

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted November 7, 2025

Decided November 10, 2025

BeforeFRANK H. EASTERBROOK, *Circuit Judge*KENNETH F. RIPLE, *Circuit Judge*DORIS L. PRYOR, *Circuit Judge*

No. 24-3039

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,**v.*AUSTIN KOECKERITZ,
*Defendant-Appellant.*Appeal from the United States District
Court for the Western District of
Wisconsin.

No. 23-cr-5-jdp

James D. Peterson,
*Chief Judge.***ORDER**

After Austin Koeckeritz pleaded guilty to two sex-trafficking charges, he was sentenced to 240 months in prison and ordered to pay over \$400,000 in restitution. He appeals, but his appointed counsel asserts the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738, 744 (1967). Counsel's brief details the nature of the case and discusses issues that an appeal of this kind might be expected to involve. Because counsel's analysis appears thorough, we limit our review to the subjects that counsel discusses, *United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014),

plus additional issues that Koeckeritz raises in response, *see* CIR. R. 51(b). We grant the motion and dismiss the appeal.

Background

In 2020, Koeckeritz met a woman ("Jane Doe 1") on Facebook, and she moved into his home in Wisconsin two weeks later. The relationship soon deteriorated when Koeckeritz prevented her from seeing friends and family, monitored her online activity, and became physically aggressive. Koeckeritz's behavior made Jane Doe 1 feel unable to leave the relationship. While living together, Koeckeritz directed Jane Doe 1 to broadcast sexual activity online in exchange for money for a period of about 19 months. Koeckeritz controlled the money she made through a limited liability company.

A minor ("Jane Doe 2") frequently spent time at Koeckeritz's home while Jane Doe 1 was living there. Koeckeritz showed Jane Doe 2 the broadcasts and told her she should move in so that he could help her make money. Koeckeritz proposed a plan to Jane Doe 2 for her to post sexually suggestive content promoting Jane Doe 1's broadcasts. Koeckeritz purchased props for Jane Doe 2 to use in her videos and instructed her to post promotional social media content. He also took sexually explicit photos of Jane Doe 1 and Jane Doe 2 together to sell online.

A grand jury charged Koeckeritz with nine counts, including sex trafficking of Jane Doe 1 by force, fraud, or coercion and sex trafficking of Jane Doe 2, a minor, 18 U.S.C. §§ 1591(a)(1), (b)(1), (b)(2), (c), 1594(a). Koeckeritz pleaded guilty to two sex-trafficking charges and agreed to forfeit funds related to the charges. *See id.* § 1594(d). In the plea agreement, he waived his right to appeal his conviction and any sentence of imprisonment and agreed to pay restitution. At the change-of-plea hearing, Koeckeritz confirmed that he understood the charges and the rights he was waiving. He also acknowledged that he faced a minimum term of 15 years' imprisonment for the trafficking of Jane Doe 2 and 10 years' imprisonment for the trafficking of Jane Doe 1 and a maximum penalty of life in prison. *See id.* § 1591(b)(1)–(2). The district court accepted the plea after finding it was knowing and voluntary and that there was an adequate factual basis.

At the sentencing hearing, the district court adopted the presentence investigation report and imposed a within-guidelines sentence of 240 months' imprisonment and a life term of supervised release. At a separate hearing, the court ordered restitution in the amount of \$410,042.26, including the revenue from

Jane Doe 1's broadcasts, medical expenses for Jane Doe 1, the value of Jane Doe 2's labor, and future therapy costs for Jane Doe 2.

Analysis

A. Guilty Plea

Counsel first informs us that Koeckeritz does not wish to withdraw his guilty plea, but Koeckeritz's response disputes the voluntariness of his plea. Regardless, such a challenge would be frivolous. Because Koeckeritz did not move in the district court to withdraw his plea, our review would be limited to plain error. *United States v. Larry*, 104 F.4th 1020, 1022 (7th Cir. 2024). The transcript of the plea colloquy shows that the court substantially complied with the requirements of Rule 11(b) and thus ensured the plea was knowing and voluntary. *See id.* The court confirmed Koeckeritz understood the nature of the charges, the minimum and maximum penalties, the trial rights he was waiving, and the consequences of his plea. *See* FED. R. CRIM. P. 11(b)(1)(A)–(O).

Koeckeritz argues that his mental-health conditions interfered with his judgment. But the district court asked at the hearing whether Koeckeritz's antidepressants or untreated mental-health conditions might affect his decision-making, and he replied that they would not. *See United States v. Dyer*, 892 F.3d 910, 914 (7th Cir. 2018) (explaining pleas by defendants with mental illnesses are valid if court determines defendant can understand and participate in proceedings). Because we presume that Koeckeritz was telling the truth at the colloquy, *see United States v. Barr*, 960 F.3d 906, 917 (7th Cir. 2020), any argument that his plea was involuntary would be frivolous.

B. Sentencing

Counsel next determines correctly that the appeal waiver would foreclose any challenge to Koeckeritz's sentence. "An appeal waiver 'stands or falls with the underlying agreement and plea.'" *Larry*, 104 F.4th at 1023 (quoting *United States v. Nulf*, 978 F.3d 504, 506 (7th Cir. 2020)). Because Koeckeritz pleaded guilty voluntarily and knowingly, the waiver is enforceable unless the court considered a constitutionally impermissible factor or the sentence exceeded the statutory maximum. *See id.* And neither is the case here.

The waiver applies only to a sentence of imprisonment, so counsel considers and appropriately rejects a challenge to the term and conditions of supervised release. The

district court must justify the term of supervised release by stating reasons related to the factors listed in 18 U.S.C. § 3553(a) and has wide discretion in determining the conditions of supervised release. *United States v. Kappes*, 782 F.3d 828, 837–38 (7th Cir. 2015). Here, when imposing a life term of supervised release, the court noted Koeckeritz’s personality traits that put him at risk of re-offending and the need to protect the community. Koeckeritz objected to a special condition that requires approval from his probation officer to own a recording device. He argued that the condition is overbroad because it could prevent him from owning a cellphone, which has become an essential part of everyday life.

Conditions of supervised release are overbroad if they “involve a greater deprivation of liberty than is reasonably necessary to achieve the goals of deterrence, incapacitation, and rehabilitation.” *United States v. Shannon*, 851 F.3d 740, 744–45 (7th Cir. 2017) (quoting *United States v. Warren*, 843 F.3d 275, 281 (7th Cir. 2016)). When evaluating a condition like this one that requires the defendant to seek a probation officer’s permission, we presume the officer will impose the condition in a reasonable manner. *Warren*, 843 F.3d at 281 (citing *Kappes*, 782 F.3d at 857–58). Given the underlying facts in this case and the district court’s conclusion that Koeckeritz is at risk of re-offending, it would be frivolous to argue that requiring Koeckeritz to obtain permission before owning a recording device involves a deprivation of liberty greater than reasonably necessary to prevent him from committing future offenses.

C. Restitution

Counsel lastly considers whether any non-frivolous challenge to the court’s calculation and imposition of restitution is available. Restitution falls outside the scope of the appeal waiver, so Koeckeritz retains the right to appeal this issue. *See United States v. Shah*, 665 F.3d 827, 839 (7th Cir. 2011). We would review the district court’s statutory power to order restitution de novo and its calculation of restitution for abuse of discretion, viewing the evidence in the light most favorable to the government. *United States v. Alvarez*, 21 F.4th 499, 502–03 (7th Cir. 2021). The government bears the burden of establishing the amount of restitution by a preponderance of the evidence. *United States v. Robl*, 8 F.4th 515, 527 (7th Cir. 2021).

Restitution is mandatory for Koeckeritz’s convictions. *See* 18 U.S.C. § 1593(a). So an argument that the district court lacked authority to order it would be frivolous.

Counsel considers and rejects five arguments that Koeckeritz raised in the district court about the amount of restitution. We agree that each would be frivolous.

First, counsel considers whether Koeckeritz could challenge the district court's refusal to deduct taxes that he paid on the broadcast earnings. Koeckeritz is required to pay "the full amount of the victim's losses" plus "the greater of the gross income or value to the defendant of the victim's services or labor." 18 U.S.C. § 1593(b)(3). An argument that the district court should have only considered net earnings conflicts with the plain language of the statute. *See Gross*, BLACK'S LAW DICTIONARY (12th ed. 2024) (defining "gross" to mean "undiminished by deduction"). What Koeckeritz decided to do with his gains does not affect what he owes under § 1593, so counsel correctly concludes any argument for deducting taxes would be frivolous.

Second, counsel concludes, and we agree, that Koeckeritz waived any argument about medical expenses for Jane Doe 1. *See United States v. Macias*, 927 F.3d 985, 989 (7th Cir. 2019). After the district court agreed that Koeckeritz already had paid the medical expenses Jane Doe 1 incurred during the time she was broadcasting, Koeckeritz dropped his objection to including medical expenses she incurred after that time in the restitution amount. *See* 18 U.S.C. §§ 1593(b)(3), 2259(c)(2)(A).

Third, counsel considers and rejects an argument that the district court miscalculated the value of Jane Doe 2's labor in creating social media posts. *See* 18 U.S.C. § 1593(b)(3). Counsel correctly points out that the district court erroneously used the relevant-conduct test to determine whether Jane Doe 2's labor was within the scope of restitution instead of the narrower proximate-cause test, which looks to only the offense of conviction. *See United States v. Griffin*, 76 F.4th 724, 749 (7th Cir. 2023). But under the proximate-cause test the result is the same: As part of his trafficking of Jane Doe 2, Koeckeritz enticed her into posting sexually suggestive content, so he received the value of her labor as a direct result of the offense of conviction. An argument that the court improperly included the value of her labor in the restitution order as required by § 1593 would be frivolous.

Fourth, counsel discusses whether Koeckeritz could challenge the calculation of the cost of Jane Doe 2's future therapy. *See* 18 U.S.C. §§ 1593(b)(3), 2259(c)(2)(A). But as counsel recognizes, the district court correctly limited its considerations under 18 U.S.C. § 3664(f)(1)(B) to the value lost by the victim and not any value returned through insurance. *See United States v. Malone*, 747 F.3d 481, 485 (7th Cir. 2014). And though an award for prospective losses, such as future therapy, is necessarily uncertain, the district court may still order it. *United States v. Dickey*, 52 F.4th 680, 687 (7th Cir. 2022). Jane Doe 2's therapist testified that Jane Doe 2 would need 1 to 2 sessions per week for

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one year. The district court ordered restitution for 1.5 sessions per week for one year. It would be frivolous to argue this determination was an abuse of discretion. *See id.* at 688.

Fifth, counsel informs us Koeckeritz would like to argue that the value of his forfeiture should be credited toward his restitution to avoid double recovery. But restitution and forfeiture serve different purposes and generally go to different parties. *See United States v. Venturella*, 585 F.3d 1013, 1019–20 (7th Cir. 2009). Here the victims recover restitution, and the government recovers forfeited funds. While 18 U.S.C. § 1594(f)(1) requires the Attorney General to transfer forfeited assets to victims, the plain text specifies that requirement only applies “to satisfy victim restitution orders.” A defendant remains responsible for satisfying the full restitution amount using non-forfeited assets and must reimburse the Attorney General for any transfer. *Id.* § 1594(f)(3). Because the statute requires Koeckeritz to satisfy the restitution and forfeiture orders separately, an argument that the restitution amount should be offset by the forfeiture would be frivolous. *See United States v. Emerson*, 128 F.3d 557, 566–67 (7th Cir. 1997).

D. Remaining Arguments

Koeckeritz asks us to consider whether he received ineffective assistance from his trial counsel. But a claim that counsel was ineffective is best saved for collateral review, where the record can be more fully developed. *See United States v. Cates*, 950 F.3d 453, 456–57 (7th Cir. 2020) (citing *Massaro v. United States*, 538 U.S. 500, 504–05 (2003)). He also asks us to consider whether prison officials have violated his rights under the Eighth Amendment. But a civil-rights action, not a criminal appeal, is the proper vehicle for that claim. *See Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

* * *

We GRANT counsel’s motion to withdraw and DISMISS the appeal. We DENY Koeckeritz’s pending motions as unnecessary.

Appendix C 3

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

January 15, 2026

Before

FRANK H. EASTERBROOK, *Circuit Judge*

KENNETH F. RIPPLE, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

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AUSTIN KOECKERITZ,

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No. 3:23-cr-00005

James D. Peterson,
Chief Judge.

ORDER

On consideration of the Petition for Rehearing filed by Defendant-Appellant on December 19, 2025 and on the Amended Petition for Rehearing filed on January 13, 2026, all members of the original panel have voted to DENY the Petition for Panel Rehearing.

Accordingly, the Petition for Rehearing is DENIED.