NONPRECEDENTIAL DISPOSITION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

Submitted May 19, 2025
Decided May 20, 2025

Before

DIANE S. SYKES, *Chief Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-2576

UNITED STATES OF AMERICA, *Plaintiff-Appellee*,	Appeal from the United States District Court for the Southern District of Indiana, Indianapolis Division.
v.	No. 1:23-cr-00093-TWP-MG-4
JAMIE SULLIVAN, *Defendant-Appellant*.	Tanya Walton Pratt, *Chief Judge*.

O R D E R

Jamie Sullivan pleaded guilty to drug trafficking and money laundering and was sentenced to 24 years in prison. Sullivan appeals, but her appointed lawyer asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738 (1967). We notified Sullivan of counsel's motion, and she did not respond with her view of potential appellate arguments. *See* CIR. R. 51(b). Counsel's brief explains the nature of the case and addresses issues that an appeal of this kind would typically involve.

Because counsel's analysis appears thorough, we limit our review to the subjects that counsel discusses. *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014).

In January 2024, Sullivan was charged with conspiracy to possess with intent to distribute controlled substances, 21 U.S.C. §§ 841(a)(1), 846; conspiracy to launder monetary instruments, 18 U.S.C. § 1956(h); distribution of methamphetamine, 21 U.S.C. § 841(a)(1); possession with intent to distribute fentanyl, 21 U.S.C. § 841(a)(1); and possession of a firearm in furtherance of a drug trafficking crime, 18 U.S.C. § 924(c)(1)(A). The government ultimately agreed to dismiss the firearm charge, and Sullivan pleaded guilty, without a plea agreement, to the remaining charges.

At the change-of-plea hearing, Sullivan confirmed under oath that she understood the charges, the penalties, and the trial rights she was waiving, and she affirmed that her plea was voluntary. Sullivan admitted to being involved in a drug-trafficking organization that sold large quantities of methamphetamine and fentanyl in the Indianapolis area. She confirmed her role in coordinating drug couriers; receiving, counting, and distributing fentanyl pills; directing the transfer of proceeds from drug trafficking; transporting methamphetamine; and possessing drugs and a gun in her home. The district judge found a sufficient factual basis and accepted her guilty plea.

A probation officer prepared a presentence investigation report (PSR) and later a revised report. For purposes of the Sentencing Guidelines, the revised PSR created two offense groups: one for the three drug offenses, *see* U.S.S.G. § 3D1.2(d), and one for the drug-conspiracy and money-laundering offenses, *see id.* § 3D1.2(c). It calculated a base offense level of 38 for the drug-offense group because the scheme involved more than 90,000 kilograms of converted drug weight. *See id.* § 2D1.1(a)(5), (c)(1). The PSR added two offense levels for possessing a firearm in relation to the offense, *see id.* § 2D1.1(b)(1), two levels for maintaining a residence to distribute drugs, *see id.* § 2D1.1(b)(12), two levels for committing the offense as part of a pattern of criminal conduct engaged in as a livelihood, *see id.* § 2D1.1(b)(16)(E), and three levels for having a managing or supervising role in the drug offenses, *see id.* § 3B1.1(b). These adjustments produced an offense level of 47. For the money-laundering group, the PSR used the offense level for the drug convictions (without counting the Chapter 3 adjustment) to arrive at a base offense level of 44. *See id.* § 2S1.1(a)(1), cmt. n.2(C). It added two levels for being convicted under 18 U.S.C. § 1956, *see* U.S.S.G. § 2S1.1(b)(2)(B), and three levels for managing or supervising activity related to the money laundering, *see id.* § 3B1.1(b), resulting in an adjusted offense level of 49. The money-laundering group's higher offense level controlled for purposes of determining the applicable range. *See id.*

§ 3D1.4. Sullivan received a three-point decrease for accepting responsibility, *see id.* § 3E1.1, giving her an offense level of 46, which is treated as a total offense level of 43 because the sentencing table goes no higher, *see id.* § 5A cmt. n.2. Based on a total offense level of 43 and a criminal history category of I (Sullivan had no criminal history), the PSR calculated a guidelines range of life in prison. *See id.* § 5A.

Before sentencing, Sullivan raised five objections to the proposed offense-level increases. She argued that (1) she did not possess a firearm in furtherance of a drug trafficking offense; (2) she should therefore be considered a zero-point offender; (3) the facts did not show that criminal activity was her livelihood; (4) the manager/supervisor adjustment should not apply to her money-laundering offense; and (5) distributing drugs was not a primary use of her home.

At the sentencing hearing, the district judge overruled Sullivan's objections and adopted the PSR's guidelines calculations. The judge then heard Sullivan's allocution and the attorneys' arguments before weighing the sentencing factors under 18 U.S.C. § 3553(a). The judge sentenced Sullivan to 288 months' imprisonment on one group of offenses and 120 months on the other, all to be served concurrently, with a total of 5 years' supervised release to follow (the statutory minimum for the drug-conspiracy and methamphetamine-distribution offenses). The judge also ordered Sullivan to forfeit $3,520 and 133 rounds of ammunition and pay a fine of $2,000.

In his *Anders* brief, counsel first states that he consulted with Sullivan and confirmed that she does not wish to withdraw her guilty plea, so counsel properly omits discussion of potential arguments related to Sullivan's plea or plea colloquy. *See United States v. Larry*, 104 F.4th 1020, 1022 (7th Cir. 2024).

Next, counsel rightly concludes that Sullivan cannot plausibly challenge her sentence on procedural grounds. We review a judge's application of the Guidelines de novo and findings of fact for clear error. *E.g.*, *United States v. Shehadeh*, 127 F.4th 1058, 1064 (7th Cir. 2025).

Here, as counsel explains, the judge correctly calculated a "range" of lifetime imprisonment under the Guidelines, based on a total offense level of 43 and a criminal history category of I. *See* U.S.S.G. § 5A. Counsel considers whether Sullivan could plausibly reprise on appeal any of her five objections, but we agree that such challenges would be frivolous. First, Sullivan could not raise any nonfrivolous argument that the district judge clearly erred in finding that she possessed a firearm in connection with drug trafficking. Because Sullivan conceded that she possessed the firearm, the burden shifted to her "to show that it was clearly improbable that [s]he possessed the weapon in connection with the drug offense." *United States v. Ford*, 22 F.4th 687, 692 (7th Cir. 2022); *see* U.S.S.G. § 2D1.1 cmt. n.11(A). She did not make this showing. Instead, the judge reasonably found that the firearm was related to Sullivan's drug trafficking. "[G]uns found in close proximity to drug activity are presumptively connected to that activity," *United States v. Corral*, 324 F.3d 866, 873 (7th Cir. 2003), and officers found Sullivan's loaded gun in her bedroom near the drugs. Second, because the judge found that Sullivan possessed the firearm in connection with the offense, she could not qualify as a zero-point offender. *See* U.S.S.G. § 4C1.1(a)(7).

Third and fourth, Sullivan could not raise any nonfrivolous arguments that the judge clearly erred in finding that she engaged in a criminal livelihood and acted as a manager within the money-laundering scheme. The evidence showed that Sullivan was not meaningfully employed during the conspiracy but had paid substantial sums for expenses. And the judge properly applied the aggravating-role adjustment to her money-laundering offense based on a "commonsense judgment about [Sullivan's] relative culpability given [her] status in the criminal hierarchy." *United States v. Craft*, 99 F.4th 407, 414 (7th Cir. 2024) (quoting *United States v. House*, 883 F.3d 720, 724 (7th Cir. 2018)). This, contrary to Sullivan's objection, was not a "double counting" of her aggravating role because her function in the money-laundering scheme—directing individuals to transfer funds to specific accounts—was independent of her function in the drug-trafficking scheme—coordinating couriers to transport drugs.

Fifth, Sullivan could not raise any nonfrivolous argument that the judge clearly erred in finding that Sullivan maintained her home as a "stash house." For this two-level increase to apply, (1) Sullivan had to have a possessory interest or control of the property, and (2) drug trafficking must have been a primary use (but not necessarily the sole one) of the premises. *See* U.S.S.G. § 2D1.1 cmt. n.17. Here, Sullivan conceded that she controlled the residence, so the government needed to show only that the residence's use in trafficking was "more than incidental or collateral." *United States v. Contreras*, 874 F.3d 280, 283 (7th Cir. 2017) (quoting *United States v. Sanchez*, 810 F.3d 494, 497 (7th Cir. 2016)). At the sentencing hearing, an investigating officer testified that he saw suitcases filled with drugs delivered to Sullivan's residence on a weekly basis, sometimes on back-to-back days. The judge therefore reasonably found that drug trafficking was one of the primary uses of the residence based on the frequency and size of those deliveries. *See id.* at 284.

As for substantive reasonableness, we agree with counsel that any challenge to Sullivan's below-guidelines sentence would be frivolous. A below-guidelines sentence is presumptively reasonable, and Sullivan bears "a particularly onerous burden" to rebut that presumption by showing that the sentence is unreasonably high in light of the § 3553(a) factors. *United States v. Moore*, 851 F.3d 666, 674 (7th Cir. 2017). Here, the judge invoked the factors when explaining the sentence, highlighting "the very serious nature and circumstances of the offense" (serving as an "organizer, a manager, in a very large-scale, major drug trafficking organization" involving a "staggering" amount of drugs) and the need to promote respect for the law (passing up "many opportunities to withdraw" from the illegal activities and not being deterred by the arrests and deaths of those around her). Balancing these factors against Sullivan's lack of prior criminal convictions, difficult upbringing, and sincere remorse, the judge settled on a below-guidelines sentence of 288 months. We do not reweigh a sentencing judge's assessment of the aggravating and mitigating factors, and that is all an appellate argument could ask us to do. *See United States v. Ambriz-Villa*, 28 F.4th 786, 791–92 (7th Cir. 2022).

We therefore GRANT counsel's motion to withdraw and DISMISS the appeal.