

NONPRECEDENTIAL DISPOSITION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 October 21, 2025

Decided October 22, 2025

Before

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-3298

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MICHAEL T. JACKSON,
Defendant-Appellant.

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

No. 3:19-cr-30041-SEM-KLM-1

Sue E. Myerscough,
Judge.

ORDER

Michael Jackson appeals the revocation of his supervised release and his associated 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 apply the *Anders* safeguards because a defendant has a presumptive right to counsel when he plausibly contests the violations on which the revocation of his supervised release is based. *See Gagnon v. Scarpelli*, 411 U.S. 778, 790 (1973). Because counsel's analysis appears thorough, and Jackson did not respond to the motion, *see* CIR. R. 51(b), we limit our review to the subjects that counsel discusses, *see United States v. Bey*, 748 F.3d 774, 776 (7th Cir. 2014).

Jackson pleaded guilty in 2021 to possessing a firearm and ammunition as a felon. *See* 18 U.S.C. § 922(g)(1). He was sentenced to 48 months in prison and 36 months of supervised release. He completed his term of imprisonment and began his supervised release in March 2023.

Two months later, he was arrested for aggravated fleeing from a peace officer. Fourteen months after that, in July 2024, Jackson participated in a beating that led to his arrest for aggravated battery and mob action. After the second arrest, Jackson's probation officer petitioned for revocation of supervised release. Jackson denied guilt in each of the three violations, so the district court held an evidentiary hearing.

The district court heard from the police officer who attempted to pull Jackson over in May 2023. The officer testified that he saw Jackson speeding and swerving around other cars. When he attempted to pull Jackson over, Jackson sped up, and eventually the officer stopped following. A few minutes later, Jackson flagged down another patrol car. When the original officer arrived on the scene, Jackson told him he refused to stop because people in another car had shot at him. On cross-examination, the officer agreed that Jackson showed him bullet holes on the hood of the car, though the officer believed they were from a prior shooting.

With respect to the July 2024 arrest, the district court reviewed three videos of Jackson and others beating a man in an alley next to a bar. The videos show Jackson punching the man multiple times, even after he fell to the ground and tried to crawl away. Jackson questioned whether the man had been injured in the fight, noting that there was no evidence of physical injury or that the man had sought medical attention. Jackson also contended that he acted in self-defense and attempted to break up the fight, presenting a witness who testified that the other man attempted to strike Jackson first.

The court adopted the facts contained in the petition for revocation and found that Jackson violated the terms of his supervised release by committing aggravated battery, mob action, and aggravated fleeing. The court agreed to Jackson's request that references to uncharged firearms offenses and alleged gang membership be struck from the court's findings. Jackson did not otherwise object to the procedures or findings.

The court revoked Jackson's supervised release before hearing sentencing arguments. The government highlighted the severity of the beating, while Jackson pointed to his work in the community, his small business breeding dogs, and his relationship with his family. After addressing Jackson's mitigating arguments, the court

sentenced him to 24 months' imprisonment and one year of supervised release, the statutory maximum. Jackson did not object to the revocation or sentence.

In support of the motion to withdraw, counsel considers whether Jackson could raise a nonfrivolous challenge to the revocation of his supervised release. We have noted previously that counsel should consult the client about the risks of appealing revocation and confirm the client wishes to proceed before exploring a possible challenge. *See United States v. Wheeler*, 814 F.3d 856, 857 (7th Cir. 2016); *United States v. Knox*, 287 F.3d 667, 671 (7th Cir. 2002). It is unclear whether such a consultation occurred here. Regardless, we agree that Jackson lacks a nonfrivolous argument to challenge the revocation.

Counsel first considers and rightly rejects as frivolous any procedural challenges to the revocation of supervised release. Jackson received written notice of the violation and the evidence against him, *see* FED. R. CRIM. P. 32.1(b)(2)(A), (B), was represented by appointed counsel who examined and cross-examined witnesses, *see id.* 32.1(b)(2)(C), (D), and was given an opportunity to make a statement and present mitigating information, *see id.* 32.1(b)(2)(E). We would therefore agree that the district court observed the necessary procedural safeguards before revoking Jackson's supervised release. *See id.* 32.1(b)(2); *United States v. Jones*, 774 F.3d 399, 403 (7th Cir. 2014).

Counsel also considers whether Jackson could challenge the evidentiary basis for his revocation and correctly concludes that such a challenge would be frivolous. Violations of supervised release must be proved by a preponderance of the evidence, 18 U.S.C. § 3583(e)(3), and we review only for abuse of discretion, *see United States v. Golden*, 843 F.3d 1162, 1165 (7th Cir. 2016). The videos clearly show Jackson punching the other man multiple times, even though the man never fought back. We would agree that the court did not abuse its discretion in finding that Jackson committed aggravated battery.

That finding mandates revocation of supervised release as a matter of law. *See* U.S.S.G. § 7B1.1(a)(1); *id.* § 7B1.3(a)(1). Revocation is mandatory for Grade A violations, which include crimes of violence punishable by more than a year in prison. *Id.* Here, aggravated battery is punishable by over a year in prison under 720 ILCS 5/12-3.05, and Jackson's conduct constituted a crime of violence because he "use[d] ... physical force against the person of another." *See* U.S.S.G. § 4B1.2(a)(1); *Golden*, 843 F.3d at 1166–67 (holding that a videotape of the defendant repeatedly punching and kicking another man established a Grade A violation).

Next, counsel correctly concludes that Jackson could make no nonfrivolous challenge to his sentence of 24 months' imprisonment and one year of supervised release. The court calculated Jackson's policy-statement range at 33 to 41 months' reimprisonment based on his Grade A violation, *see* U.S.S.G. § 7B1.1(a)(1), and category VI criminal history from his original sentencing, *see* U.S.S.G. § 7B1.4. The court noted this range exceeded the statutory maximum for Jackson's original class C conviction, 18 U.S.C. §§ 922(g)(1), 924(a)(8), 3559(a)(3), and imposed the maximum of 24 months, *id.* § 3583(e)(3). There is no nonfrivolous argument available that the sentence was the result of procedural error.

Counsel also correctly determines that no nonfrivolous challenge could be made to the substantive reasonableness of Jackson's sentence. Our review of sentences following revocation is "highly deferential," and we reverse only if the sentence is "plainly unreasonable." *United States v. Childs*, 39 F.4th 941, 944–45 (7th Cir. 2022). The court addressed the relevant sentencing factors in 18 U.S.C. § 3553(a), *see* 18 U.S.C. § 3583(e), as well as Jackson's mitigating arguments, *see United States v. Castaldi*, 743 F.3d 589, 595 (7th Cir. 2014). The judge acknowledged Jackson's favorable employment history and his relationship with his family while also taking into account that he committed a dangerous offense just two months into his supervised release and also participated in a "brutal" beating. The judge further noted the need to deter future criminal activity and to protect the community. There is no nonfrivolous argument that, under the facts of this case, 24 months' imprisonment was plainly unreasonable. *See Childs*, 39 F.4th at 944–45.

Finally, counsel rightly concludes that any challenge to Jackson's one-year term of supervised release or its conditions would be frivolous. When added together, the term of imprisonment imposed after revocation and the term of supervised release imposed after revocation may not exceed the maximum term of supervised release for the original offense. 18 U.S.C. § 3583(h). The maximum term of supervised release for Jackson's original offense was three years, *see id.* § 3583(b)(2), and so his sentence of two years' imprisonment and one year of supervised release is permissible. And because Jackson had notice of the conditions of his supervised release and chose not to contest them, he has waived any further challenge. *See United States v. Flores*, 929 F.3d 443, 449–50 (7th Cir. 2019).

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