

NONPRECEDENTIAL DISPOSITION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 18, 2025

Decided November 21, 2025

Before

DAVID F. HAMILTON, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 25-1411

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

Appeal from the United States District
Court for the Northern District of
Indiana, South Bend Division.

v.

No. 3:21CR090-001

LEONTIS CORNELIUS,
Defendant-Appellant.

Jon E. DeGuilio,
Judge.

ORDER

A jury found Leontis Cornelius guilty of two counts of possessing a firearm as a felon, 18 U.S.C. § 922(g), and the district court sentenced him to 97 months' imprisonment. On appeal, Cornelius argues that the court improperly increased his offense level under the Sentencing Guidelines based on its own finding that he possessed a firearm in connection with another felony offense, rather than having a jury resolve that dispute. He also argues that the court clearly erred in rejecting his self-defense argument regarding that other felony offense. Because the Fifth and Sixth Amendments do not require a jury to find facts relevant to advisory guidelines

calculations and the court did not clearly err in assessing Cornelius's self-defense argument, we affirm.

Background

In May 2020, police officers responded to reports of gunfire in South Bend, Indiana, and spoke to Cornelius at the scene. Cornelius reported that unknown assailants drove by his house, exited their vehicle, and opened fire. The officers observed damage to several parked cars and a bullet hole in the side of the house. Cornelius admitted that he returned fire, using his sister-in-law's .45 caliber handgun. The assailants then returned to their vehicle and drove away, while Cornelius continued firing and shattered their vehicle's windows.

A few days later, a detective collected the .45 caliber handgun, which was consistent with the shell casings found at the scene and confirmed Cornelius's account. The detective's criminal history check, however, revealed that Cornelius had multiple felony convictions.

A year later, a different group of officers responded to a domestic disturbance call, where they observed Cornelius in possession of a loaded rifle.

A grand jury indicted Cornelius on two counts of unlawful firearm possession as a felon. The grand jury soon returned a superseding indictment further alleging that Cornelius had three prior convictions supporting an enhanced sentence under 18 U.S.C. § 924(e). Although Cornelius testified that he handled the firearms during both incidents only for self defense, a jury found him guilty of both counts in May 2023. Notably, Cornelius's jury was not asked to find whether his prior felony convictions occurred on separate occasions.

Because Cornelius's offenses were committed before the 2022 amendments to 18 U.S.C. § 924, his convictions each carried a maximum sentence of up to ten years' imprisonment by default. *Id.* § 924(a)(2) (2021). But if a defendant has three prior convictions for a "violent felony" or "serious drug offense" that were "committed on occasions different from one another," that defendant faces a minimum sentence of 15 years and a maximum of life imprisonment. *Id.* § 924(e)(1). In *Erlinger v. United States*, 602 U.S. 821, 825 (2024), the Supreme Court held that for the longer sentence to apply, the Fifth and Sixth Amendments require that a jury determine whether the prior offenses were, in fact, committed on different occasions. Because the jury was not asked

to make that finding here, the parties agreed that the court could impose sentences only up to ten years' imprisonment for each count.

Before sentencing, the probation office prepared a presentence investigation report and recommended increasing Cornelius's offense level by four levels under U.S.S.G. § 2K2.1(b)(6)(B) (2024) because Cornelius possessed the handgun during the May 2020 incident in connection with another felony offense: criminal recklessness under Indiana law. *See* IND. CODE § 35-42-2-2(b). Cornelius objected on two grounds. First, he argued that he acted in self defense, so the court could not find he committed criminal recklessness. Second, he contended that *Erlinger* requires a jury—not the court—to find he committed criminal recklessness beyond a reasonable doubt before the court could increase his offense level and therefore his guidelines range.

The district court rejected both arguments. Concerning the self-defense argument, the court accepted Cornelius's version of events but found that although he may have initially acted in self defense, once the assailants fled the scene in their vehicle, Cornelius was no longer defending himself when he continued firing recklessly. Regarding *Erlinger*, the court explained that because the increase in his offense level did not increase a statutory minimum or maximum sentence, the jury right was not implicated. The court then imposed concurrent prison terms of 97 months, a sentence at the bottom of his enhanced guidelines range.

Analysis

Cornelius renews his challenges to the § 2K2.1(b)(6) enhancement on appeal. We review the district court's factual findings at sentencing for clear error but review de novo whether those findings "adequately support the imposition of the enhancement." *United States v. Barker*, 80 F.4th 827, 834 (7th Cir. 2023) (quoting *United States v. Brown*, 843 F.3d 738, 742 (7th Cir. 2016)).

Cornelius first maintains that under *Erlinger*, a jury must find him guilty of violating Indiana's criminal recklessness law before the court can increase his advisory guidelines range. This theory fundamentally misunderstands the jury right. *See United States v. Miedzianowski*, 60 F.4th 1051, 1057 (7th Cir. 2023). In *Erlinger* and its antecedents, the Supreme Court held that the Fifth and Sixth Amendments require a jury to find beyond a reasonable doubt any fact that increases a defendant's statutory minimum or maximum sentence. *Erlinger*, 602 U.S. at 834, 838; *see also Alleyne v. United States*, 570 U.S. 99, 111–16 (2013); *Apprendi v. New Jersey*, 530 U.S. 466, 490 (2000). But ever since the Supreme Court rendered the Sentencing Guidelines advisory in *United*

States v. Booker, 543 U.S. 220 (2005), the calculation of the offense level does not change the minimum or maximum sentence. Instead, it merely guides the court's discretion in choosing a sentence within the range, and the judge remains the one who finds the facts relevant to that determination. *See Apprendi*, 530 U.S. at 481; *Miedzianowski*, 60 F.4th at 1057.

Here, Cornelius faced a statutory maximum of ten years in prison (with no minimum) because the jury found him guilty of only possessing the firearms as a felon. 18 U.S.C. §§ 922(g), 924(a)(2) (2021). And regardless of the offense-level adjustment to his advisory guidelines range, Cornelius's statutory maximum did not change. Thus, neither § 924 nor the Fifth or Sixth Amendments require that the jury find him *guilty* of criminal recklessness beyond a reasonable doubt before the district court applied the applicable sentencing-guidelines enhancement. Instead, the court needed only to find that he engaged in conduct constituting criminal recklessness related to his possessing the firearm, and that this *conduct* warranted a longer sentence for that possession within the range of zero to ten years established by the jury's verdict. *See United States v. Holton*, 873 F.3d 589, 591–92 (7th Cir. 2017).

The district court also did not clearly err in finding that Cornelius's conduct amounted to criminal recklessness as defined by Indiana law. Cornelius argues that the district court misplaced the burden of proof. But the court correctly recognized that it was the government's burden to disprove Cornelius's self-defense argument before applying the four-level increase under U.S.S.G. § 2K2.1(b)(6)(B).

To prevail on a self-defense argument, Cornelius had to show that: (1) he was lawfully present; (2) he did not provoke or participate in the violence; and (3) he reasonably feared death or serious harm. *See Wilson v. State*, 770 N.E.2d 799, 800 (Ind. 2002) (citing IND. CODE § 35–41–3–2). If Cornelius met this showing, the government had to disprove at least one element. *Id.* Because these findings were made for purposes of choosing a sentence, and not to establish guilt, the court needed to find this conduct by only a preponderance of the evidence. *See United States v. Watts*, 519 U.S. 148, 157 (1997); *United States v. Sandidge*, 784 F.3d 1055, 1062 (7th Cir. 2015).

Although Cornelius introduced evidence on all three elements, the district court properly reviewed the evidence and found that the government successfully negated the third element—reasonable fear—by a preponderance of the evidence. One fact is dispositive: Cornelius admitted to officers and at trial that he continued firing at the assailants as they drove away. And in *Wilson*, the Supreme Court of Indiana upheld a conviction where the defendant continued shooting after the threat had subsided

because the defendant's reasonable fear had ended in that moment. 770 N.E.2d at 801. The same reasoning applies here: once the assailants retreated, the district court permissibly found that Cornelius no longer reasonably feared death or serious harm and so was not acting in self defense.

AFFIRMED