NONPRECEDENTIAL DISPOSITION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 2, 2024
Decided May 6, 2024

Before

DIANE S. SYKES, *Chief Judge*

ILANA DIAMOND ROVNER, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 23-2867

UNITED STATES OF AMERICA, *Plaintiff-Appellee,*	Appeal from the United States District Court for the Southern District of Illinois.
v.	No. 3:22-CR-30072-DWD-1
JASON C. EDWARDS, *Defendant-Appellant.*	David W. Dugan, *Judge.*

O R D E R

Jason Edwards appeals the revocation of his supervised release and consequent sentence. His appointed counsel asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738, 744 (1967). We grant the motion and dismiss Edwards's appeal.

A defendant who appeals a revocation order does not have an unqualified constitutional right to counsel, so the *Anders* safeguards need not govern our review. *Gagnon v. Scarpelli*, 411 U.S. 778, 789–90 (1973). Even so, our practice is to apply them. *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 she discusses. *See United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014). (We notified Edwards of the motion, but he did not respond. *See* CIR. R. 51(b).)

In 2023, after completing a prison sentence for possessing a firearm as a felon, *see* 18 U.S.C. § 922(g)(1), Edwards violated the conditions of his supervised release. His probation officer petitioned for revocation because Edwards had, among other violations, unlawfully possessed marijuana, cocaine, and methamphetamine; lied about using drugs; left the judicial district without permission; and missed appointments for substance-abuse and mental-health treatment. At the revocation hearing, Edwards pleaded guilty to all the violations, and the judge sentenced him within the policy-statement range under the Sentencing Guidelines to 22 months' imprisonment and 38 months' additional supervised release.

Counsel first considers whether Edwards could non-frivolously challenge the revocation, but she does not tell us whether Edwards told her that he wants to do so. *See United States v. Wheeler*, 814 F.3d 856, 857 (7th Cir. 2016). Regardless, counsel is correct that challenging the revocation would be frivolous. Edwards admitted at the revocation hearing to possessing drugs unlawfully, and revocation and reimprisonment were mandatory because a condition of his release prohibited that possession. *See* 18 U.S.C. § 3583(g)(1); *United States v. Jones*, 774 F.3d 399, 403 (7th Cir. 2014).

Next, counsel considers and appropriately rejects arguing that Edwards could non-frivolously challenge the judge's calculation of the policy-statement range. As the judge noted, the range depends on Edwards's (1) most serious supervised-release violation and (2) criminal history category from his original sentencing. U.S.S.G. § 7B1.4(a) & cmt. n.1. Here, the judge ruled that Edwards's most serious violation was Grade B[1] and used Edwards's original criminal-history category of VI, yielding a policy-statement range of 21 to 27 months. *See id.* § 7B1.4(a).

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[1] Edwards's most serious violation was likely Grade A. Grade B covers conduct constituting a non-drug felony (an offense punishable by more than one year in prison), while Grade A covers conduct constituting a drug felony. *See* U.S.S.G. § 7B1.1(a)(1)(A)(ii), (2). Edwards possessed cocaine, among other drugs, in Illinois, where possessing any cocaine is a felony. *See* 720 ILCS 570/402(a)(2), (c); 730 ILCS 5/5-4.5-45(a). But the incorrect grade did not harm Edwards (because Grade A violations carry higher ranges than Grade B, *see* U.S.S.G. § 7B1.4(a)), so there is no basis for counsel

Counsel also explores arguing that Edwards's sentence exceeds the statutory maximums and correctly concludes that doing so would be frivolous. As an armed career criminal, Edwards faced a maximum sentence of life imprisonment for his original § 922(g) conviction, 18 U.S.C. § 924(e), making it a Class A felony, *id.* § 3559, and so he faced a 60-month maximum prison sentence upon revocation of supervised release, *id.* 3583(e)(3). His new 22-month prison sentence fell below that maximum. As for the new supervised-release term, the 38 months he received was the statutory maximum: 60 months (the maximum for the original § 922(g) offense, *see id.* § 3583(b)(1)) minus 22 months (the new term of imprisonment), *see id.* § 3583(h).

Finally, counsel considers challenging Edwards's sentence as substantively unreasonable and rightly concludes that doing so would be frivolous. We presume a within-range sentence is reasonable. *United States v. Major*, 33 F.4th 370, 384 (7th Cir. 2022). And the district judge thoroughly considered the sentencing factors of 18 U.S.C. § 3553(a), emphasizing the nature of the violations (although nonviolent, they were serious because Edwards had used multiple types of drugs, deceived his probation officer, and missed mandatory appointments for drug-abuse treatment despite his addiction), Edwards's history and characteristics (his extensive criminal history weighed against his acceptance of responsibility, drug addiction, and generally good relationship with his probation officer), the need to deter Edwards from future violations, the need to punish him for the current ones, and the possibility that Edwards would benefit from further supervised release.

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

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to challenge the sentence on this ground. *See United States v. Knox*, 287 F.3d 667, 671 (7th Cir. 2014) ("[I]t is no failure of advocacy to leave well enough alone.").