PETITION APPENDIX

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APPENDIX A

Christopher David Clark
8:24-cr-441-JSM-NHA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA — **Case Number: 8:24-cr-441-JSM-NHA**

v. — **USM Number: 35565-511**

CHRISTOPHER DAVID CLARK — **Stephen Consuegra, AFPD**

AMENDED* JUDGMENT IN A CRIMINAL CASE

Defendant pleaded guilty to Counts One and Two of the Indictment. Defendant is adjudicated guilty of the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Numbers
18 U.S.C. §§ 2252(a)(2) and (b)(1)	Receipt of Child Pornography	On or about May 18, 2024	One
18 U.S.C. §§ 2252(a)(4)(B) and (b)(2)	Possession of Child Pornography	On or about September 12, 2024	Two

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

IT IS ORDERED that 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, Defendant shall notify the Court and United States Attorney of any material change in Defendant's economic circumstances.

Date of Imposition of Judgment:

April 22, 2025

JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

April 25, 2025

* Amended as to the addition of a Bureau of Prisons recommendation, the Restitution amount, and to clarify the Forfeiture language. No other changes made.

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IMPRISONMENT

Defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **ONE HUNDRED TWENTY (120) MONTHS. This term consists of a 120-month term as to each of Counts One and Two, with both such terms to concurrently.**

The Court made the following recommendation to the Bureau of Prisons:
1. Confinement at the Marianna facility located in Florida.

Defendant is remanded to the custody of the United States Marshal to await designation by the Bureau of Prisons.

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 U.S. Marshal

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SUPERVISED RELEASE

Upon release from imprisonment, Defendant will be on supervised release for a term of **ONE HUNDRED EIGHTY (180) MONTHS. This term consists of a 180-month term as to each of Counts One and Two, with both such terms to concurrently.**

MANDATORY CONDITIONS

1. Defendant shall not commit another federal, state or local crime.
2. Defendant shall not unlawfully possess a controlled substance.
3. Defendant shall refrain from any unlawful use of a controlled substance. Defendant shall 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 mandatory drug testing requirements of the Violent Crime Control Act are suspended. However, you must submit to random drug testing not to exceed 104 tests per year.
4. Defendant shall cooperate in the collection of DNA as directed by the Probation Officer.
5. Defendant shall make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution.
6. Defendant shall 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 the location where you reside, work, are a student, or were convicted of a qualifying offense.

Defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

Defendant shall also comply with the additional conditions on the attached page.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, Defendant shall 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. Defendant shall 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. After initially reporting to the Probation Office, Defendant will receive instructions from the court or the Probation Officer about how and when Defendant must report to the Probation Officer, and Defendant must report to the Probation Officer as instructed.
2. After initially reporting to the Probation Office, you will receive instructions from the court or the Probation Officer about how and when Defendant shall report to the Probation Officer, and Defendant shall report to the Probation Officer as instructed.
3. Defendant shall 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. Defendant shall answer truthfully the questions asked by your Probation Officer
5. Defendant shall 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), 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, Defendant shall notify the Probation Officer within 72 hours of becoming aware of a change or expected change.
6. Defendant shall allow the Probation Officer to visit you at any time at your home or elsewhere, and Defendant shall permit the Probation Officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. Defendant shall 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 Defendant shall 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), 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, Defendant shall notify the Probation Officer within 72 hours of becoming aware of a change or expected change.
8. Defendant shall not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, Defendant shall 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, Defendant shall notify the Probation Officer within **72 hours**.
10. 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. 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 you pose a risk to another person (including an organization), the Probation Officer may require you to notify the person about the risk and

Defendant shall comply with that instruction. The Probation Officer may contact the person and confirm that you have notified the person about the risk.

13. Defendant shall 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:_____

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ADDITIONAL CONDITIONS OF SUPERVISED RELEASE

1. You shall participate in a mental health program specializing in sexual offender treatment and submit to polygraph testing for treatment and monitoring purposes. You shall follow the probation officer's instructions regarding the implementation of this court directive. Further, you shall contribute to the costs of such treatment and/or polygraphs not to exceed an amount determined reasonable by the probation officer based on ability to pay or availability of third-party payment and in conformance with the Probation Office's Sliding Scale for Treatment Services.

2. You shall register with the state sexual offender registration agency(s) in any state where you reside, visit, are employed, carry on a vocation, or are a student, as directed by the probation officer.

3. The probation officer shall provide state officials with all information required under Florida sexual predator and sexual offender notification and registration statutes (F.S. 943.0435) and/or the Sex Offender Registration and Notification Act (Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248), and may direct the defendant to report to these agencies personally for required additional processing, such as photographing, fingerprinting, and DNA collection.

4. You shall have no direct contact with minors (under the age of 18) without the written approval of the probation officer and shall refrain from entering into any area where children frequently congregate including: schools, daycare centers, theme parks, playgrounds, etc.

5. You are prohibited from possessing, subscribing to, or viewing, any images, videos, magazines, literature, or other materials depicting children in the nude and/or in sexually explicit positions.

6. Without prior written approval of the probation officer, you are prohibited from either possessing or using a computer (including a smart phone, a hand-held computer device, a gaming console, or an electronic device) capable of connecting to an online service or an internet service provider. This prohibition includes a computer at a public library, an internet cafe, your place of employment, or an educational facility. Also, you are prohibited from possessing an electronic data storage medium (including a flash drive, a compact disk, and a floppy disk) or using any data encryption technique or program. If approved to possess or use a device, you must permit routine inspection of the device, including the hard drive and any other electronic data storage medium, to confirm adherence to this condition. The United States Probation Office must conduct the inspection in a manner no more intrusive than necessary to ensure compliance with this condition. If this condition might affect a third party, including your employer, you must inform the third party of this restriction, including the computer inspection provision.

7. You shall submit to a search of your person, residence, place of business, any storage units under your control, computer, or vehicle, conducted by the United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. You shall inform any other residents that the premises may be subject to a search pursuant to this condition. Failure to submit to a search may be grounds for revocation.

8. You shall provide the probation officer access to any requested financial information.

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CRIMINAL MONETARY PENALTIES

Defendant must pay the following total criminal monetary penalties under the schedule of payments set forth in the Schedule of Payments.

Assessment	Restitution	Fine	AVAA Assessment[†]	JVTA Assessment[*]
$200.00	**$14,500.00 (total)**	**Waived, other than victim restitution**	**Not imposed**	**Not imposed**

Defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If Defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid in full prior to the United States receiving payment.

Name of Payee	Restitution Ordered
"Chelsea"	$500.00
"Angela"	$500.00
"April"	$500.00
"Maria"	$500.00
"Henley"	$500.00
"Fiona"	$500.00
"Audrey"	$500.00
"Jane"	$500.00
"Cindy"	$500.00
"Savannah"	$3,000.00

[†] Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pu. L. No. 115-299.

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

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"Skylar"	$500.00
"Sally"	$500.00
"Julie"	$500.00
"Jenny"	$500.00
"Maureen"	$500.00
"Patty"	$500.00
"Sarah"	$500.00
"Taylor"	$500.00
"SV"	$500.00
"Pia"	$500.00
"Sloane"	$500.00
"Raven"	$500.00
"Lily"	$500.00
"Ali"	$500.00
	$14,500.00 total

Restitution payments shall be made payable to:

Clerk, U.S. District Court
ATTN: DCU
401 W. Central Boulevard
Suite 1200
Orlando, Florida 32801

For distribution to the victims.

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SCHEDULE OF PAYMENTS

Having assessed Defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

Special Assessment shall be paid in full and is due immediately.

Unless the Court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of 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, unless otherwise directed by the Court, the Probation Officer, or the United States attorney.

Defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

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

FORFEITURE

Defendant shall forfeit to the United States those assets that are subject to forfeiture as previously identified in the Order of Forfeiture, the Indictment, and/or any subsequent orders.

APPENDIX B

2026 WL 2409789
Only the Westlaw citation
is currently available.
United States Court of
Appeals, Eleventh Circuit.

UNITED STATES of
America, Plaintiff-Appellee,
v.
Christopher David CLARK,
Defendant-Appellant.
United States of America,
Plaintiff-Appellee,
v.
Christopher David Clark,
Defendant-Appellant.

No. 25-11441, No. 25-11466
|
Non-Argument Calendar
|
Filed: 08/18/2026

Appeal from the United States District Court for the Middle District of Florida, D.C. Docket No. 8:24-cr-00441-JSM-NHA-1

Attorneys and Law Firms

Collette B. Cunningham, U.S. Attorney, DOJ-United States Attorney's Office, Jacksonville, FL, DOJ-United States Attorney's Office, Tampa, FL, for Plaintiff-Appellee.

Laura Daines, Federal Defender Organization Middle District of Florida, Public Defenders, Federal Public Defender's Office, Tampa, FL, for Defendant-Appellant.

Before Newsom, Brasher, and Abudu, Circuit Judges.

Opinion

PER CURIAM:

***1** Christopher David Clark appeals the restitution component of his sentence, which the district court imposed following his convictions for child pornography offenses, under 18 U.S.C. § 2252(a)(2), (a)(4)(B), (b)(1), & (b)(2). Clark raises two issues on appeal, but he concedes that each are foreclosed by binding precedent. After careful review, we affirm.

Under our prior panel precedent rule, we are bound to follow our own prior binding precedent until it is overruled by the Supreme Court or this Court sitting *en banc*. *United States v. White*, 837 F.3d 1225, 1228 (11th Cir. 2016); *United States v. Lee*, 886 F.3d 1161, 1163 n.3 (11th Cir. 2018). "To constitute an 'overruling' for the purposes of this prior panel precedent rule, the Supreme Court decision 'must be clearly on point.' " *United States v. Kaley*, 579 F.3d 1246, 1255 (11th Cir. 2009) (quoting *Garrett v. Univ. of Ala. at Birmingham Bd. of Trs.*, 344 F.3d 1288, 1292 (11th Cir. 2003)). "Even if the reasoning of an intervening high court decision is at odds with a prior appellate court decision, that does not provide the appellate court with a basis for departing from its prior decision." *United States v. Vega-Castillo*, 540 F.3d 1235, 1237 (11th Cir. 2008).

Clark's first argument is that the district court's imposition of restitution was based on judicial factfinding, rather than jury factfinding, and that this procedure violated his Fifth and Sixth Amendment rights. He concedes that this argument is foreclosed by *United States v. Kluge*, 147 F.4th 1291, 1301–03 (11th Cir.

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2025). His concession is correct. In *Kluge*, we held that restitution orders under 18 U.S.C. § 2259 are not criminal penalties and rejected a similar argument based on the Supreme Court's Fifth and Sixth Amendment jurisprudence. *Kluge*, 147 F.4th at 1301–03. Thus, under our prior precedent rule, we are bound to apply *Kluge*, reject Clark's first argument, and affirm on this issue. *White*, 837 F.3d at 1228; *Lee*, 886 F.3d at 1163 n.3. [1]

1 In his reply brief, Clark asserts that *Kluge* may be inconsistent with the Supreme Court's recent decision in *Ellingburg v. United States*, 146 S. Ct. 564 (2026). However, "[e]ven if the reasoning of" *Ellingburg* "is at odds with" *Kluge*, "that does not [us] with a basis for departing from" *Kluge*, *Vega-Castillo*, 540 F.3d at 1237, because *Ellingburg* addressed a different question than *Kluge* did, *see Kaley*, 579 F.3d at 1255.

Clark's second argument is that the district court's imposition of $14,500.00 in restitution was grossly disproportionate to the gravity of his offenses and, therefore, violated the Eighth Amendment's prohibition against excessive fines. He concedes that our decision in *United States v. Sotelo*, 130 F.4th 1229, 1250 n.9 (11th Cir. 2025), forecloses this issue. [2] In *Sotelo*, we held that the $3,000 mandatory minimum restitution sum in 18 U.S.C. § 2259(b)(2)(B) was not grossly disproportionate to the gravity of possessing child pornography. *Id.* at 1250 n.9. Accordingly, Clark's concession on this point is also proper, and we must affirm on this issue as well.

2 As a technical matter, we reviewed this issue only for plain error in *Sotelo*. *See* 130 F.4th at 1250 n.9. Nonetheless, Clark is correct that the language of the *Sotelo* opinion directly forecloses his challenge. *See id.* ("[I]n any event, a $3,000 minimum amount for restitution is not grossly disproportionate to the gravity of possessing child pornography.").

***2** For the reasons we have explained, our prior precedents foreclose Clark's arguments on appeal. Accordingly, we affirm.

AFFIRMED.

All Citations

Not Reported in Fed. Rptr., 2026 WL 2409789

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