

**NONPRECEDENTIAL DISPOSITION**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 February 4, 2025

Decided March 3, 2025

**Before**

DIANE S. SYKES, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 24-2075

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

BRIAN D. BROADFIELD,  
*Defendant-Appellant.*

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

No. 13-CR-10055-001

Michael M. Mihm,  
*Judge.*

**ORDER**

Brian Broadfield served 156 months in prison for conspiracy to manufacture methamphetamine and began serving his eight-year term of supervised release. He soon violated his conditions of release, and his probation officer petitioned to revoke supervision. The district judge adjudicated Broadfield guilty and imposed 16 months' imprisonment and eight years of supervised release. Broadfield argues that the judge violated 18 U.S.C. § 3583(e) by relying exclusively on impermissible factors when determining the reimprisonment sentence. Because the district judge considered multiple permissible § 3553(a) factors, we affirm.

An investigation into a methamphetamine manufacturing ring in central Illinois revealed that, throughout 2013, Brian Broadfield and several others produced methamphetamine. Broadfield was federally indicted and later pleaded guilty pursuant to a plea agreement to conspiracy to manufacture methamphetamine. *See* 21 U.S.C. § 841(a)(1), (b)(1)(B). The district judge imposed a sentence of 208 months in prison—a term below the applicable range under the Sentencing Guidelines—and eight years of supervised release. The judge later reduced the sentence to 156 months on the government’s motion under Rule 35(b) of the Federal Rules of Criminal Procedure.

Broadfield began his supervised release in November 2023. Six months later, his probation officer petitioned to revoke his release, and he was arrested and detained pending a revocation hearing. The petition alleged that Broadfield violated four conditions of supervised release, including the condition prohibiting the commission of new crimes. Specifically, the petition alleged Broadfield had a physical and verbal altercation with his girlfriend constituting a domestic battery (Violation 1A). After the police were called, Broadfield resisted arrest and had to be forcibly placed into the police car (Violation 1B). He also damaged property in the police car by attempting to remove the camera in the backseat (Violation 1C) and at the Mason County Jail by breaking a phone receiver and defecating and urinating outside of the toilet in his jail cell (Violation 1D). The petition further alleged Broadfield failed to complete mental-health treatment (Violation 2), used alcohol (Violation 3), and did not report a change of address to his probation officer (Violation 4).

At the revocation hearing, Broadfield admitted Violations 1B, 1C, 1D, and 2–4, and the government withdrew the domestic battery allegation (Violation 1A). The parties disagreed about the appropriate sentence. The probation officer calculated a guidelines range of 21 to 27 months’ imprisonment, *see* U.S.S.G. §§ 7B1.3(a)(1), 7B1.4(a), based on a Grade B (the most serious of the violations), *id.* § 7B1.1(a)(2), and a criminal history category of VI. The government sought a 27-month sentence, the top of the range.

Broadfield requested a time-served sentence of two months. He noted that under 18 U.S.C. § 3583(e), some of the sentencing factors considered in an initial sentencing proceeding under 18 U.S.C. § 3553(a) were off-limits in the revocation context—namely, the seriousness of the offense, the need to promote respect for the law, and the need to provide just punishment, all listed in § 3553(a)(2)(A). To justify his request for a time-served sentence, Broadfield detailed his progress since serving his prison sentence, including his consistent employment and the assistance he provided to his parents. He

conceded he had failed to attend required mental-health evaluation appointments but stated he had taken the step of scheduling an appointment. Broadfield admitted he made a mistake, but he urged the judge to permit him to continue making progress.

The judge acknowledged Broadfield's employment and assistance to his mother, but he explained that the conduct underlying the supervised-release violations was "very, very serious." The judge expressly particular concern that Broadfield had fought with police officers, which required "three or four officers to get [him] in the car," had also "put feces on the door [of his jail cell]." Apart from that conduct, the judge remarked that Broadfield was not "being honest with [himself]" and that his attitude led him not to tackle his problems, as reflected in his avoidance of the mental-health treatment referral from his probation officer.

Ultimately, based on the "serious concerns under all of these circumstances" about what Broadfield would "do in the future," the judge imposed 16-month term of reimprisonment, followed by a six-year term of supervised release. Broadfield objected that the judge was barred from referring to the factors in § 3553(a)(2)(A), but the judge maintained his position that the seriousness of the offense was a permissible consideration in every sentence.

On appeal, Broadfield contends that the judge violated 18 U.S.C. § 3583(e) by relying exclusively on impermissible § 3553(a)(2)(A) factors in his sentencing decision. This is an assertion of procedural error, which we review *de novo*. *United States v. Martin*, 109 F.4th 985, 988 (7th Cir. 2024).

Section 3583(e) contains the remedial options available to judges when deciding how to deal with offenders who violate their conditions of supervised release. As relevant here, the statute permits the judge to revoke supervised release and impose a term of reimprisonment after considering most—but not all—of the sentencing factors in § 3553(a), which governs initial sentencing decisions. Omitted from the list of factors is § 3553(a)(2)(A), which requires sentencing courts to ensure that an initial sentencing decision "reflect[s] the seriousness of the offense," "promote[s] respect for the law," and "provide[s] just punishment for the offense."

Leaving § 3553(a)(2)(A) off the list of sentencing factors for supervised-release revocations reflects the "unique purpose of revocation sentences," which "is not to punish a defendant's violation as if it were a new federal crime, but rather to sanction the defendant's breach of the court's trust—that is, his or her failure to comply with

court-ordered conditions arising from the original conviction.” *United States v. Dawson*, 980 F.3d 1156, 1162 (7th Cir. 2020).

Still, judges are not required to *ignore* the seriousness of a defendant’s supervised-release violations when imposing a term of reimprisonment after revocation. *Id.* “To the contrary, a more serious violation likely reflects a more serious breach of trust.” *Id.* Moreover, there is “substantial overlap” between the factors listed in § 3583(e) and the omitted § 3553(a)(2)(A) factors. *Martin*, 109 F.4th at 990. So a judge will invariably consider the seriousness of the defendant’s violations—among other § 3553(a)(2)(A) factors—when fashioning an appropriate revocation sentence. *Id.* And there’s nothing impermissible about doing so, *provided that* “the court ‘relies *primarily* on the factors listed in § 3583(e), including the nature and circumstances of the violations, the history and characteristics of the defendant, the need to protect the public, and the need for adequate deterrence.’” *Id.* (quoting *United States v. Clay*, 752 F.3d 1106, 1108 (7th Cir. 2014)).

Here the judge relied on permissible § 3553(a) factors when reaching his decision. He discussed Broadfield’s history and characteristics, with particular emphasis on his disregard for laws and law enforcement and his casual approach to complying with the requirement to participate in mental-health treatment, while also recognizing his steady employment and family care. The judge explained his concern for what Broadfield might do in the future based on “all the circumstances” of his violations and record on supervised release—a discussion that encapsulates both specific deterrence and the need to protect the public. *See* § 3553(a)(2)(B) and (C). Finally, in listing some of the egregious details of Broadfield’s conduct, the judge addressed “the nature and circumstances of the offense.” *See* § 3553(a)(1). Ultimately the judge explained that the sentence he imposed was “necessary to address all of the sentencing factors.” Considered as a whole, the judge’s sentencing explanation relied primarily on permissible factors; his comments about the seriousness of Broadfield’s violations and bad attitude toward law enforcement did not predominate the decision. There was no procedural error.

AFFIRMED