



10:59 am, 11/3/20

**Margaret Botkins**  
Clerk of Court

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

AMENDMENT TO SEXUAL MATERIAL  
PROHIBITION SPECIAL CONDITION  
OF SUPERVISED RELEASE

GENERAL ORDER 2020-13

**GENERAL ORDER AMENDING SEXUAL MATERIAL PROHIBITION  
SPECIAL CONDITION OF SUPERVISED RELEASE**

This matter comes before the Court *sua sponte*. On October 9, 2020, the Tenth Circuit Court of Appeals issued an opinion in *United States v. Daniel Aaron Koch*, 19-8034, --- F.3d --- (10<sup>th</sup> Cir. 2020), finding the Court's imposition of a "Sexual Material Prohibition" was plain error due to the lack of sufficient findings to support the condition having been made. *Id.* at 17. The Court of Appeals also expressed concerns regarding the breadth of material potentially encompassed by the special condition. *Id.* 2-3, fn. 1. To avoid such overbreadth the Court hereby amends all Special Conditions of Supervised Release which provide:

The defendant shall not possess, send or receive any pornographic, sexually oriented, or sexually stimulating visual, auditory, telephonic or electronic signs, signals or sounds from any source, unless part of a treatment regimen. He shall not visit bulletin boards, chat rooms or other Internet sites where any pornographic, sexually oriented or sexually stimulating images or messages are discussed. He shall not send or receive e-mail or other documents discussing any pornographic, sexually oriented, or sexually stimulating images or messages.

**THEREFORE, IT IS ORDERED**, that those Special Conditions of Supervised

Release as noted above are hereby amended as follows:

The defendant shall not access, possess, send or receive any material that depicts sexually explicit conduct as defined in 18 U.S.C. § 2256(2)(A) in any format, including but not limited to images, books, writings, drawings, video games, or visual depiction of such conduct as defined in 18 U.S.C. § 2256(5); any material constituting or containing child pornography as defined in 18 U.S.C. § 2256(8), or any material constituting or

containing the obscene visual representation of the sexual abuse of children as defined in 18 U.S.C. § 1466A. The defendant shall not visit bulletin boards, chat rooms, or other Internet sites where any material referenced above is discussed.

**IT IS FURTHER ORDERED** that the United States Probation Office for the District of Wyoming shall advise all Defendants to whom this amendment applies or will apply upon being placed on Supervised Release.

Dated this 3<sup>rd</sup> day of November, 2020.



SCOTT W. SKAVDAHL  
CHIEF UNITED STATES DISTRICT JUDGE