NONPRECEDENTIAL DISPOSITION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 12, 2023
Decided May 15, 2023

Before

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

Nos. 22-2160

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

CHANDRA MODUGUMUDI,
Defendant-Appellant.

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

Nos. 1:18-CR-00262(2)

Virginia M. Kendall,
Judge.

O R D E R

Chandra Modugumudi pleaded guilty to sex trafficking and was sentenced to 262 months' imprisonment, five years' supervised release, and $110,240 in restitution. She filed a notice of appeal, but her appointed counsel asserts that the appeal is frivolous and moves to withdraw. *See Anders v. California*, 386 U.S. 738 (1967). We notified Modugumudi of the motion, CIR. R. 51(b), and she filed several responses, some unauthorized. For the reasons that follow, we grant the motion and dismiss the appeal.

Modugumudi, along with her husband, operated a sex-trafficking scheme. Over the course of two years, they lured at least nine women from India to the United States, isolated them, and coerced them into prostitution, mainly in connection with cultural events. Modugumudi negotiated the prices and kept most of the money collected. If the women refused to cooperate, Modugumudi and her husband beat them and threatened to expose their sex work to their families back in India.

Federal prosecutors charged Modugumudi and her husband with nineteen counts related to the prostitution scheme, including five counts of using force, threats of force, fraud, and coercion to cause their victims to engage in commercial sex acts. *See* 18 U.S.C. § 1591(a), (b)(1). The week before trial, Modugumudi pleaded guilty to one count of trafficking by force, fraud, or coercion under § 1591. In her plea declaration, she admitted that she and her husband persuaded a young woman, Victim G, to travel to the United States from India by falsely promising to develop her acting career. They physically abused her when she refused to engage in sex acts for money. They let her return to India but forced her friend, Victim B, to pay off the "debt" that Victim G had incurred for her trip to the United States and then refused to work off for them. They also threatened Victim G that if she told anyone about the scheme, they would send pornographic photos of Victim B to Victim B's family.

At the change-of-plea hearing, the district court conducted a colloquy under Rule 11 of the Federal Rules of Criminal Procedure through a Telugu interpreter because Modugumudi is not fluent in English. During the colloquy, the court confirmed with Modugumudi that, among other things, the mandatory minimum sentence was 15 years' imprisonment, that the court had no obligation to adhere to any recommended sentence, that Modugumudi was not being threatened or promised anything in exchange for her plea, and that she was in fact guilty of trafficking Victim G.

A week later, the court held a hearing to allow certain victims to make impact statements in person. (Some had travelled from India in anticipation of testifying at trial.) Four victims and one victim's mother spoke about the anguish that Modugumudi had caused them and how they were struggling to recover.

The probation office prepared a presentence investigation report that calculated the offense level under the Sentencing Guidelines as 39, beginning with a base offense level of 34. U.S.S.G. § 2G1.1(a)(1). The officer then added two levels because Victim G was vulnerable, *id.* § 3A1.1(b)(1), added five levels under the grouping rules because Modugumudi had trafficked eight other women, *id.* § 3D1.4, and subtracted two levels for Modugumudi's acceptance of responsibility, *id.* § 3E1.1(a). The government did not

move for an additional one-level reduction. U.S.S.G. § 3E1.1(b). With a criminal-history category I, the advisory sentencing range was 262 to 327 months in prison. There were no objections to these calculations.

At the sentencing hearing, the court adopted the range of 262 to 327 months. The government pushed for a guidelines sentence, pointing out the serious, wide-reaching sex-trafficking scheme and the need for deterrence. The defense argued for the statutory minimum, 180 months, contending that Modugumudi was a victim herself: She had a history of being sexually assaulted; her husband had forced her into prostitution; her culture demanded that she be subservient to her husband; and she had to terminate her parental rights over her two children so that they could be adopted by a foster family rather than being removed to India, where they had no real ties. Adding to her lawyer's discussion of her acceptance of responsibility, Modugumudi personally expressed remorse and asked for forgiveness. After considering her mitigation arguments and the 18 U.S.C. § 3553(a) factors, the court concluded that, although Modugumudi seemed to have been pressured by her husband and was now genuinely remorseful, her actions were "diabolical" and a guidelines sentence was necessary for general, if not specific, deterrence. The court imposed 262 months' prison time.

The court also ordered Modugumudi to pay $110,240 in restitution. Of that amount, $83,200 represented Victim B's income (based on Modugumudi's own records and the victim's recollection of the prices charged) that the defendant stole, supposedly to pay off Victim G's "debt." *See* 18 U.S.C. § 1593. Another $27,040 was for future costs of mental health treatment for Victims G and B based on Congressional Budget Office estimates of the cost of providing PTSD treatment to veterans.

That brings us to this appeal. In the brief supporting her motion to withdraw, counsel explains the nature of the case and addresses the potential issues that an appeal of this kind might be expected to involve. Because the analysis appears thorough, we limit our review to the subjects counsel discusses and those that Modugumudi raises in the responses that we accepted for filing. CIR. R. 51(b); *see United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014).

As required, counsel tells us that, after a full consultation, Modugumudi would like to withdraw her guilty plea. *See United States v. Konczak*, 683 F.3d 348, 349 (7th Cir. 2012). But counsel concludes there is not a nonfrivolous argument for doing so. Because Modugumudi did not move to withdraw her plea in the district court, we would review only for plain error. *See United States v. Davenport*, 719 F.3d 616, 618 (7th Cir. 2013).

We agree with counsel that Modugumudi could not plausibly challenge her guilty plea. The district court substantially complied with Rule 11 and ensured that the plea was knowing and voluntary. *Id.* The court confirmed that Modugumudi understood the nature of the charge, the possible penalties (including restitution), the role that the Sentencing Guidelines and 18 U.S.C. § 3553(a) would play in determining her sentence, and the rights that she would waive by pleading guilty. *See* FED. R. CRIM. P. 11(b)(1); *United States v. Neal*, 907 F.3d 511, 515 (7th Cir. 2018). The court neglected to mention two things: that she could be prosecuted for perjury based on her statements under oath and that she had the right to plead not guilty and persist in that plea. *See* FED. R. CRIM. P. 11(b)(1)(A), (B). But, as counsel notes, neither omission could have prejudiced Modugumudi. The government did not bring charges against her, or seek a sentencing increase, based on any statements at her plea hearing. *See United States v. Blalock*, 321 F.3d 686, 689 (7th Cir. 2003). And she acknowledged explicitly in her plea declaration that she was giving up her right to plead not guilty. Therefore, she could not establish that accepting her plea was a plain error.

In her responses, Modugumudi asserts that she was coerced into her plea and did not understand its terms, and that there was no factual basis to support her conviction. But it would be frivolous for her to make these arguments on appeal. The district court confirmed with Modugumudi that she was pleading guilty of her own free will and had not been coerced by threats or promises. *See* FED. R. CRIM. P. 11(b)(2); *Neal*, 907 F.3d at 515. And she swore that a factual basis supported her plea, admitting that she had lured Victim G to the United States under false pretenses and tried to force Victim G into prostitution. We would not entertain an argument that she perjured herself without a "compelling explanation for the contradiction," and Modugumudi provides none. *See Thompson v. United States*, 732 F.3d 826, 829–30 (7th Cir. 2013). She suggests that she did not understand her plea because the interpreter's translation was inadequate. But this too contradicts her sworn statements, and she points to no specific inconsistencies. *See Carrion v. Butler*, 835 F.3d 764, 778 (7th Cir. 2016). She also implies that the government had agreed to ask for a below-guidelines sentence, but again this is inconsistent with her statements at the hearing. Further, before accepting the plea, the district court thoroughly explained to Modugumudi how it would go about determining her sentence.

Counsel next discusses potential challenges to the sentence, and we agree with her that any argument attacking the sentence on procedural grounds would be frivolous. Counsel finds no error in the calculation of the guidelines range. And the district court allowed both parties to present arguments, considered those arguments

along with the factors under 18 U.S.C. § 3553(a), and explained its reasoning. *See Gall v. United States*, 552 U.S. 38, 53 (2007). Modugumudi argued that she was entitled to an additional one-point acceptance-of-responsibility reduction. But that is available only "upon motion of the government" when timely notification of the intent to plead guilty spares it from trial preparation, *see* U.S.S.G. § 3E1.1(b), and here the government did not move for the reduction because she pleaded guilty only days before trial. Any other procedural challenge was, at best, forfeited, and, like counsel, we see no potential plain errors. *See United States v. Klund*, 59 F.4th 322, 326 (7th Cir. 2023).

Modugumudi wants to argue that her constitutional rights were violated because the government targeted her based on her race, gender, and class, and because the district court considered the victims' statements, which she says are false, and in general considered inaccurate information. But she presents no evidence of selective prosecution. *See United States v. Armstrong*, 517 U.S. 456, 465 (1996). Nor does she show any actual inaccuracy in the information used to sentence her. *See United States v. Issa*, 21 F.4th 504, 508 (7th Cir. 2021). She insists that she was incorrectly sentenced for a crime involving children. But § 1591 covers trafficking children *or* trafficking by force, fraud, or coercion; she pleaded guilty to the latter. As for the victims, they had a right to be heard, and it was up to the district court to determine how to weigh their accounts. 18 U.S.C. § 3771(a)(4); *Issa*, 21 F.4th at 508.

Challenging the substantive reasonableness of the sentence would also be frivolous, as counsel explains. Because Modugumudi's 262-month sentence is within a properly calculated guidelines range, we would presume that it is not unreasonably high. *See United States v. Melendez*, 819 F.3d 1006, 1013 (7th Cir. 2016). And we see no basis to rebut that presumption because the court adequately considered the § 3553(a) factors. *See id.* at 1013–14. The court balanced Modugumudi's history and characteristics (namely, that culturally she was expected to defer to her husband and that she had lost her children) against the seriousness of the offense, particularly how widespread and damaging the scheme was. *See United States v. Barr*, 960 F.3d 906, 914 (7th Cir. 2020).

Next, counsel considers a challenge to the amount of restitution and correctly concludes it would be frivolous. Victim G and Victim B were both harmed by the offense conduct, so the court had authority to order restitution for both victims. *See* 18 U.S.C. §§ 1593, 3663A(a). As for the amount, the government's calculations were supported by sufficiently reliable evidence: victims' testimony and Modugumudi's records for the stolen income, and Congressional Budget Office estimates for the future healthcare costs. *See United States v. Dickey*, 52 F.4th 680, 687 (7th Cir. 2022).

Counsel also considers whether Modugumudi could argue—as she wishes to—that she received ineffective assistance of counsel. We agree with counsel that any such argument, including those Modugumudi suggests, would be frivolous on direct appeal. These issues require a more developed record; raising them now would only prejudice a future collateral attack. *See United States v. Cates*, 950 F.3d 453, 456–57 (7th Cir. 2020).

Modugumudi lists other points that she wishes to raise on appeal, but all of them are underdeveloped and would be frivolous to pursue. They include challenges to a search warrant (though she never raised the legality of the search in a motion to suppress), her indictment (challenges to which are waived by her guilty plea unless jurisdictional), a ruling preventing her from presenting what she considers exculpatory evidence at trial (a trial did not occur), voir dire (which also did not occur), and an appeal waiver (which does not exist).

Finally, Modugumudi also moves for the appointment of new counsel, but new counsel is unwarranted because the appeal is frivolous. *See Penson v. Ohio*, 488 U.S. 75, 83 (1988). She also moves for copies of transcripts and records, which are already available to her as a party, directly or through counsel. And after we ordered her in February 2023 to cease filing responses to the *Anders* motion without advance permission, she filed three more addendums to her response and first supplement. We construe the unauthorized filings as requests for permission to file them, and we deny those requests, along with the relief requested in her other pending motions.

Therefore, we GRANT counsel's motion to withdraw, DENY all pending *pro se* motions, and DISMISS the appeal.