

**NONPRECEDENTIAL DISPOSITION**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 June 27, 2025

*By the Court:*

Nos. 24-2855, 25-1484, 25-2020, 25-2040

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,**v.*RONALD HADDAD, JR.,  
*Defendant-Appellant.*Appeals from the United States District  
Court for the Northern District of  
Illinois, Eastern Division.

No. 1:09-CR-00115(1)

Virginia M. Kendall,  
*Chief Judge.***ORDER**

Ronald Haddad appeals the revocation of his supervised release and the sentence he received for violating the conditions. His appointed counsel asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738, 744 (1967). Although a defendant does not have an unqualified constitutional right to counsel in a revocation proceeding, *Gagnon v. Scarpelli*, 411 U.S. 778, 790 (1973), it is still our practice to apply the safeguards of *Anders* in this context. *See United States v. Brown*, 823 F.3d 392, 394 (7th Cir. 2016). Because counsel's analysis appears thorough, we limit our review to the subjects that counsel discusses and the responses that Haddad has filed under Circuit Rule 51(b). *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014). We grant counsel's motion and dismiss the appeal.

In April 2014, a jury found Haddad guilty of 28 counts of mailing threatening communications, 18 U.S.C. § 876(c), and 2 counts of using interstate commerce to transmit threatening communications, 18 U.S.C. § 875(c). The district judge sentenced

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him to 150 months' imprisonment and three years' supervised release. He began serving supervised release in January 2022. From April to July of 2024, the probation office reported six violations in quick succession. Relevant here are two charged violations of the condition prohibiting the commission of another local, state, or federal offense. The first new offense by Haddad was a state conviction for criminal trespass, a Grade C violation of his federal supervised release, because he had visited a local library from which he had been banned. 720 ILL. COMP. STAT. 5/21-3(a)(2) (2012). The second charged violation stemmed from Haddad's arrest for aggravated battery on a peace officer, *id.* 5/12-3.05(d)(4), a Grade B violation. According to the police report of the incident, Haddad became aggressive with police officers when they questioned him about a bench warrant, and he then scratched one of the officers who was trying to take him into custody.

In August 2024, the district judge held a status hearing at which she discussed the alleged violations and announced her intention to revoke Haddad's supervised release. The judge noted two supervision violations based on criminal conduct: the trespass, of which Haddad had already been convicted, and the aggravated battery, for which Haddad had been arrested and the state court had found probable cause.

In October 2024, the final revocation hearing took place. At the outset, Haddad's lawyer told the judge that Haddad "would be prepared to plead guilty to those violations." The judge then questioned Haddad to establish that he had been convicted of the trespass charge and arrested for the aggravated battery. Haddad admitted to the conviction, that he had been arrested, and that one of the officers stated that Haddad had scratched him. He maintained, however, that the arrest was improper and that he had not in fact committed battery on any officer.

The judge proceeded to sentencing, and the government recommended six months' imprisonment and two and a half years of supervised release. Haddad requested time served on the grounds that he was taking care of his ailing mother and would be rehabilitated more effectively through supervised release than incarceration. An employee of the library also spoke, testifying that Haddad had scared the staff and required the library to hire security officers before employees would return.

The court then calculated that, given Haddad's criminal history score of I and Grade B violation, the policy statements in Chapter Seven of the Sentencing Guidelines recommended four to ten months' imprisonment. Moving to the § 3553(a) factors, the judge discussed the seriousness of the offense, particularly the disruption caused at the library; Haddad's need for specific deterrence, given his repeated disregard of court

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orders; the need for general deterrence; and the obligation to promote respect for the law. The judge imposed six months' reimprisonment and two and a half years of supervised release. Her oral pronouncement of the sentence included two conditions of supervised release that were not included in the written judgment: a requirement not to "frequent places where controlled substances are illegally sold, used, or distributed or administered" and a prohibition on "associat[ing] with any person convicted of a felony."<sup>1</sup>

Counsel, in her *Anders* brief, first notes that Haddad wishes to challenge the revocation of his supervised release. Thus, she appropriately considers whether the court's decision to revoke was sound. See *United States v. Wheeler*, 814 F.3d 856, 857 (7th Cir. 2016). Supervised release violations must be proved by a preponderance of the evidence. *United States v. Perez*, 99 F.4th 972, 976 (7th Cir. 2024).

Counsel first rightly concludes that there was sufficient evidence to support the Grade C violation based on Haddad's trespass in the library building after he had been banned. Haddad was convicted of criminal trespass in state court, and his appeal was pending when the revocation hearing occurred. A conviction, even one being appealed, is sufficient to establish a violation of state law by a preponderance of the evidence, regardless of whether he admitted to the conduct or the violation of his supervision conditions. See *United States v. Fleming*, 9 F.3d 1253, 1254 (7th Cir. 1993); see also *United States v. Jett*, 982 F.3d 1072, 1078 (7th Cir. 2020) (noting that reasonable doubt standard for criminal convictions is more onerous than preponderance of the evidence). It would be frivolous to contest this violation.

As for Haddad's battery on an officer, counsel is also correct that the court had a sufficient evidentiary basis for this violation. Haddad's lawyer told the court that Haddad was prepared to admit to both violations, and Haddad did not object. Haddad himself admitted to certain facts of the violation, namely that he had a confrontation with police officers and that one officer stated that Haddad scratched him. Moreover, the police report was in the record; it too stated that Haddad had scratched a police

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<sup>1</sup> The written judgment also imposed a \$100 special assessment that was not mentioned in the oral pronouncement. This was a clerical error that has since been corrected in an amended judgment. FED. R. CRIM. P. 36. Haddad filed two additional pro se appeals from that amended judgment, but they are frivolous because he was not injured by this favorable correction. See *Levy v. W. Coast Life Ins. Co.*, 44 F.4th 621, 626 (7th Cir. 2022).

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officer when being arrested. Haddad's statements, particularly when bolstered by the police report, suffice to establish the violation by a preponderance of the evidence. *Cf. United States v. Lopez-Hernandez*, 687 F.3d 900, 902 (7th Cir. 2012) (permitting reliance on police reports to establish underlying facts in context of criminal sentencing).

Even if Haddad were to challenge the reliability of the police report and thus the underlying evidentiary basis for his violation, he has forfeited the argument. Defendants in the supervised release context have a due process right to confront adverse witnesses; here, that would be the police officer who wrote the report about Haddad's arrest. *Morrissey v. Brewer*, 408 U.S. 471, 489 (1972); *Perez*, 99 F.4th at 976–77. Haddad never objected to the use of the police report, nor did he request that the authoring officer testify. His "failure to timely assert a right" is forfeiture. *United States v. Karst*, 948 F.3d 856, 862 (7th Cir. 2020).

We review forfeited arguments only for plain error, *United States v. Flores*, 929 F.3d 443, 447 (7th Cir. 2019), and here Haddad would be unable to satisfy that standard. Plain error would require Haddad to show that there was error; that it was plain; and that it affected his substantial rights. *See United States v. Olano*, 507 U.S. 725, 733–35 (1993). If those factors are satisfied, we would then grant relief only if we concluded that the error had a serious effect on the "fairness, integrity, or public reputation of judicial proceedings." *Id.* at 736 (citation omitted). Regardless of whether the district court should have more clearly established the reliability of the police report, Haddad still admitted to the Grade C violation of trespass. This violation would also support the revocation of his supervised release. Further, it carried a policy statement sentence of three to nine months, U.S.S.G. § 7B1.3(a)(2)(A); 7B1.4(a), as compared to the practically identical range of four to ten months for the trespass violation. Haddad would not be able to show with a "reasonable probability," *United States v. Durham*, 967 F.3d 575, 579 (7th Cir. 2020), that the judge would have imposed a different sentence if faced with a functionally identical guidelines range. Nor would we conclude that any error seriously affected the reputation of judicial proceedings or would result in a miscarriage of justice. *Id.*; *Olano*, 507 U.S. at 735–36. Haddad has since been convicted of the battery, and even as of the time of sentencing, he conceded that an altercation of some sort had occurred, albeit one for which he denied responsibility.

In explaining that it would be frivolous to challenge the revocation decision, counsel further notes that the district judge substantially complied with Rule 32.1(b)(2) of the Federal Rules of Criminal Procedure at the final revocation hearing. Haddad received and reviewed notices of his violations with counsel; the evidence against him

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was disclosed; he appeared at the hearing and spoke on his own behalf; and he had counsel to represent him. Fed. R. Crim. P. 32.1(b)(2)(A)–(E).

Counsel next considers whether the revocation sentence was correctly imposed. She first concludes that the district judge correctly calculated the applicable range under the Policy Statements in Chapter Seven of the Sentencing Guidelines: four to ten months based on a criminal history category of I and a Grade B violation. U.S.S.G. § 7B1.4(a). Counsel also notes that the maximum sentence of imprisonment for this charged violation of supervised release is two years, 18 U.S.C. § 3583(e)(3), meaning that Haddad’s six-month sentence of imprisonment is not unlawful. We agree with counsel that neither of these issues could be the subject of a nonfrivolous challenge.

Counsel also considers whether Haddad’s sentence was substantively reasonable and concludes that there is no non frivolous argument that it is excessive. Counsel does, however, note that the judge mentioned the seriousness of the offense and respect for the law when fashioning the sentence. A district judge is limited to only considering specific § 3553(a) factors when imposing a revocation sentence, 18 U.S.C. § 3583(e), and neither the seriousness of the original offense nor promoting respect for the law is among them. *Esteras v. United States*, No. 23-7483, 2025 WL 1716137, at \*6 (U.S. 2025). But Haddad did not object to the judge’s discussion of these factors at sentencing, so we would review only for plain error. *Id.* at \*10. Even if we were to grant that the judge erred by mentioning impermissible factors, and that the error was plain, Haddad would fail to show that it affected his substantial rights. *See Olano*, 507 U.S. at 733–35. The judge here only briefly mentioned the seriousness of the offense and respect for the law and emphasized that the “big problem” was the repeated nature of the offenses and so, the need for specific and general deterrence. Given the judge’s heavy reliance on permissible factors, Haddad would be unable to show a “reasonable probability” that he would have received a lower sentence had the judge not considered in passing two impermissible factors. *United States v. Durham*, 967 F.3d 575, 579 (7th Cir. 2020). Nor would we conclude that the error seriously affected the “fairness, integrity, or public reputation of judicial proceedings.” *Olano*, 507 U.S. at 736. Haddad already received a sentence at the low end of the guidelines policy statement range, and nothing the judge said suggested she was sentencing for retribution rather than deterrence, incapacitation, or rehabilitation. *See Esteras*, 2025 WL 1716137 at \*7.

Moreover, even if we were to omit the judge’s discussion of extraneous factors from our review, she still adequately justified the sentence. A sentence within the policy-statement range is presumptively reasonable on appeal. And here, the judge

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cited Haddad's tendency to "challenge and contest" authority, noting that this conduct suggests a need for specific deterrence. Haddad has not explained why the presumption of reasonableness should not apply, and this "concise explanation" is sufficient. *United States v. Yankey*, 56 F.4th 554, 560 (7th Cir. 2023).

Counsel concludes her discussion of Haddad's prison sentence by addressing his argument that the judge should have lowered his sentence in consideration of the time he spent in state custody before being sentenced for the revocation. Although a judge has the discretion to reduce a sentence for that reason, Haddad did not request this relief at sentencing, and we have never required that judges consider a sentencing offset sua sponte when fashioning an appropriate sentence. *See United States v. Carr*, 107 F.4th 636, 672–73 (7th Cir. 2024). Moreover, the judge correctly noted that the Bureau of Prisons could credit Haddad's time served when calculating his release date.

As to the supervised release portion of the sentence, counsel correctly concludes that we would find no errors in either the term or the conditions. Upon revocation, the district judge had discretion to impose a new term of supervised release to follow the prison sentence. 18 U.S.C. § 3583(h). The length of two and a half years accords with the statutory maximum, which caps the term of supervised release imposed after a revocation at the maximum for the grade of the original offense (here three years), minus any prison sentence served after the revocation. *Id.* § 3583(b)(2), (h). And counsel properly rejects any argument that the new sentence of supervised release is plainly unreasonable because the judge considered appropriate § 3553(a) factors like Haddad's characteristics and the need to avoid sentencing disparities before imposing it. *See Wheeler*, 814 F.3d at 858.

Haddad also could not raise a nonfrivolous argument about the conditions of his supervised release. The judge read the conditions out loud, asked Haddad if he had any objections, and Haddad, through counsel, denied that he did. Because he was given a clear opportunity to object and stated that he did not want to, Haddad waived any challenge to his conditions. *See United States v. Patlan*, 31 F.4th 552, 559 (7th Cir. 2022).

Finally, counsel addresses discrepancies between the oral pronouncement of the sentence and the written judgment. With regard to the minor differences in wording of two conditions of supervised release, counsel rightly notes that they did not change the substantive legal obligations imposed orally, and so there would be no basis for resentencing. *See United States v. Strobel*, 987 F.3d 743, 751 (7th Cir. 2021). The larger change was that two other conditions orally imposed by the judge do not appear in the judgment. But this would not provide a nonfrivolous ground for appeal because fewer

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conditions—ones this court has found to be unconstitutionally overbroad, *see United States v. Kappes*, 782 F.3d 828, 848–50 (7th Cir. 2015)—are to Haddad’s benefit. And as counsel correctly notes, she is not under an obligation to raise issues that might harm her client. *United States v. Caviedes-Zuniga*, 948 F.3d 854, 855–56 (7th Cir. 2020).

In his responses, Haddad also argues that the district judge deprived him of due process by failing to appropriately consider his motion for reconsideration and, further, that she was biased against him. But the judge denied the motion because Haddad’s sole argument was that the judge should have credited his time served. (She mentioned this but left it to the BOP’s discretion.) He asserts that the 11 days between his motion and the judge’s ruling shows that the judge did not give it sufficient consideration, but he cites no authority to suggest a judge must spend a certain amount of time with a motion to demonstrate sufficient process. Nor would we make such a rule given the district judge’s considerable discretion over matters of case management. And as evidence for his claim of bias, Haddad points only to adverse rulings in his case. But adverse rulings, alone, are not sufficient to establish bias. *Litecky v. United States*, 510 U.S. 540, 555 (1994); *Owens v. Evans*, 878 F.3d 559, 566 (7th Cir. 2017).

Haddad raises several other complaints in his responses to the *Anders* brief, saying that the prison staff are stealing his mail, claiming that he received ineffective assistance of counsel, and arguing that he should not be imprisoned at all. Given the undeveloped record of counsel’s decisions, it would be frivolous to bring an ineffective assistance of counsel claim on direct appeal. *See United States v. Cates*, 950 F.3d 453, 456–57 (7th Cir. 2020) (citing *Massaro v. United States*, 538 U.S. 500, 504–05 (2003)). And Haddad’s other complaints are not within the scope of a direct appeal.

Haddad has also filed three additional pro se appeals, which we consolidate with his first appeal. A litigant who remains represented by counsel is not generally entitled to file papers pro se. *See, e.g., United States v. Cross*, 962 F.3d 892, 899 (7th Cir. 2020). Moreover, the government stands on its rights to argue that appeal No. 25-1484 is clearly untimely, and Haddad’s reply does not argue otherwise, so that appeal must be dismissed. FED. R. APP. P. 4(b)(1); *United States v. Townsend*, 762 F.3d 641, 644 (7th Cir. 2014). And to the extent we interpret his other two appeals as supplemental responses to his counsel’s *Anders* brief, they do not raise any perceivable arguments we have not already addressed.

Therefore, we GRANT counsel’s motion to withdraw and DISMISS these appeals.