

NONPRECEDENTIAL DISPOSITION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 November 19, 2024

Decided November 27, 2024

Before

AMY J. ST. EVE, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 23-2739

UNITED STATES OF AMERICA

Plaintiff-Appellee,

v.

JONATHAN ALEXANDER L.

LOGEMAN

Defendant-Appellant.

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

No. 21-CR-40052-JPG-9

J. Phil Gilbert,

Judge.

ORDER

Jonathan Logeman pleaded guilty to conspiracy to distribute methamphetamine, 21 U.S.C. § 841(a)(1), (b)(1)(A), and was sentenced to 200 months' imprisonment. He now argues that the district court procedurally erred by not considering his principal mitigation arguments and not adequately explaining his sentence. He also challenges his within-guidelines sentence as substantively unreasonable. Because the district court considered his mitigation arguments, explained how it weighed the relevant § 3553(a) factors, and adequately justified the within-guidelines sentence, we affirm.

An investigation into a drug trafficking organization in southern Illinois revealed that Logeman and several others distributed methamphetamine throughout 2021 and 2022. Over 22 months, Logeman distributed about ten kilograms of methamphetamine for the organization. He did so by buying four-ounce or eight-ounce amounts of methamphetamine from the leader of the conspiracy and distributing them to several coconspirators, who then sold them to the public.

Logeman later pleaded guilty, without a plea agreement, to conspiracy to distribute methamphetamine. *See* 21 U.S.C. § 841(a)(1), (b)(1)(A). The PSR calculated an advisory guidelines range of 188 to 235 months' imprisonment based on a total adjusted offense level of 31 and a criminal history category of VI. At sentencing, neither party objected to the guidelines calculations in the PSR, and the district court adopted them.

The parties disagreed about the appropriate sentence. For its part, the government sought a sentence at the higher end of the range (between 210 and 235 months), noting the seriousness of the offense, the need to protect the public, and Logeman's extensive criminal history. Logeman requested a below-guidelines sentence. Citing research from the National Institute on Drug Abuse, his counsel argued in mitigation that Logeman's genetics predisposed him to mental illness and drug addiction, and that his criminal history was nonviolent. Counsel also contended that, because Logeman was merely a middleman, his sentence should align with two of his codefendants who received 120- and 132-month sentences, not the leader who received a 216-month sentence. Logeman himself stated that he had tried to better himself, had completed two substance-abuse courses, and was motivated to improve his life.

Before imposing a sentence, the district court considered the sentencing factors of 18 U.S.C. § 3553(a). Addressing the mitigation arguments, the court noted the asserted mental illness and drug addiction. But, it continued, a mental illness did not prevent Logeman from graduating high school or beginning college. The court also discounted his addiction, which it acknowledged must have "frustrated" his parents. It had "a hard time believing ... [that Logeman was] determined to be a drug addict because of genetics," when the cited research stated that genetics accounted for only half of the risk of mental illness and addiction, and he had the benefit of a "good upbringing." It added that "[s]ome people just like to commit crimes [and] ... with 17 criminal history points, you had to work hard to get there." Regarding Logeman's codefendants, the court said that it did not know their criminal history, and it explained that the focus was "[Logeman's] past," not his codefendants. Lastly, it observed that Logeman's past drug treatments had not helped him, and his earlier incarcerations had not rehabilitated him.

The district court imposed a within-guidelines prison term of 200 months and five years' supervised release. Weighing the § 3553(a) factors, it ruled that a term of 200 months was proper given the offense, Logeman's personal characteristics (a history of drug abuse, his eight previous convictions "catching up with [him]," and pending warrants), and the need to protect the public.

Logeman contends the district court procedurally erred by not considering his mitigation arguments and by not explaining his sentence in conjunction with the § 3553(a) sentencing factors. We review any procedural errors de novo. *United States v. Kowalski*, 103 F.4th 1273, 1278 (7th Cir. 2024).

First, Logeman argues that the district court did not consider his principal mitigation arguments: his genetics, mental illness, and drug addiction, plus his non-violent criminal history. A sentencing court must consider each side's principal arguments, *Rita v. United States*, 551 U.S. 338, 348 (2007), unless they are too "weak as not to merit discussion," *United States v. Cunningham*, 429 F.3d 673, 679 (7th Cir. 2005), or are "stock arguments" that are routinely contended at sentencing, *United States v. Graham*, 915 F.3d 456, 459 (7th Cir. 2019). In determining whether a court addressed an argument, we consider the "totality of the record." *United States v. Poetz*, 582 F.3d 835, 839 (7th Cir. 2009).

The district court sufficiently addressed each mitigation argument. Regarding Logeman's argument about a genetic predisposition to mental illness and drug addiction, the court read the scientific research Logeman had presented. It discussed the research's weakness and explained that genetics accounted for at most half of Logeman's behavior and did not "determine[]" his criminal conduct in light of his "good upbringing" and robust support. The court may have given the argument less weight than Logeman would have liked, but that alone is not error. *See United States v. Trujillo-Castillon*, 692 F.3d 575, 578 (7th Cir. 2012). Addressing the effects of Logeman's asserted mental illness, the court pointed out that it did not keep him from graduating from high school and beginning college. Finally, the court was not required to respond to Logeman's assertion that his criminal history was non-violent; we have explained that a defendant's reference to a non-violent history is a stock argument that a district court need not address. *See United States v. Cheek*, 740 F.3d 440, 455 (7th Cir. 2014). Nevertheless, Logeman's criminal history was serious and extensive, and the district court noted this when it stated Logeman had amassed 17 criminal history points and "had to work hard to get there."

Logeman next argues the district court did not explain its sentence in conjunction with the § 3553(a) sentencing factors. A district court must both consider the § 3553(a) factors and refer to them in explaining a defendant's sentence. *United States v. Hendrix*, 74 F.4th 859, 867 (7th Cir. 2023). But the burden of explanation is "not particularly onerous." *United States v. Morgan*, 987 F.3d 627, 632 (7th Cir. 2021).

The district court adequately explained its sentence. First, it properly observed Logeman's criminal history and personal characteristics by citing his extensive drug abuse, eight past convictions, and pending warrants. *See* 18 U.S.C. § 3553(a)(1). It also reasonably rejected the alleged mitigating effects of his asserted mental illness by noting that Logeman had succeeded in graduating high school and attending college. Next, the court permissibly characterized the offense, *see* 18 U.S.C. § 3553(a)(1)—distributing methamphetamine—as "not good." Finally, the court appropriately explained that it needed to imprison Logeman within the Guidelines to protect the public because past sentences and drug treatments had not rehabilitated him. *See* 18 U.S.C. § 3553(a)(2)(C).

Logeman replies that this explanation was inadequate because, in his view, the court improperly remarked that he must have "frustrated" his parents who gave him a "good upbringing." Remarks that invalidate a sentence are those that unreasonably attribute societal problems to the defendant. *United States v. Robinson*, 829 F.3d 878, 880 (7th Cir. 2016). For example, in *Robinson*, the sentencing court blamed the defendant for "urban decay, the changing nature of [the defendant]'s neighborhood, the 'pathology' of certain neighborhoods, and the connection between Milwaukee's 1967 riots and [then-]recent protests in Baltimore, Maryland." *Id.* Likewise, in *United States v. Figueroa*, the district court tied the defendant's offense to illegal immigration, Iranian terrorists, and Hitler's dog. 622 F.3d 739, 743 (7th Cir. 2010). Here, by contrast, the court permissibly explained that, after considering Logeman's beneficial upbringing and supportive parents, it had to reject his argument that his personal circumstances warranted a below-guidelines sentence.

Logeman next contends the district court imposed a substantively unreasonable sentence under the § 3553(a) factors. We review the substantive reasonableness of a defendant's sentence for abuse of discretion. *Morgan*, 987 F.3d at 632. Further, we presume that a within-guidelines sentence is reasonable. *United States v. Melendez*, 819 F.3d 1006, 1013 (7th Cir. 2016) (citing *United States v. Castro-Alvarado*, 755 F.3d 472, 477 (7th Cir. 2014)). Logeman bears the hefty burden of overcoming this presumption. *Melendez*, 819 F.3d at 1014.

Logeman cannot overcome the presumption of reasonableness. He argues first that, in his view, the district court did not weigh heavily enough his arguments regarding his mental illness, drug addiction, genetics, and non-violent criminal history. But for the reasons we have already mentioned, the court was permitted to discount those considerations and balance against them the aggravating factors of Logeman's criminal history, the seriousness of the offense, and the need to protect the public. *See* 18 U.S.C. § 3553(a)(1), (2); *see also United States v. Wood*, 31 F.4th 593, 601 (7th Cir. 2022). In doing so, the court reasonably concluded that these aggravating factors outweighed the mitigating considerations because the latter did not adequately excuse Logeman's conduct.

Second, Logeman argues his sentence was disproportionately higher than the median or average sentence for those with similar offense levels and criminal history categories. But as the government correctly points out, the Guidelines are "themselves an anti-disparity tool." *United States v. Baldwin*, 68 F.4th 1070, 1074 (7th Cir. 2023). When the district court varies from the Guidelines, disparities can arise. *United States v. Moore*, 50 F.4th 597, 604 (7th Cir. 2022). But because Logeman's sentence was within Guidelines and the court correctly calculated and considered the Guidelines range, the court avoided unwarranted disparities. *See United States v. Perez*, 21 F.4th 490, 494 (7th Cir. 2021).

Finally, Logeman contends his sentence should have been closer to his codefendants (who both received 120- and 132-month sentences) rather than the leader of the conspiracy (who received a 216-month sentence). Although a district court has discretion to consider sentencing disparities between codefendants, it has no obligation to do so. *United States v. Solomon*, 892 F.3d 273, 278 (7th Cir. 2018). And a district court's decision not to consider such disparities, when as here the defendant has failed to cite evidence showing that he is materially identical to a codefendant as § 3553(a)(6) requires, *see United States v. Durham*, 645 F.3d 883, 897 (7th Cir. 2011), is reasonable.

AFFIRMED