

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 1, 2025

Christopher M. Wolpert
Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSÉS RIC-E BECK, a/k/a Ricky,

Defendant - Appellant.

No. 24-7036
(D.C. No. 6:21-CR-00142-JFH-1)
(E.D. Okla.)

ORDER AND JUDGMENT*

Before **HARTZ**, **EID**, and **FEDERICO**, Circuit Judges.

While serving a term of supervised release after an 87-month prison sentence, Josés Ric-E Beck violated his supervised-release conditions. Because of those violations, the district court revoked Beck's supervised release and imposed a new sentence of two years' imprisonment.

On appeal, Beck challenges the new sentence, arguing that it is unreasonable because (1) it was based in part on Beck's noncompliance with his obligations under

* 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. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel.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.

the Sex Offender Registration and Notification Act, which Beck claims is improper because his state-court sex-offense conviction was purportedly entered without jurisdiction; (2) Beck's mental-health history and lack of essential life skills mitigate his culpability for violating the terms of his supervised release; and (3) other applicable statutory factors set forth in 18 U.S.C. § 3553(a) support a shorter sentence.

We reject each of Beck's arguments. First, we conclude that Beck's SORNA-based argument constitutes an impermissible collateral attack on his state-court conviction, and we hold that the district court could properly consider Beck's noncompliance with the SORNA obligations resulting from that conviction. We also hold that the district court was within its discretion to give less weight to Beck's mental-health history and lack of life skills when considering the mandatory sentencing factors under § 3553(a). Accordingly, we affirm.

I.

In 2021, Joses Ric-E Beck pleaded guilty in the Eastern District of Oklahoma to one count of burglary in the first degree in Indian Country and one count of assault resulting in serious bodily injury in Indian Country. The charges arose out of a 2017 incident in which Beck attacked a friend of his then-partner outside of his partner's apartment, broke into his partner's apartment, and forced her to see the aftermath of the beating. Following his guilty plea, Beck was sentenced to 87 months' imprisonment, which was to be followed by a three-year term of supervised release.

Beck completed his prison sentence and began his term of supervised release in June 2023. Six months later, the probation office sought to revoke Beck's supervised release, alleging that Beck had violated the conditions of his supervised release in several ways. First, the probation office alleged that Beck had failed to satisfy certain obligations under the Sex Offender Registration and Notification Act ("SORNA"), which he was required to comply with due to a 2008 state-court sex-offense conviction. Although Beck had properly registered as a sex offender, he subsequently moved and failed to notify law enforcement of his new address, as required under SORNA. Because Beck failed to do so, the probation office alleged, he had "commit[ted] another federal, state or local crime" in violation of the conditions of his supervised release. R. Vol. I at 118. Additionally, the probation office alleged that Beck violated his supervised-release conditions by testing positive for, and admitting to, marijuana use; failing to report to his probation officer as required under the terms of his supervised release; and failing to make court-ordered monthly payments toward his restitution obligation.

At the revocation hearing, the parties stipulated that the government could prove the factual bases of the allegations in the revocation petition. The district court accepted those stipulations and thereafter found, by a preponderance of the evidence, that Beck violated the conditions of his supervised release. In addition, the district court explained that Beck's advisory sentencing guidelines range was 18–24 months' imprisonment, with a statutory maximum of 24 months.

Before the district court made its revocation and sentencing determinations, it asked counsel for both parties whether there were any statements regarding the alleged violations or the stipulations. Beck's counsel then stated that Beck was requesting a sentence at the low end of the guidelines and noted that Beck "needs mental health treatment," lacks "the life skills to comply with conditions of release," and had faced significant difficulties in his life because he had been either in a juvenile home or incarcerated since the age of 12. R. Vol. III at 163. Beck himself also made a statement, apologizing for his actions and echoing his counsel's sentiments regarding the difficulties he had faced.

The district court then stated that it would revoke Beck's supervised release and impose a new, post-revocation sentence of imprisonment. In determining the length of the sentence, the district court noted that it had "considered the violation policy statements in Chapter 7 of the United States Sentencing Guideline manual" as well as the "factors set forth in Section 3553(a) as specifically enumerated in" 18 U.S.C. § 3583(e). *Id.* at 165. To that end, the district court also described the factors it considered, including "the nature and circumstances of the violation conduct" and Beck's "history and characteristics." *Id.* The district court found that Beck "showed disregard for the rules and conditions of supervised release as indicated by" his repeated violations. *Id.* Based on those factors, the district court concluded that its sentence would "serve as an adequate deterrent" to Beck "and provide protection for the public." *Id.*

Accordingly, the district court sentenced Beck to a term of 24 months' imprisonment. This appeal followed.

II.

We review a district court's decision to revoke a term of supervised release and to impose a new sentence for abuse of discretion. *United States v. Williams*, 106 F.4th 1040, 1044 (10th Cir. 2024). Additionally, "we review all sentences, including those imposed for violations of supervised release, for reasonableness." *United States v. Rausch*, 638 F.3d 1296, 1302 (10th Cir. 2011), *overruled on other grounds by United States v. Bustamonte-Conchas*, 850 F.3d 1130 (10th Cir. 2017) (en banc). In particular, we review the length of the sentence for substantive reasonableness, an inquiry that "focuses on 'whether the length of the sentence is reasonable given all the circumstances of the case in light of the factors set forth in 18 U.S.C. § 3553(a).'" *United States v. Friedman*, 554 F.3d 1301, 1307 (10th Cir. 2009) (quoting *United States v. Alapizco-Valenzuela*, 546 F.3d 1208, 1214 (10th Cir. 2008)). And as with our review of the decision to revoke a term of supervised release, we review the substantive reasonableness of a post-revocation sentence for abuse of discretion. *See United States v. McBride*, 633 F.3d 1229, 1232 (10th Cir. 2011).

A.

When sentencing a criminal defendant, a district court "may include as part of the sentence a requirement that the defendant be placed on a term of supervised release after imprisonment." 18 U.S.C. § 3583(a). As part of the supervised release, the district court must include certain conditions, such as "that the defendant not

commit another Federal, State, or local crime during the term of supervision,” that the defendant pay restitution, and that the defendant comply with the requirements of SORNA (if they are applicable). *Id.* § 3583(d). And if a district court finds, by a preponderance of the evidence, that a defendant violated one of those conditions, the court may revoke the supervised release and impose a new sentence of imprisonment. *Id.* § 3583(e)(3).

In imposing a new sentence after revoking a defendant’s supervised release, district courts must consider certain statutory factors set forth in 18 U.S.C. § 3553(a). *See id.* § 3583(e). Among the factors that a district court must consider, the ones relevant to this appeal require a district court to consider “the nature and circumstances of the offense and the history and characteristics of the defendant,” *id.* 3553(a)(1); “the need for the sentence imposed . . . to afford adequate deterrence to criminal conduct [and] to protect the public from further crimes of the defendant,” *id.* § 3553(a)(2)(B), (C); and “the need to provide restitution to any victims of the offense,” *id.* § 3553(a)(7).

Beyond the § 3553(a) factors, district courts are also required to consider the relevant policy statements issued by the United States Sentencing Commission—which, as applicable here, are set forth in Chapter 7 of the Sentencing Guidelines Manual. *See id.* § 3553(a)(4)(B), (a)(5); *see generally* U.S. Sentencing Guidelines Manual ch. 7 (2024). Chapter 7 instructs that, in imposing a post-revocation sentence, “the court should sanction primarily the defendant’s breach of trust, while taking into account, to a limited degree, the seriousness of the underlying violation

and the criminal history of the violator.” U.S. Sentencing Guidelines Manual ch. 7, pt. A(3)(b) (2024).

As explained, we review such sentences for substantive reasonableness. *See Friedman*, 554 F.3d at 1307. But when the district court imposes a post-revocation sentence that is within the guidelines range, the sentence is entitled to a rebuttable presumption of reasonableness. *McBride*, 633 F.3d at 1233–34 (“We have applied a presumption of reasonableness in reviewing within-guidelines sentences imposed upon conviction. . . . [T]hat presumption is also appropriate in reviewing a revocation-of-supervised-release sentence that is within the range.”). In order to rebut the presumption of reasonableness, a defendant must demonstrate that the sentence is unreasonable in light of the § 3553(a) factors. *Id.*

Additionally, although the district court generally must state the reasons for its sentence, *see* 18 U.S.C. § 3553(c), it need not always specifically address each statutory factor, *see United States v. Wireman*, 849 F.3d 956, 963 (10th Cir. 2017). Nor does it necessarily need to address every argument a party advances for a particular sentence. *See id.* Specifically, we have held that if the district court’s post-revocation sentence is within the guidelines range, then “the district court need *not* specifically address and reject each of the defendant’s arguments for leniency,” so long as the court indicates that its decision rests on both the guidelines and the § 3553(a) factors. *Id.*; *see United States v. Martinez–Barragan*, 545 F.3d 894, 903 (10th Cir. 2008) (noting that, when a district court imposes a within-guidelines sentence, “[t]he court must provide only a general statement of its reasons and need

not explicitly refer to either the § 3553(a) factors or respond to every argument for leniency that it rejects in arriving at a reasonable sentence” (citation and quotation omitted)).

B.

In this appeal, Beck asks us to vacate the district court’s post-revocation sentence because, he claims, it is unreasonably long. Specifically, Beck argues that his new sentence is unreasonable because (1) the district court based the sentence in part on Beck’s noncompliance with SORNA obligations, which Beck claims is improper because his state-court sex-offense conviction was purportedly entered without jurisdiction; (2) Beck’s mental-health history and lack of essential life skills mitigate his culpability for violating the conditions of his supervised release; and (3) the other factors set forth in § 3553(a) all support a more lenient sentence.

Each of Beck’s arguments fails. As an initial matter, we note several concessions and facts that undermine Beck’s claims at the outset. First, at the district court, Beck expressly stipulated that the government could prove he violated the terms of his supervised release—making it reasonable for the district court to find, by a preponderance of the evidence, that Beck in fact did so. *See United States v. Cordova*, 461 F.4th 1184, 1185, 1188 (10th Cir. 2006) (concluding that a district court may permissibly impose a post-revocation sentence based on a defendant’s stipulation that he violated the terms of his supervised release). Additionally, at the revocation hearing, the district court explicitly referenced the § 3553(a) factors and the Chapter 7 policy statements, and it explained the reasons for its sentence, as it

was required to do. And Beck concedes on appeal that his sentence is entitled to a presumption of reasonableness because it falls within the guidelines range. Apl't. Br. at 8 (“[T]he district court’s guidelines revocation sentence is presumptively reasonable.”).

Nevertheless, Beck challenges the district court’s imposition of a post-revocation sentence on several grounds. He first argues that, in fashioning the post-revocation sentence, the district court should not have considered his noncompliance with his SORNA obligations because those obligations stem from a state-court sex-offense conviction that Beck claims was entered without jurisdiction. According to Beck, the Supreme Court’s decision in *McGirt v. Oklahoma*, 591 U.S. 894 (2020), renders his state-court conviction void. *McGirt* held in part that the state of Oklahoma lacked jurisdiction to prosecute a defendant for crimes he committed as an enrolled member of an Indian tribe on that tribe’s land. 591 U.S. at 898. In light of *McGirt*, Beck argues, “the state of Oklahoma lacked jurisdiction to prosecute [him] for the 2008 sex offense.” Apl’t. Br. at 10.

There are two problems with Beck’s argument. First, his argument constitutes an “improper collateral attack on [his] prior conviction, which we cannot consider” in this appeal. *United States v. Palomino-Garcia*, 190 F. App’x 648, 649 (10th Cir. 2006) (unpublished) (citing *United States v. Delacruz-Soto*, 414 F.3d 1158, 1165–67 (10th Cir. 2005)); accord *United States v. Diaz*, 967 F.3d 107, 109 (2d Cir. 2020) (concluding that SORNA does not permit defendants to collaterally attack state-court convictions). Put differently, Beck’s argument is effectively an attempt to challenge

the underlying state-court conviction that gave rise to his SORNA obligations in the first place. But this direct appeal of Beck’s post-revocation sentence is not the proper vehicle through which to challenge the validity of Beck’s state-court conviction.

Second, even if Beck’s challenge were proper, we have previously rejected the notion that *McGirt* applies retroactively so as to render void any judgments that were already final at the time of that decision. *See Pacheco v. Habti*, 62 F.4th 1233, 1246 (10th Cir. 2023) (concluding that “*McGirt* announced no new constitutional right” and rejecting the argument that *McGirt* should be “retroactively applicable”).¹ Thus, Beck’s argument fails. The district court was permitted to consider Beck’s noncompliance with the SORNA obligations resulting from his state-court conviction.

Beck’s next argument fares no better. Beck argues that his history of mental-health issues and substance abuse, as well as his “lack of essential life skills,” mitigate his culpability for violating the conditions of his supervised release, thereby warranting a more lenient sentence. Aplt. Br. at 11. Specifically, Beck notes that he has experienced familial issues, including physical abuse, and began “getting in trouble with the law at age twelve, which coincide[d] with [his] early drug use.” *Id.* at 12 (quoting R. Vol. II at 126) (internal quotation marks omitted). Since that time,

¹ We have held in a distinct context, however, that *McGirt* may apply retroactively when a defendant has yet to be tried or convicted. *See United States v. Budder*, 76 F.4th 1007, 1010–11, 1015–16 (10th Cir. 2023).

Beck has also consistently been “in and out of group homes” or incarcerated, and so “he possesses very few of the skills needed to function independently in society.” *Id.* (citing R. Vol. III at 163–64). Those facts, Beck claims, are a relevant part of his “history and characteristics,” which the district court was required to consider in determining Beck’s sentence. *Id.* at 11; *see* 18 U.S.C. § 3553(a)(1). And Beck argues that those facts warranted a more lenient sentence because they indicate that he did not intentionally violate the conditions of his supervised release, but rather that he simply did not know how to “navigate” those conditions. *Aplt. Br.* at 13.

To be sure, Beck’s history of mental-health problems, substance abuse, and family difficulties could all indicate that his supervised-release violations were not intentional, but rather resulted from a lack of practical knowledge or awareness. But the district court was entitled to view Beck’s history in a different light, especially given that Beck repeatedly violated the conditions of his supervised release and acknowledged that he “do[es] not know how to function in society correctly.” R. Vol. III at 164.

Ultimately, when reviewing for substantive reasonableness, our Court does not second-guess “the weight a district court assigns to various § 3553(a) factors” or “its ultimate assessment of the balance between them.” *United States v. Smart*, 518 F.3d 800, 808 (10th Cir. 2008); *see United States v. Lewis*, 625 F.3d 1224, 1233 (10th Cir. 2010). Thus, despite Beck’s history of mental-health problems, substance abuse, and family issues, the district court was within its discretion to assign a lower weight to those factors.

For that same reason, Beck’s arguments with respect to the other factors—which he claims support a shorter sentence because (1) a longer sentence would not have a meaningful deterrent effect, (2) his violation conduct was non-violent, and (3) a shorter sentence would allow him to seek employment and pay restitution—also fail. Although the district court *could* have weighed those factors differently, nothing in the record indicates that its decision to weigh them as it did was somehow “arbitrary, capricious, whimsical, or manifestly unreasonable.” *Friedman*, 554 F.3d at 1307. Instead, the district court was justified in concluding that Beck’s repeated violations demonstrated a disregard for the conditions of his supervised release, therefore warranting a revocation of his supervised release and a post-revocation sentence at the high end of the guidelines range.

Accordingly, the district court did not abuse its discretion in imposing a 24-month term of imprisonment. We therefore affirm the post-revocation sentence imposed by the district court.

III.

For the foregoing reasons, we AFFIRM.

Entered for the Court

Allison H. Eid
Circuit Judge