

NONPRECEDENTIAL DISPOSITION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 December 16, 2025

Decided December 31, 2025

Before

MICHAEL B. BRENNAN, *Chief Judge*

DIANE S. SYKES, *Circuit Judge*

REBECCA TAIBLESON, *Circuit Judge*

No. 25-1292

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JOSEPH RAOUL III,
Defendant-Appellant.

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

No. 1:22-cr-00343 (1)

Virginia M. Kendall,
Chief Judge.

ORDER

Joseph Raoul III pleaded guilty to one count of wire fraud, *see* 18 U.S.C. § 1343, for defrauding six people of over \$700,000. The district judge sentenced Raoul to 30 months' imprisonment and ordered him to pay restitution to the victims. Raoul now argues that the judge sentenced him based on inaccurate information—by failing to appreciate that his medical condition had deteriorated since he committed the crime—and without considering probation as an alternative sentence. Because Raoul has not

shown that the judge sentenced him based on a misunderstanding of the facts or a misapplication of the sentencing factors in 18 U.S.C. § 3553(a), we affirm.

Between 2017 and 2022, Raoul—pretending to be a successful day trader, investment consultant, and client fund manager—persuaded five individuals to invest their money with him and persuaded one individual to loan him money to pay fictitious attorney’s fees. But instead of investing their money or paying attorney’s fees, he used it to pay his personal living expenses. To keep up the charade, Raoul fabricated consulting agreements, spreadsheets listing stock purchases, and account statements showing increases in account value. When his victims asked him to return their investments, he lied to them; and when the FBI questioned him, he lied to them too. In total, Raoul defrauded his victims of approximately \$700,000.

The government indicted Raoul for six counts of wire fraud, *see* 18 U.S.C. § 1343, and one count of making a false statement, *see* 18 U.S.C. § 1001(a)(2). Under an agreement between the parties, Raoul pleaded guilty to one count of wire fraud.

The judge adopted (without objection) a Presentence Investigation Report that calculated Raoul’s guidelines range as 30 to 37 months’ imprisonment. The PSR reported that Raoul was diagnosed with morbid obesity, heart failure, and respiratory arrest in 2012 and Type II diabetes in 2015. It stated that he was hospitalized for multiple weeks in 2012, four times in 2015, and twice in 2023. The PSR also noted that Raoul must wear corrective lenses and that he “believes he is legally blind.” When given the opportunity, Raoul declined to submit any medical records to the probation office, though he did file a sentencing memorandum that detailed his health condition. Raoul’s health conditions were also the focus of multiple status hearings before sentencing, during which the parties discussed his current health, his ability to travel to court, and when to schedule the sentencing.

At the sentencing hearing, Raoul acknowledged the severity of his crime and the unlikelihood that he could ever compensate his victims, but he argued that his declining health obviated the need for a sentence other than probation. As a result of his heart and respiratory failure, his counsel said, Raoul needed a wheelchair to move more than a few feet and an oxygen tank to leave his bed for more than 15 minutes. Raoul’s counsel also stated that he was nearly blind and had an incurable skin condition requiring daily care. Counsel explained that Raoul’s conditions required him to live in a nursing home, and in the 18 months before sentencing, he left the nursing home only for hospitalizations and court appearances. Because the limitations imposed by his

health would prevent him from committing any further crimes, he argued, specific deterrence was unnecessary and probation would be adequately punitive.

The prosecutor, insisting that probation would be insufficiently punitive, asked the court to impose a sentence within the guidelines. He acknowledged that Raoul's condition had worsened but noted that Raoul suffered from many of the same symptoms when he committed the offense. And because Raoul would never repay his victims, he argued that serving probation at a nursing home of his choice would amount to "no punishment."

The judge sentenced Raoul to 30 months' imprisonment (the bottom of the guidelines range) and ordered Raoul to pay \$712,386 in restitution. Regarding Raoul's health problems, the judge noted that "you committed the crimes when you were in a bad medical state, so it's difficult for me to say that you couldn't commit another crime." The judge's written statement of reasons similarly stated that "[w]hile Raoul suffers from severe health issues, Raoul committed this offense while suffering from these health issues, such that their existence does not meaningfully diminish the possibility of recidivism and the need for specific deterrence." The judge also emphasized the need for punishment: "[T]here has to be a sense that this crime has consequences, consequences that are for your actions, not for your medical state."

Raoul's first claim on appeal is that the district judge procedurally erred by sentencing him based on inaccurate information. The record, Raoul maintains, shows that the judge did not appreciate the extent to which his health had deteriorated between the time he committed the offense and sentencing. To successfully challenge his sentence on this ground, Raoul must show both that the information before the judge was inaccurate and that the judge relied on the inaccurate information in choosing the sentence. *See United States v. Harris*, 118 F.4th 875, 887 (7th Cir. 2024).

Raoul cannot make either showing. He does not identify any inaccurate information presented to the judge or any mistakes that the judge made about his condition. It is undisputed that Raoul committed the offense while suffering from morbid obesity, heart failure, respiratory failure, and diabetes. And although the judge did not specify that Raoul's condition had worsened before sentencing, she also said nothing to suggest disagreement with the PSR or the parties' submissions, which reflected Raoul's deteriorating condition over time. Raoul, at bottom, disagrees with the judge's determination that he remained capable of reoffending, but he fails to identify "false information" that was a basis for that determination, as he must for us to vacate his sentence. *See id.* (citations omitted).

Second, Raoul argues that the judge procedurally erred by equating probation with “no sentence” and failing to consider other available “kinds of sentences,” as required by 18 U.S.C. § 3553(a)(3). This argument is frivolous. In reality, the judge simply concluded that probation would not provide adequate sanction or specific deterrence in this case, as she explained:

It’s an interesting argument, [prosecutor], that you make that ... what are we essentially saying? If you [defendant] stay in your nursing home, then what is the sentence? There is no sentence because you’re staying in the same situation that you’re in. . . . [T]here has to be specific deterrence. And there has to be a sense that this crime has consequences, consequences that are for your actions, not for your medical state.

As for Raoul’s argument that the judge should have further considered alternative sentences (*e.g.*, restrictions to make probation more punitive), a judge need not “write a comprehensive essay,” *United States v. Reyes-Medina*, 683 F.3d 837, 840 (7th Cir. 2012) (citations omitted), so long as she “consider[s] the sentencing factors *in toto* and create[s] an adequate record for review,” *United States v. Hendrix*, 74 F.4th 859, 867 (7th Cir. 2023) (citations omitted). Here, the judge considered the sentencing factors and determined that probation would be inappropriate in her efforts to impose “a sufficient sentence that’s not greater than necessary.” Raoul has identified no error in that analysis.

AFFIRMED