NONPRECEDENTIAL DISPOSITION
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United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Argued April 23, 2025
Decided June 5, 2025

Before

DAVID F. HAMILTON, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 24-2064

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

PAUL WILLIAMS ANTI,
Defendant-Appellant.

Appeal from the United States District Court for the Western District of Wisconsin.

No. 3:23-cr-00022-wmc-1

William M. Conley,
Judge.

O R D E R

Paul Williams Anti pleaded guilty to one count of money laundering under 18 U.S.C. § 1956(h) for his role in a scheme to defraud various organizations out of millions of dollars. The district court sentenced Anti to 72 months in prison and ordered him to pay more than $2.4 million in restitution to the victims. Anti appeals, arguing that the district court sentenced him based on inaccurate information—the scope of his knowledge about the scheme, his role in the scheme, and his familiarity with such schemes as a result of his growing up in Ghana. We affirm because the record does not show the court relied on inaccurate information when it sentenced Anti.

Background

In October 2020, Anti participated in a conspiracy to defraud multiple businesses and organizations throughout the United States of more than $7 million. Unknown individuals gained access to the emails of the businesses and altered invoices to direct payments to bank accounts controlled by Anti and other conspirators. One Wisconsin-based organization lost $2.4 million to the fraud scheme.

Anti, for his part, used false identification documents to open and manage four bank accounts that received approximately $1 million of the $2.4 million stolen from the Wisconsin organization. Anti also controlled ten other bank accounts that he used to launder approximately $3.9 million stolen from the other victims. Under the scheme, Anti would immediately transfer to other bank accounts those payments by victims that had been redirected to the accounts he controlled.

Anti was caught when the FBI interviewed employees of the Wisconsin-based organization and obtained bank records of the accounts where the money was redirected. Investigators discovered that the accounts were opened and managed by someone using a stolen identity. Anti had opened the accounts with a fraudulent driver's license. Also, while working at a Connecticut assisted-living facility under a false name, Anti redirected correspondence from the bank accounts to the mailbox of one of the facility's patients. Investigators quickly matched Anti to the photograph on the fraudulent driver's license.

In February 2024, Anti pleaded guilty to one count of money laundering under 18 U.S.C. § 1956(h). In his plea agreement, he agreed that his role in the scheme was to launder the illegal proceeds. He acknowledged that while he did not know the details of the scheme, the government could prove that he knew the funds were fraudulently obtained and that he had no legal right to the funds deposited in his bank accounts. He agreed to pay restitution for the losses related to the scheme.

The probation office prepared a Presentence Investigation Report that incorporated objections and clarifications from Anti and the government. The PSR calculated a guideline range of 70 to 87 months in prison based on a total offense level of 27 (given a total loss amount of $3.8 million) under U.S.S.G. § 2S1.1(a)(2) and § 2B1.1(b)(1)(J), and a criminal history category of I.

In a sentencing memorandum, Anti objected to the total loss calculation. Without actually saying how much money *he* actually kept in this case, he asserted that money launderers "typically" retain a small percentage, borrowing a figure of two percent from the government's position in another case in the same district. On that basis Anti argued he should not be held responsible for the entire amount that passed through his bank accounts. He argued for a 46-month sentence based on this being his first offense, his low risk of reoffending, and the lower sentences received by similarly situated defendants. He maintained that he played a "discrete role," merely moved money around, and did not know where the money came from or where it ended up. He did not argue, however, that he was entitled to a mitigating-role reduction under U.S.S.G. § 3B1.2.

At the sentencing hearing, the court accepted the proposed guideline range of 70 to 87 months and rejected Anti's argument that his role in the scheme was limited. Impatient that Anti had not been more forthcoming with certain details about the scheme (such as how his co-conspirators gained access to the victims' accounts and how much of the funds he retained), the court said, "the defendant knows more than he's willing to disclose, and there has to be some consequence for that." The court noted the problem with the defendant's argument about keeping a small percentage without coming forward with actual evidence: "I'm not going to assume at this point for the defendant's benefit that he got some small percentage as a payment as a money launderer. That's an interesting theory, but it's not something that's before the court." The court went on: "I don't know how [Anti] gets the benefit of being a small player and a cog if he's not willing to work to at least describe how those cogs move, and there's got to be a consequence for having engaged in this kind of level of fraud for this long." The court added that, even if Anti lacked knowledge of the broader scheme and retained only a small percentage of the money, he was a key actor in the fraud because his laundering scheme was sophisticated and he "legitimized the entire operation by finding local addresses [and] moving large sums of money through his own accounts." It would be a "disservice," the court stated, for the sentence not to reflect Anti's role as a key player in the scheme.

The court's skepticism toward Anti's argument continued through the allocution, during which Anti denied defrauding any victims and insisted that he merely followed the orders of unknown individuals who called him. Anti maintained that he was misled by his co-conspirators and did not foresee the consequences of his actions because of his "African background." At that point, the judge interrupted Anti and expressed disbelief that he could have been unaware about the source of the funds and intentions of his co-conspirators. In an apparent off-the-cuff response, the judge then asserted—mistakenly—that Ghana "is one of the biggest economies in the world." Ghana may be a "third-world economy," the judge noted, but then added that "all kinds of economic activity" goes on there and that "it was a known center for this kind of fraud." Based on the time that Anti spent living in Accra, the judge expressed doubt that Anti "didn't know what was going on" in the greater scheme.[1] Anti did not object to any of this line of commentary.

The judge adopted the PSR and ultimately sentenced Anti to 72 months in prison and three years of supervised release. The judge also ordered him to pay $2.4 million in restitution. Addressing Anti's background and education under the factors in 18 U.S.C. § 3553(a), the judge again misspoke about the size of Ghana's economy: "He reports spending his upbringing and early years living in Ghana, the largest economy in Africa, then moving to the United Kingdom where he continued his education." The judge also considered Anti's use of false identification documents, his abuse of his position as a caretaker for the elderly, his efforts to conceal his identity, and the amount of fraudulent proceeds that passed through his bank accounts. The judge found that, although it was unknown whether Anti played a role in defrauding the victims, he was nonetheless a key player because he maintained a sophisticated system of money laundering that caused large losses for the victims that were not recovered.

Analysis

On appeal, Anti argues that the judge procedurally erred by sentencing him based on inaccurate information. He argues that the judge wrongly assumed that he knew more about the scheme than he had disclosed, that he was a key player in the scheme, and that he must have known about the intentions of his co-conspirators and the illegal source of the funds deposited into his account because he is Ghanian.

To challenge his sentence on the grounds that it was based on such a procedural error, Anti must show that that court relied on inaccurate information in sentencing him. *United States v. Campbell*, 99 F.4th 957, 960 (7th Cir. 2024). We review de novo whether the court committed any significant procedural error, and we review for clear error the district court's underlying factual findings. *United States v. Kowalski*, 103 F.4th 1273, 1277–78 (7th Cir. 2024). If there are no procedural errors, we review for abuse of discretion the substantive reasonableness of the sentence. *Id.*

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[1] According to the PSR, Anti lived in Accra between the ages of 11 and 23 before leaving to study in the United Kingdom. He later returned to Accra at an unspecified time.

I. *Anti's Knowledge of the Fraud Scheme*

Anti argues that the court procedurally erred by assuming that he knew more about the scheme than he had disclosed. He contends that the court relied on this assumption to infer that he was a key actor in the scheme. In support, he points to the court's comment that "there has to be some consequence" for his not disclosing more information about the conspiracy.

Defendants have a due process right to be sentenced based on accurate information. E.g., *United States v. Harris*, 118 F.4th 875, 887 (7th Cir. 2024). But a district court also has leeway to make common-sense inferences from the record. See *United States v. Moody*, 915 F.3d 425, 431 (7th Cir. 2019).

Here the court was entitled to infer from the record that Anti knew more than he had disclosed. The indictment, for instance, described his role in the scheme as "designed to conceal the source, control, ownership, and location of proceeds that were derived from a fraud-scheme" and "designed to help conceal his true identity and avoid detection." In addition, the plea agreement acknowledged that Anti may not have known the details of the scheme, but the government could prove that he knew the funds deposited into his accounts derived from unlawful activity. And the PSR, which the court adopted, described how Anti participated in the scheme for years, received fraudulent funds from organizations he did not work for, and transferred the fraudulent funds to other bank accounts.

Given that Anti disclosed virtually nothing to the government about the scheme in which he was significantly involved, the court acted within reason by inferring that he must have possessed more knowledge about his own involvement, his co-conspirators, and the amount of proceeds he kept, and by therefore discounting Anti's mitigation argument that he was a small cog in the larger fraudulent scheme. As the court noted, Anti was entitled to stand on his right not to provide further information to the government and the court, but he was not entitled to benefit from his silence by requiring the court to adopt his mitigation arguments based on speculation. See Sentencing Tr. at 10–12.

The record further supports the court's view that Anti's role as a money launderer was a crucial part of the scheme. As the judge explained, Anti's role was large: He laundered approximately $3.8 million of the $7 million lost by the victims through fourteen bank accounts that he controlled. Anti's operation was also sophisticated. He used multiple fake identification documents to set up the bank accounts and then routed the mail from those bank accounts to his elderly patient's mailbox. To hide his activities, he used a false name while he worked at the assisted living facility. What's more, Anti does not meaningfully dispute the judge's observation that he was a key actor because he "legitimized the entire operation" by laundering so much money.

II. *Anti's Nationality*

Anti also argues that the court relied on inaccurate and stereotypical beliefs about Ghana—the size of its economy and the prevalence of fraud there—to conclude that he knew about the illegal source of the funds and could not have been misled by the other fraudsters. Anti points to the court's statements that he must have known he was participating in fraud scheme because he is from Ghana, "one of the biggest economies in the world" that is a "known center for this kind of fraud."

We begin with our standard of review when evaluating this argument. Anti did not object to the judge's comments at sentencing about his nationality, an omission that raises questions about this court's standard of review. Earlier cases from this court suggest that the standard under such circumstances would be for plain error. See, e.g., *United States v. Trujillo-Castillon*, 692 F.3d 575, 578 (7th Cir. 2012). But we think the better view is conveyed in our more recent cases that point to a de novo standard because the alleged error occurred during the court's explanation of its sentencing decision. When the alleged error is created by the court's ruling itself, without an opportunity to object, a defendant like Anti need not assert an "exception" to the ruling to preserve the issue for review. *United States v. Martin*, 122 F.4th 286, 289–90 (7th Cir. 2024) (applying and explaining background of this principle); see also *United States v. Coe*, 992 F.3d 594, 597 (7th Cir. 2021) (de novo review of defendant's claim that judge impermissibly considered race during sentencing); *United States v. Beltran-Leon*, 9 F.4th 485, 491 (7th Cir. 2021) (de novo review of defendant's claim that judge impermissibly considered ethnicity during sentencing).

As for the merits, of course a district court may not consider national origin when it determines a sentence. *Trujillo-Castillon*, 692 F.3d at 579. But there is a "very fine line of demarcation separating presentencing statements regarding a defendant's relationship with a country or its residents who have engaged in similar criminal activity there and statements concerning the race or national origin of the defendant which would violate his due process guarantees." *Id.*, quoting *United States v. De La Cruz*, 870 F.2d 1192, 1198 (7th Cir. 1989).

Here, the court came close to that line when it expressed incorrect generalizations about Ghana's economy. Ghana is not among the top ten largest economies in Africa. See Adekunle Agbetiloye, *10 Largest Economies in Africa in 2024 – IMF*, Bus. Insider Afr. (Apr. 22, 2024), https://africa.businessinsider.com/local/markets/10-largest-economies-in-africa-in-2024-imf/3t0f1j1. Anti's Ghanaian background, in and of itself, did not initiate him in the workings of fraud schemes or enable him to foresee the consequences of his actions.

But as we read this transcript, the court ultimately did not rely on these inaccurate and inappropriate comments about Anti's nationality. His case differs from *Trujillo-Castillon*, in which we vacated the sentence where the judge appeared to rely on the defendant's Cuban heritage at sentencing. Here, it was Anti who first injected his nationality into the sentencing hearing when he argued that he could not foresee the consequences of his actions because of his "African background." The judge's statements stemmed from disbelief that Anti could argue that his Ghanaian background would prevent him from knowing what he was getting into. In context, it is apparent that the judge based Anti's sentence not on his nationality but on his key role as a money launderer in the scheme, his abuse of his position as a caretaker for the elderly, and the amount of loss the victims suffered. Still, this case serves as a caution that district judges must tread very carefully when responding to a defendant's invocation of race or nationality. Responses can too easily be misunderstood as reliance on impermissible factors.

Finally, Anti's within-guidelines sentence was substantively reasonable. A within-guideline range sentence is presumptively reasonable, see *Kowalski*, 103 F.4th at 1280, and Anti has given us no reason to overcome the presumption.

AFFIRMED