,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:20-CR-247-1

Before RICHMAN, DUNCAN, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Appellant Carlos Robles pleaded guilty to interstate travel with intent to engage in a sexual act with a minor in violation of 18 U.S.C. § 2423(b). At sentencing, the district court applied the guidelines cross-reference at United States Sentencing Guidelines (U.S.S.G.) § 2G1.3 in addition to several enhancements to determine Robles's guidelines range, and the district court imposed several conditions of supervised release. Robles

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

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appeals the application of the cross-reference, the § 2G2.1(b)(2)(A) enhancement, and three conditions of supervised release. We affirm.

I

Robles was arrested in New York for rape of a minor female in 2020. Through the subsequent investigation, detectives learned Robles had been communicating online with another minor, Jane Doe (JD1), from Fort Worth, Texas since 2019. Over chat, JD1 sent Robles nude images of herself and videos of herself masturbating. Robles sent her images and videos of himself masturbating. Robles travelled from Florida to Texas to meet JD1 at least four times. During these visits, JD1 performed oral sex on Robles at least three times, and Robles touched JD1 at least twice.

Robles was indicted for one count of interstate travel with intent to engage in a sexual act with a minor under 18 U.S.C. § 2423(b). Robles pleaded guilty without the benefit of a plea agreement. In calculating Robles's guidelines range, the Presentence Report (PSR) applied the 2021 Guidelines and used U.S.S.G. § 2G1.3 as the guidelines provision for the offense of conviction. It determined that § 2G1.3(c)(1)'s cross-reference to § 2G2.1 for when "the offense involved causing, transporting, permitting, or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct"¹ applied in determining Robles's base offense level. The PSR then applied several enhancements, including a two-level enhancement per § 2G2.1(b)(2)(A) for when "the offense involved . . . the commission of a sexual act or sexual contact"² because JD1 performed oral sex on Robles.

¹ U.S. SENT'G GUIDELINES MANUAL § 2G1.3(c)(1) (U.S. SENT'G COMM'N 2021).

² *Id.* § 2G2.1(b)(2)(A).

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The PSR also included several mandatory and special conditions of supervised release. Relevant to this appeal, the PSR included a mandatory condition requiring Robles “comply with the requirements of the Sex Offender Registration and Notification Act . . . as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where [Robles] reside[s], work[s], [is] a student, or w[as] convicted of a qualifying offense.” The PSR further included Special Condition Number Two, stating Robles “shall participate in sex offender treatment services as directed by the probation officer . . . [which] may include psychophysiological testing (i.e., clinical polygraph, plethysmograph, and the ABEL screen) to monitor [Robles’s] compliance, treatment progress, and risk to the community.” Finally, Special Condition Number Four stated Robles “shall neither possess nor have under his control any sexually oriented, or sexually stimulating materials of adults or children.”

Robles filed objections to the PSR’s application of the cross-reference to § 2G2.1, the two-level enhancement per § 2G2.1(b)(2)(A), and each of the above conditions of supervised release. At sentencing, the district court overruled each of Robles’s objections, but modified Special Condition Number Four to state “[Robles] 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).”

The district court adopted the statement and guideline applications in the PSR. The court sentenced Robles to 360 months of imprisonment and 24 years of supervised release. Robles timely appealed.

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II

We first consider Robles's challenges to the district court's calculation of his guidelines range and sentence. Because Robles preserved this issue by objecting before the district court, "we review the district court's interpretation and application of the Sentencing Guidelines de novo and its findings of fact for clear error."³

A

Robles first argues the district court erred by applying the cross-reference to U.S.S.G. § 2G2.1. Robles asserts "neither the offense of conviction nor relevant conduct involved a visual depiction of the victim engaged in sexually explicit conduct" because "there is no evidence that any visual depictions were created 'during the commission of the offense of conviction,' which involved a single trip undertaken on January 31, 2020." Robles further argues "any cross reference would necessarily be based on a theory of relevant conduct," and the videos JD1 sent of herself do not qualify as relevant conduct. Robles's argument fails because he takes an overly narrow view of relevant conduct.

U.S.S.G. § 2G1.3(a)(4) sets forth the advisory guidelines range for violations of 18 U.S.C. § 2423(b).⁴ At U.S.S.G. § 2G1.3(c)(1), the guidelines have a cross-reference to § 2G2.1, applicable "[i]f the offense involved causing, transporting, permitting, or offering or seeking by notice or advertisement, a minor to engage in sexually explicit conduct for the purpose

³ *United States v. Peterson*, 977 F.3d 381, 392 (5th Cir. 2020) (quoting *United States v. Nguyen*, 854 F.3d 276, 280 (5th Cir. 2017)).

⁴ See U.S. SENT'G GUIDELINES MANUAL § 2G1.3 cmt. statutory provisions (U.S. SENT'G COMM'N 2021).

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of producing a visual depiction of such conduct.”⁵ That cross-reference “is to be construed broadly.”⁶ It “includes all instances in which the offense involved employing, using, persuading, inducing, enticing, coercing, transporting, permitting, or offering or seeking . . . a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct.”⁷ The term “offense” includes “the offense of conviction and all relevant conduct under § 1B1.3.”⁸

In its response to Robles’s objection to the PSR, the government agreed that “Robles did not film JD1 when he traveled to have sex with her from Florida to Texas.” Robles is therefore correct that the cross-reference was based on relevant conduct, not the offense of conviction. Relevant conduct under § 1B1.3 includes “all acts and omissions committed, aided, abetted, counseled, commanded, induced, procured, or willfully caused by the defendant . . . that occurred during the commission of the offense of conviction, in preparation for that offense, or in the course of attempting to avoid detection or responsibility for that offense.”⁹ Robles argues “the visual depictions were not made in ‘preparation’ for the trip” because “[t]here is no evidence, for example, that the participants discussed the trip during the process of creating the depictions.” We disagree.

In other contexts, we have recognized that “grooming behavior,” such as “deliberate actions taken by a defendant to expose a child to sexual material,” has “the ultimate goal of . . . the formation of an emotional

⁵ *Id.* § 2G1.3(c)(1).

⁶ *Id.* § 2G1.3 cmt. n.5(A).

⁷ *Id.*

⁸ *Id.* § 1B1.1 cmt. n.1(I).

⁹ *Id.* § 1B1.3(a)(1)(A).

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connection with the child and a reduction of the child's inhibitions in order to prepare the child for sexual activity.”¹⁰ In this case, the PSR suggested that since JD1 “had already shared multiple masturbation videos with Robles . . . he probably believed his trip would result in sexual contact.” The exchange of these videos qualifies as relevant conduct because it suggests a pattern of grooming undertaken “in preparation for th[e] offense”¹¹ of interstate travel with intent to engage in a sexual act.¹² Because this was relevant conduct permitted to be considered under the Sentencing Guidelines, the district court did not err in applying the cross-reference.

B

Robles next argues the district court erred by applying the two-level enhancement under U.S.S.G. § 2G2.1(b)(2)(A) for when “the offense involved . . . the commission of a sexual act or sexual contact.”¹³ Robles contends that “because the instances of sexual contact occurred during his January 2020 trip . . . were not visually depicted, they should not be used to enhance the separate offense governed by the cross reference to U.S.S.G. § 2G2.1.” Robles appears to assert that because the cross-reference applies,

¹⁰ *United States v. Howard*, 766 F.3d 414, 424-25 (5th Cir. 2014) (quoting *United States v. Chambers*, 642 F.3d 588, 593 (7th Cir. 2011)).

¹¹ U.S. SENT’G GUIDELINES MANUAL § 1B1.3(a)(1)(A) (U.S. SENT’G COMM’N 2021).

¹² *Cf. United States v. Schneider*, 801 F.3d 186, 205 (3d Cir. 2015) (affirming application of cross-reference because an “offense involv[ing] criminal sexual abuse” was relevant conduct to charge of “foreign travel with the intent to engage in a sexual act with a minor” where defendant “was able to commit the offense because he had cultivated a years-long sexual relationship with the victim by means of sexual abuse” prior to the foreign travel).

¹³ U.S. SENT’G GUIDELINES MANUAL § 2G2.1(b)(2)(A) (U.S. SENT’G COMM’N 2021).

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the district court could not have considered other relevant offense conduct aside from the visual depictions of JD1. He is mistaken.

The § 2G2.1(b)(2)(A) enhancement applies “[i]f the offense involved . . . the commission of a sexual act or sexual contact.”¹⁴ Again, the term “offense” includes “the offense of conviction and all relevant conduct under § 1B1.3.”¹⁵ “Therefore, the enhancement under § 2G2.1(b)(2)(A) applies whenever sexual contact (or sexual acts) can be considered relevant conduct to the offense of conviction.”¹⁶ Relevant conduct includes “all acts . . . that occurred during the commission of the offense of conviction.”¹⁷ The enhancement therefore applies if the sexual contact between Robles and JD1 occurred during Robles’s interstate travel with intent to engage in a sexual act with a minor.¹⁸ It is beyond dispute that sexual contact occurred during Robles’s interstate travel. Robles himself admits “instances of sexual contact occurred during the January 2020 trip.” The district court accordingly did not err by applying this enhancement.

III

Robles challenges his conditions of supervised release. “We review ‘properly preserved objections to the imposition of conditions of supervised

¹⁴ *Id.*

¹⁵ *Id.* § 1B1.1 cmt. 1(I).

¹⁶ *United States v. King*, 979 F.3d 1075, 1083 (5th Cir. 2020).

¹⁷ U.S. SENT’G GUIDELINES MANUAL § 1B1.3(a)(1)(A) (U.S. SENT’G COMM’N 2021).

¹⁸ *Cf. King*, 979 F.3d at 1083 (“The question here is thus whether the district court committed plain error at King’s sentencing by concluding that the sexual contact between King and a child ‘occurred during’ the production of child pornography or ‘in preparation for’ the production of child pornography.”).

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release for an abuse of discretion.’”¹⁹ A sentencing court may impose a condition of supervised release that “(1) is reasonably related to the factors set forth in [18 U.S.C.] 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 [those statutes]; and (3) is consistent with any pertinent policy statements issued by the Sentencing Commission pursuant to 28 U.S.C. [§] 994(a).”²⁰

A

Robles first challenges Mandatory Condition Number Six, which requires him to “comply with the requirements of the Sex Offender Registration and Notification Act [(SORNA)] . . . as directed by the probation officer, the Bureau of Prisons [(BOP)], or any state sex offender registration agency in the location where [Robles] reside[s], work[s], [is] a student, or w[as] convicted of a qualifying offense.” Robles argues this condition is improperly “alterable by Probation, the BOP[,], or some other authority purporting to construe it.”

We disagree. As we reasoned in our unpublished decision in *United States v. Alexander*,²¹ the condition does not permit the probation officer, the BOP, or state sex offender registration agencies to “alter [Robles]’s substantive registration obligations. It simply sets out who may issue him instructions related to his compliance with SORNA.”²² While unpublished

¹⁹ *United States v. Morin*, 832 F.3d 513, 516 (5th Cir. 2016) (quoting *United States v. Salazar*, 743 F.3d 445, 448 (5th Cir. 2014)).

²⁰ 18 U.S.C. § 3583(d).

²¹ No. 21-11237, 2022 WL 3134226 (5th Cir. Aug. 5, 2022) (unpublished).

²² *Id.* at *3; see also *United States v. Dailey*, 941 F.3d 1183, 1194-95 (9th Cir. 2019) (upholding same condition of supervised release because “[t]he court clearly directed [the defendant] to register as a sex offender under SORNA[,], and t]hat federal probation officers

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decisions issued on or after January 1, 1996 “are not precedent” except in limited circumstances in this circuit,²³ they “may be persuasive authority.”²⁴ Though Robles argues *Alexander* is inapplicable because it considered this argument in the context of deciding whether an appeal waiver applied, we find it nonetheless “specifically reject[ed] an argument identical to the one raised here,” and we view that decision as “highly persuasive.”²⁵ We conclude the district court did not abuse its discretion in imposing this condition.

B

Robles next argues that Special Condition Number Two, which makes him subject to sex offender treatment services that may include penile plethysmograph testing, is more intrusive than necessary. As Robles acknowledges, this argument is foreclosed in this circuit.²⁶

C

Finally, Robles challenges Special Condition Number Four as more intrusive than necessary as it relates to the viewing or possession of otherwise legal visual depictions of adults engaging in sexually explicit conduct.

or the local sheriff may later tell [the defendant] how to register properly in a given location is not a delegation of the Article III judicial power”); *United States v. Thomas*, 827 F. App’x 72, 76-77 (2d Cir. 2020) (unpublished) (upholding similar condition of supervised release).

²³ See 5TH CIR. R. 47.5.4.

²⁴ *Ballard v. Burton*, 444 F.3d 391, 401 n.7 (5th Cir. 2006).

²⁵ *United States v. Illies*, 805 F.3d 607, 609 (5th Cir. 2015).

²⁶ *United States v. Ellis*, 720 F.3d 220, 227 (5th Cir. 2013); see also *United States v. Ybaben*, 809 F. App’x 253, 254 (5th Cir. 2020) (unpublished) (“The parties are also correct that *United States v. Ellis* forecloses Ybaben’s challenge to the condition of his supervised release” “requiring him to participate in sex offender treatment that may include plethysmograph testing.” (internal citation omitted)).

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Generally, “[w]hen a defendant’s crime is ‘sexual in nature,’ it is ‘reasonable for the district court to restrict [the defendant’s] access to sexually stimulating material more broadly in an effort to prevent future crimes or aid in his rehabilitation.’”²⁷

Citing our decision in *United States v. Salazar*,²⁸ Robles first argues the condition may not be imposed because there is “no evidence that his consumption or access to other [obscene] material played any role in this or any past offense.” Robles’s contention is belied by the record. The PSR noted that “JD1 indicated the conversation between her[] and Robles . . . almost always resulted in her sending inappropriate videos to Robles which typically involved her masturbating.” As explained above, these videos were part of Robles’s preparation for the offense.²⁹ *Salazar* does not dictate the contrary. There, we held “the district court abused its discretion by not providing sufficient reasons to support the imposition” of the special condition where “[t]here d[id] not appear to be any evidence that [the defendant was] a repeat offender of sex crimes or that access to pornographic materials contributed to his original offense.”³⁰ By contrast, here, Robles is a repeat offender with a prior conviction, the circumstances at issue involve three minor victims, and, as above, access to pornographic materials did contribute to his offense.

Robles next argues the condition is improper because “there is no evidence that the defendant’s sexual interest in minors is ‘intertwined with’

²⁷ *United States v. Abbate*, 970 F.3d 601, 605 (5th Cir. 2020) (second alteration in original) (quoting *Ellis*, 720 F.3d at 227).

²⁸ 743 F.3d 445 (5th Cir. 2014).

²⁹ *See supra* II.A.

³⁰ *Salazar*, 743 F.3d at 452-53.

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his sexual interest in adults.” We have previously upheld similar special conditions where the defendant’s “interest in ‘sexually stimulating’ materials involving adults [wa]s intertwined with his sexual interest in minors,”³¹ including where “videos seized from the defendant’s residence depicted both nude adults and nude minors” and “images on [the defendant’s] hard drive depict[ed] children engaging in sexual acts with adults.”³² While Robles did not possess pornography depicting both minors and adults, we have also “found a nexus between possession of legal adult pornography and child pornography” where the PSR “documented that [the defendant] owned numerous adult pornographic movies with titles suggestive of young participants.”³³

Similarly here, the PSR detailed Robles “was interested in teenage girls pretending to be younger children,” leading him to provide one victim with pacifiers, a onesie, and baby food. Given Robles’ interest in older individuals appearing younger, we find here “a nexus between possession of legal adult pornography and child pornography.”³⁴ Indeed, the addendum to the PSR noted “this prohibition prevents a sex offender from continuing to engage in ‘fantasy sex,’ which often leads to high-risk behavior.” In light of the foregoing, “[i]t is ‘not difficult to infer’ that [Robles]’s access to such materials could ‘influence[] his subsequent behavior,’ putting both his

³¹ *United States v. Miller*, 665 F.3d 114, 136 (5th Cir. 2011); *see also Abbate*, 970 F.3d at 606.

³² *Abbate*, 970 F.3d at 606; *see also United States v. Brigham*, 569 F.3d 220, 233-34 (5th Cir. 2009) (upholding special condition where child pornography posted online by the defendant included depictions of minors engaged in sexual intercourse with adults).

³³ *Abbate*, 970 F.3d at 605-06 (internal quotation marks omitted).

³⁴ *Id.* at 605.

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rehabilitation and the public at risk.”³⁵ We therefore hold the district court did not abuse its discretion by imposing this condition.

* * *

For the foregoing reasons, we AFFIRM Robles’s sentence and conditions of supervised release.

³⁵ *Id.* at 606 (third alteration in original) (quoting *United States v. Sealed Juvenile*, 781 F.3d 747, 756 (5th Cir. 2015)).

APPENDIX B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

UNITED STATES OF AMERICA

v.

CARLOS ROBLES

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JUDGMENT IN A CRIMINAL CASE

Case Number: 3:20-CR-00247-S(01)

USM Number: 63544-509

Stephanie Inman

Defendant's Attorney

THE Defendant:

☐	pleaded guilty to count(s)	
☒	pleaded guilty to count(s) before the U.S. Magistrate Judge, which was accepted by the Court	Count 1 of the Indictment, filed May 28, 2020.
☐	pleaded nolo contendere to count(s) which was accepted by the Court	
☐	was found guilty on count(s) after a plea of not guilty	

The Defendant is adjudicated guilty of:

Title & Section / Nature of Offense

18 USC § 2423 Interstate Travel with Intent to Engage in a Sexual Act with a Minor

Offense Ended

01/31/2020

Count

1

The Defendant is sentenced as provided in this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The Defendant has been found not guilty on count(s)
- ☐ The [charging instrument], filed [date], is 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.

March 11, 2025

Date of Imposition of Judgment



Signature of Judge

KAREN GREN SCHOLER**UNITED STATES DISTRICT JUDGE**

Name and Title of Judge



Date of Signature

DEFENDANT: CARLOS ROBLES
CASE NUMBER: 3:20-CR-00247-S(01)

IMPRISONMENT

The Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **360 months** as to Count 1.

- ☒ The Court makes the following recommendations to the Bureau of Prisons:
That the Defendant be allowed participate in the Skills Program and the Sex Offender Treatment Program while incarcerated in the Bureau of Prisons, if eligible. Further, the Court recommends that Defendant be placed at either FCI Coleman or FCI Danbury where these programs are offered, or, alternatively, as close to the South Florida area as possible due to proximity to family.
- ☒ The Defendant is remanded to the custody of the United States Marshal.
- ☐ The Defendant shall surrender to the United States Marshal:
- ☐ 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 #:## p.m./a.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:

The Defendant delivered on ~~DATE HERE~~ to

at ~~LOCATION HERE~~, with a certified copy of this Judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

DEFENDANT: CARLOS ROBLES
CASE NUMBER: 3:20-CR-00247-S(01)

SUPERVISED RELEASE

Upon release from imprisonment, the Defendant shall be on supervised release for a term of **24 years**.

MANDATORY CONDITIONS

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.

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*).
8. ☒ You must pay the assessment imposed in accordance with 18 U.S.C. § 3013.
9. ☐ If this judgment imposes a fine, you must pay in accordance with the Schedule of Payments sheet of this judgment.

DEFENDANT: CARLOS ROBLES
CASE NUMBER: 3:20-CR-00247-S(01)

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 of, 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: CARLOS ROBLES
CASE NUMBER: 3:20-CR-00247-S(01)

SPECIAL CONDITIONS OF SUPERVISION

The Defendant shall participate in outpatient mental health treatment services as directed by the probation officer until successfully discharged, which services may include prescribed medications by a licensed physician, with the Defendant contributing to the costs of services rendered (copayment) at a rate of at least \$20 per month.

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 \$20 per month.

The Defendant must not have direct contact with any child the Defendant knows or reasonably should know to be under the age of 18, including his own children, without the permission of the probation officer. If the Defendant does have any direct contact with any child he knows or reasonably should know to be under the age of 18, including his own children, without the permission of the probation officer, the Defendant 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.

The Defendant 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).

The Defendant shall have no contact with any victim of this offense, including by correspondence, telephone, or communication through third parties, except under circumstances approved in advance by the probation officer. The Defendant shall not enter onto the premises, travel past, or loiter near any victim's residence, place of employment, or other places frequented by the victim.

The Defendant shall participate and comply with the requirements of the Computer and Internet Monitoring Program, contributing to the cost of the monitoring in an amount not to exceed \$40 per month. 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.

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 the 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 not use any computer/computers other than those the Defendant is authorized to use without prior approval from the probation officer.

The Defendant shall not use any software program or device designed to hide, alter, or delete records and/or logs of the Defendant's computer use, Internet activities, or files stored on the Defendant's computer.

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 a person 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 he knows or believes to be under the age of 18.

DEFENDANT: CARLOS ROBLES
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CRIMINAL MONETARY PENALTIES

The Defendant must pay the total criminal monetary penalties under the Schedule of Payments page.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00

- ☐ 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 non-federal 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.

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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 with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, ☐ E, 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 _____ (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:
It is ordered that the Defendant shall pay to the United States a special assessment of \$100.00 for Count 1, which shall be due immediately. Said special assessment shall be paid to the Clerk of the 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 the Defendant's 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:

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) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.