

NONPRECEDENTIAL DISPOSITION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 February 15, 2024
Decided March 18, 2024

Before

DIANE S. SYKES, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 22-2181

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

LEONARD WILLIAMSON, JR.,
Defendant-Appellant.

Appeal from the
United States District Court for the
Southern District of Indiana,
Indianapolis Division.

No. 1:21-CR-00132

James P. Hanlon,
Judge.

ORDER

A jury found Leonard Williamson, Jr., guilty of possessing cocaine with intent to distribute in violation of 21 U.S.C. § 841(a)(1). The same jury acquitted him of carrying a firearm in relation to a drug-trafficking crime in violation of 18 U.S.C. § 924(c) and possessing a firearm as a felon in violation of 18 U.S.C. § 922(g)(1). Despite the acquittal on the firearm counts, the judge considered the same conduct at sentencing—over Williamson’s objection—and found by a preponderance of the evidence that he possessed a firearm in connection with a drug crime. Based on that finding, the judge applied a two-level enhancement to Williamson’s total offense level under the Sentencing Guidelines. *See* U.S.S.G. § 2D1.1(b)(1).

The enhancement boosted Williamson's offense level from 12 to 14, yielding an advisory imprisonment range of 33 to 41 months. (Without the enhancement, the range would have been 27 to 33 months.) After weighing the sentencing factors under 18 U.S.C. § 3553(a), the judge imposed an above-Guidelines sentence of 57 months in prison.

Williamson's appeal raises a single issue: he argues that the judge's reliance on acquitted conduct to calculate the Guidelines range violated his rights to due process and trial by jury under the Fifth and Sixth Amendments. This argument is foreclosed by *United States v. Watts*, 519 U.S. 148, 157 (1997), as we have repeatedly held, *see, e.g., United States v. Robinson*, 62 F.4th 318, 320–21 (7th Cir. 2023) (collecting cases). Williamson acknowledges as much and explains that he raises the issue here to preserve it for Supreme Court review. He has properly done so. *Robinson*, 62 F.4th at 321 (rejecting the same argument based on *Watts* and noting that the defendant properly preserved the issue for further review).

AFFIRMED