

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit****Chicago, Illinois 60604**

Argued June 4, 2025

Decided June 13, 2025

BeforeMICHAEL B. BRENNAN, *Circuit Judge*MICHAEL Y. SCUDDER, *Circuit Judge*THOMAS L. KIRSCH II, *Circuit Judge*

Nos. 24-2276, 24-2277, & 24-2278

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,**v.*JOHNATHAN BYARS,
*Defendant-Appellant.*Appeals from the United States District
Court for the Northern District of
Illinois, Western Division.Nos. 3:20-cr-50020-1, 3:21-cr-50057-1,
& 3:21-cr-50058-1Philip G. Reinhard,
*Judge.***ORDER**

In this consolidated appeal, Johnathan Byars challenges the substantive reasonableness of the 300-month sentence that he received for committing a spree of armed robberies and brandishing a gun.[†] He argues that although the district court

[†] Byars was charged for these robberies in three separate cases and accepted a plea deal that resolved each of the cases. He later was sentenced at a consolidated hearing.

considered all his arguments, it “improperly weighed the mitigating factors” and should have run his federal sentence concurrent to an undischarged state sentence for unrelated charges. We conclude that the court did not abuse its discretion on either issue, so we affirm.

Byars, along with different groups of accomplices, robbed or attempted to rob eight cellphone stores across Illinois from April 2019 through February 2020. These crimes were serious: the robberies often involved guns, threats of violence at gunpoint, and physically restraining the employees of the stores. In total, the robberies resulted in an estimated loss of \$109,006.37. Byars eventually pleaded guilty to three counts of Hobbs Act robbery, 18 U.S.C. § 1951(a), and one count of brandishing a firearm during a crime of violence, 18 U.S.C. § 924(c)(1)(A)(ii). He also stipulated that he committed the five other robberies charged in the counts to which he did not plead guilty.

Apart from this spree of robberies, Bryars violently stole two vehicles in January 2020. When stealing the first car, he pushed the owner out while the car was moving, causing significant injuries. He used force during the other carjacking as well, though the details are unclear. For these incidents, he eventually pleaded guilty in state court to attempted first-degree murder and vehicular hijacking, and he was sentenced to 156 months in prison. Neither stolen car was used in the phone-store robberies.

At Byars’s sentencing hearing, both parties agreed that Byars faced a total federal sentence of 272 to 319 months under the Sentencing Guidelines. His robberies resulted in a guidelines range of 188 to 235 months based on a total offense level of 31 and a criminal history category of VI, and the brandishing conviction required an additional consecutive sentence of at least 84 months. 18 U.S.C. § 924(c)(1)(A)(ii), (c)(1)(D).

The government argued for a sentence at the high end of the range to be served consecutively with the state sentence that Byars had not yet begun serving. It argued that the armed robberies were dangerous and serious offenses, and that Byars’s criminal history reflected an ongoing lack of respect for the law and the public. It also highlighted that Byars had significant disciplinary issues while in pretrial detention (over 65 citations for both minor rule violations and more serious ones, such as masturbating, exposing himself to jail staff, and possessing contraband).

Byars requested a below-guidelines sentence of 168 to 192 months to run concurrently with his state sentence. He argued that a lower sentence was justified because he had been physically and sexually abused for many years as a minor and because he had an intellectual disability. In support of his argument, he provided a

clinical intelligence evaluation from when he was 11 years old showing that he had an IQ of 48, “[e]xtremely [l]ow” intellectual functioning, and “significant impairment” in his cognitive abilities. Byars (who was 21 and 22 years old during the robberies) also contended that his youth granted him the potential to mature and rehabilitate himself.

The district court sentenced Byars to 300 months’ imprisonment: concurrent 216-month sentences for each of the three robbery charges, plus an 84-month sentence for the brandishing charge. Justifying this sentence, the court explained that the robberies were very serious offenses—most involved weapons and threats of violence toward the store employees—and that because of their menacing nature, a significant sentence was needed to protect the public. The court further observed that deterrence and promoting respect for the law were significant factors, in part because the court “ha[d] never seen so many” disciplinary violations by a defendant during pretrial detention. Although the court also considered Byars’s history of being abused and his intellectual disability as mitigating, it concluded that the “mitigating circumstances [were] far outweighed by the aggravating circumstances.” The court then announced that Byars’s federal sentence would run consecutively with his state sentence because a concurrent sentence would effectively “reduce [the] punishment” for the serious state crime of attempted murder.

Byars now challenges the substantive reasonableness of his within-guidelines sentence, which is presumed reasonable on appeal. *United States v. Porraz*, 943 F.3d 1099, 1104 (7th Cir. 2019) (citing *United States v. Gonzalez*, 765 F.3d 732, 740 (7th Cir. 2014)). He argues that a 300-month sentence, run consecutively to his 156-month state sentence, is greater than necessary to serve the goals of 18 U.S.C. § 3553(a) because of the mitigating factors in this case: his intellectual disability, childhood abuse, and potential for rehabilitation. We review a sentence’s substantive reasonableness for abuse of discretion. *Porraz*, 943 F.3d at 1104 (citing *United States v. Gill*, 889 F.3d 373, 378 (7th Cir. 2018)).

Byars’s challenge to his 300-month sentence fails because he does no more than second guess how the district court weighed the § 3553(a) factors. We will not “substitute our judgment” for that of a district court so long as the court’s explanation was consistent with the § 3553(a) factors. *Porraz*, 943 F.3d at 1104 (first citing *United States v. Wachowiak*, 496 F.3d 744, 751 (7th Cir. 2007); then citing *United States v. Melendez*, 819 F.3d 1006, 1013 (7th Cir. 2016)). And here, it was. Despite the mitigating factors in Byars’s favor, the court permissibly concluded that the significant aggravating factors—namely, the number and severity of Byars’s crimes along with his disciplinary history as a detainee—warranted a sentence at the higher end of the guidelines range.

Nos. 24-2276, 24-2277, & 24-2278

Page 4

The district court also acted within its discretion by running the federal and state sentences consecutively. Consecutive sentences are allowed when the state crimes are unrelated to the federal crimes, U.S.S.G. § 5G1.3(d), and running the sentences consecutively is presumed correct when they are imposed at different times, *United States v. Hubbert*, 35 F.4th 1068, 1074 (7th Cir. 2022) (citing 18 U.S.C. § 3584(a)). Both circumstances are present here. Further, to justify a consecutive sentence, the court may address just a single sentencing factor; it need not provide a factor-by-factor discussion. See *United States v. Orozco-Sanchez*, 814 F.3d 844, 849 (7th Cir. 2016). The court's explanation here—that running the sentences concurrently would diminish the punishment for the serious crime of attempted murder—adequately justified its decision.

AFFIRMED