

**NONPRECEDENTIAL DISPOSITION**  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 August 3, 2022  
Decided January 24, 2023

**Before**

DIANE S. SYKES, *Chief Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 21-1637

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

AVERY SMARTT,  
*Defendant-Appellant.*

Appeal from the  
United States District Court for the  
Southern District of Illinois.

No. 18-CR-30138-NJR-01

Nancy J. Rosenstengel,  
*Chief Judge.*

-- AND --

Argued April 27, 2022  
Decided January 24, 2023

**Before**

DIANE S. SYKES, *Chief Judge*

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

No. 21-2297

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

BENNY BUTLER,  
*Defendant-Appellant.*

Appeal from the United States District  
Court for the Northern District of  
Illinois, Eastern Division.

No. 1:17-CR-00700(1)

Andrea R. Wood,  
*Judge.*

**ORDER**

These unrelated criminal appeals were heard by separate panels and are resolved today in published opinions. But they share a common feature: the same attorney, Amir Mohabbat, was appointed under the Criminal Justice Act, 18 U.S.C. § 3006A, to represent the defendants on appeal. It should be clear from our opinions that we have serious concerns about counsel's conduct. In Benny Butler's case, Mohabbat raised arguments that are waived, inexcusably undeveloped, and frivolous on the merits. In Avery Smartt's case, his arguments are likewise inexcusably undeveloped and frivolous.

If an appointed attorney in a direct criminal appeal cannot formulate a nonfrivolous argument for review, then the proper course is to file an *Anders* brief and move to withdraw from the case. *See Anders v. California*, 386 U.S. 738, 744 (1967).

Mohabbat instead submitted badly deficient briefs pressing frivolous claims, tossing in a few case citations along the way, none of which support an argument for reversal and some of which are inapplicable, inaccurate, and/or misleading. For example, in Butler’s case he twice cited a *dissent*—from our denial of rehearing en banc in *United States v. Daoud*, 989 F.3d 610 (7th Cir. 2021) (mem.)—without telling us that he was relying on a minority viewpoint.

There was more along these lines in yet another of Mohabbat’s criminal appeals: *United States v. Ocampo-Tellez* (No. 21-2967, dismissed June 7, 2022). In that case he orally moved to dismiss the appeal during oral argument in response to the panel’s questions.

This pattern of deficient work by a CJA lawyer is concerning. We considered sanctions but settled on a warning instead. This order—and our opinions in these cases—shall serve as a warning and a reminder to Mohabbat that he must heed his professional obligations. See *Wegbreit v. Comm’r*, 21 F.4th 959, 964 (7th Cir. 2021).