

FILED

United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

October 1, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT WILLIAMS,

Defendant - Appellant.

No. 25-6203
(D.C. No. 5:25-CR-00107-SLP-1)
(W.D. Okla.)

ORDER AND JUDGMENT*

Before **MORITZ, BALDOCK**, and **EID**, Circuit Judges.**

After lewdly exposing his genitals in a dayroom at a federal prison transfer center where others to be offended or annoyed were present, and masturbating in front of a female prison guard and asking her “did you like what you saw?”, Defendant Robert Williams was charged in March 2025 with indecent exposure in violation of 18 U.S.C. §§ 13(a) and 7(3) (Assimilative Crimes Act) and 21 Okla. Stat. § 1021(A)(1). Defendant subsequently entered into a non-binding plea agreement with the

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Government pursuant to Fed. R. Crim. P. 11(c)(1)(A) and pleaded guilty to the charge. As an assimilated offense with no sufficiently analogous guideline, the district court imposed a sentence on Defendant of 96-months' imprisonment (within the statutory range of 30 days to 10 years) based on the 18 U.S.C. § 3553(a) factors, with said sentence to run consecutive to any undischarged term of imprisonment. *See* U.S.S.G. §§ 2X5.1 and 5G1.3(a). Defendant appealed. Our jurisdiction arises under 18 U.S.C. § 3742 and 28 U.S.C. § 1291. Now before the Court is appointed defense counsel's *Anders* brief and motion to withdraw as counsel and dismiss the appeal. *See Anders v. California*, 386 U.S. 738 (1967).¹ Having independently reviewed the entire record as well as defense counsel's *Anders* brief (to which Defendant has failed to respond after receiving notice), we agree with counsel that no nonfrivolous basis for Defendant's appeal appears in the record. Accordingly, we grant counsel's motion to withdraw and dismiss the appeal.

Defense counsel raises two possible issues for appellate review. The first is whether Defendant knowingly and voluntarily pleaded guilty to the charge of indecent exposure. After carefully reading Defendant's plea agreement, his petition to enter a

¹ In *Anders*, the Supreme Court held that if appointed counsel "finds his [client's] case to be wholly frivolous, after a conscientious examination of it, he should so advise the court and request permission to withdraw." 386 U.S. at 744. Counsel must submit to the court a brief "referring to anything in the record that might arguably support an appeal." *Id.* When counsel submits an *Anders* brief accompanied by a motion to withdraw, we "conduct a full examination of the record to determine whether defendant's claims are wholly frivolous." *United States v. Calderon*, 428 F.3d 928, 930 (10th Cir. 2005). If we agree with counsel's evaluation of the case, we grant the request to withdraw and dismiss the appeal. *Anders*, 386 U.S. at 744.

plea of guilty, and the transcript of his change of plea hearing, we agree with counsel that this issue lacks merit. Providing Defendant the benefit of de novo review, we see nothing in the record considered as a whole to suggest Defendant's guilty plea was anything other than knowing and voluntary.² See *United States v. Rubio*, 231 F.3d 709, 712 (10th Cir. 2000), *overruled on other grounds by United States v. Hahn*, 359 F.3d 1315 (10th Cir. 2004) (en banc). The district court conducted a thorough inquiry at the change of plea hearing during which Defendant indicated, as he had in his petition, that he was of clear and sound mind; that he understood the charges against him, the possible punishment, and the nature of the rights he was waiving; that he was pleading guilty of his own free will; and that the plea agreement contained all the terms of his agreement with the Government. In short, the record shows the district court fully questioned and advised Defendant consistent with the requirements of the Fifth Amendment's Due Process Clause and Fed. R. Crim. P. 11(b). See *United States v. McIntosh*, 29 F.4th 648, 655–56 (10th Cir. 2022) (recognizing that although Rule 11 is not itself a constitutional mandate, it is designed to assist the district court in making the constitutionally required determination that a defendant's guilty plea is knowing and voluntary).

The second issue defense counsel raises for review is whether the 96-month sentence of imprisonment the district court imposed on Defendant was procedurally

² The Defendant moved *pro se* in the district court to withdraw his guilty plea. But because Defendant was represented by counsel, the court exercised its discretion to strike his motion. See *United States v. Sandoval-De Lao*, 283 F. App'x 621, 625 (10th Cir. 2008).

and substantively reasonable. Again after a careful review of the record, we see no basis in the record for an appeal challenging the reasonableness of Defendant's sentence under an abuse of discretion standard of review. *See United States v. Jackson*, 82 F.4th 943, 949 (10th Cir. 2023). As for our procedural inquiry, the record reveals the district court properly calculated Defendant's sentencing range, properly considered the sentencing factors set forth in 18 U.S.C. §3553(a), properly selected a sentence based upon the undisputed facts, and adequately explained its chosen sentence. *See Gall v. United States*, 552 U.S. 38, 51 (2007). As for our substantive inquiry, the record further reveals that the Defendant's 96-month sentence, though harsh, did not "exceed[] the bounds of permissible choice given the facts and applicable law in the case at hand." *United States v. DeRusse*, 859 F.3d 1232, 1236 (10th Cir. 2017) (internal quotations omitted). In particular, the court observed that Defendant's criminal history was a "significant aggravating factor in this case," justifying any sentencing disparity between him and others charged with indecent exposure. Sentencing Tr. at 16. In addition to a criminal history that included armed robbery, other violent crimes, and firearms convictions, the court explained that the presentence investigation report (PSR)—to which Defendant had no objections—identified 10 instances of prison misconduct while Defendant was incarcerated from 2011 through 2014, and 27 instances of prison misconduct while he was incarcerated from 2018 through 2025, 17 of which involved engaging in sexual acts including indecent exposure. To make matters worse, Defendant, while incarcerated and awaiting sentencing in this case, threw a cup of body fluids on a detention officer and made

death threats to him and other officers. The next day, Defendant refused to comply with detention officers' orders and engaged in a physical confrontation with them. A short time thereafter, Defendant stabbed a fellow inmate with a shank up to 40 times and then threatened to stab a detention officer and others during the stabbing's investigation.

* * *

Because the record plainly reveals that Defendant's guilty plea was knowing and voluntary and the district court properly exercised its discretion in sentencing the Defendant as it did, we grant defense counsel's motion to withdraw from the case and dismiss the appeal.

MOTION TO WITHDRAW GRANTED; APPEAL DISMISSED.

Entered for the Court

Bobby R. Baldock
Circuit Judge