

NONPRECEDENTIAL DISPOSITION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 February 17, 2026

Decided February 18, 2026

Before

MICHAEL B. BRENNAN, *Chief Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 25-1350

UNITED STATES OF AMERICA

Plaintiff-Appellee,

v.

SHELDON BAINS,

Defendant-Appellant.

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

No. 1:21-CR-00599(1)

Mary M. Rowland,
Judge.

ORDER

Sheldon Bains 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). When a defendant plausibly contests the violations on which the revocation of his supervised release was based, he has a presumptive right to counsel and we apply the *Anders* safeguards. *See Gagnon v. Scarpelli*, 411 U.S. 778, 790 (1973). Bains did not respond to counsel's motion to

withdraw. *See* CIR. R. 51(b). Counsel's analysis appears thorough, and from our review of the brief and record we agree that Bains does not have an arguable issue on appeal.

Bains pleaded guilty to possessing a firearm as a felon. *See* 18 U.S.C. § 922(g)(1). He was sentenced to 36 months' imprisonment with credit for time served and 3 years' supervised release. He was released in May 2024 but soon violated several conditions of his release. He failed to report to the probation office, a mental health assessment, and a mandatory drug test, and he was found in possession of cannabis during a traffic stop. Most seriously, in January 2025, he was arrested for simple domestic battery and aggravated domestic battery. *See* 720 ILCS 5/12-3.2, 5/12-3.3. Bains's probation officer petitioned for revocation of supervised release.

At the revocation hearing, Bains challenged only the violations related to domestic battery. The government introduced clips of body camera footage of Bains's arrest. Video showed a woman, with whom Bains shares a child, telling police that Bains hit or bit her in the face, woke her from her sleep, started choking her until she lost consciousness, and slammed her to the floor. Visibly upset, she also pointed to an injury and bruise on her elbows, prompting an officer to remark, "Yeah, that's fresh." At the hearing, Bains conceded that the two fought verbally but claimed that his partner lied when she told police that Bains had hit or strangled her. Bains emphasized that his arrest report indicated that the victim had visible injuries—a small laceration on her forehead and abrasion on her right elbow—but contrary to the victim's claim that Bains strangled her, the report did not mention injuries consistent with strangulation. Bains argued that the victim's allegations were also inconsistent with injuries visible in the video and listed in the arrest report, and the minimal evidence of injury was insufficient to support a finding that Bains had committed battery. The victim did not testify.

The district court found that the government had not proved aggravated domestic battery by a preponderance of the evidence because there was no evidence—other than the victim's statements in the body camera footage—that she had been strangled. But even though the court had concerns that the victim exaggerated what happened, it found that her demeanor and the arrest report nevertheless supported a finding that Bains committed simple domestic battery.

After finding that Bains committed the Grade C violation, the district court calculated the guidelines range at four to ten months. The government requested a ten-month sentence of imprisonment, highlighting Bains's two prior arrests for domestic battery, as well as the other violations of supervised release. Bains argued for a sentence of time served because the underlying violation was a misdemeanor that would not

ordinarily result in imprisonment. The court imposed a sentence of six months' imprisonment with credit for the time he spent in state custody and two years' supervised release. Bains waived a reading of the terms of his supervised release, and the court withheld ruling on an additional condition of release that would address Bains's future contact with the victim.

In support of the motion to withdraw, counsel confirms that Bains wishes to challenge the domestic battery violation and considers whether Bains could raise a nonfrivolous challenge to the revocation. *See United States v. Wheeler*, 814 F.3d 856, 857 (7th Cir. 2016).

Counsel first notes that the district court admitted and relied on hearsay statements in the body camera footage without making findings required by Federal Rule of Criminal Procedure 32.1(b)(2)(C). Before admitting hearsay evidence at a revocation hearing, the court must find that the interests of justice served by admitting the evidence outweigh the defendant's right to confront adverse witnesses. *See United States v. Jordan*, 742 F.3d 276, 280 (7th Cir. 2014) (citing FED. R. CRIM. P. 32.1(b)(2)(C)).

But Bains waived any challenge to the statements, precluding appellate review. "Waiver occurs when a defendant intends (by words or actions) to relinquish a known right." *United States v. Hunt*, 930 F.3d 921, 924 (7th Cir. 2019). Evidence that a defendant chose not to object for strategic reasons supports a finding of waiver. *See id.*; *see also United States v. Ford*, 798 F.3d 655, 660 (7th Cir. 2015). Here, the victim's statements formed much of Bains's defense. He contended that the victim's account of the fight changed while she was talking to police, was inconsistent with the injuries listed in the arrest report, and reflected an angry verbal spat rather than a physical altercation. After the government introduced clips from the body camera footage, Bains asked to admit the full video, though counsel ultimately decided not to supplement the record. These actions reflect "a calculated choice to remain silent" during the government's use of the body camera footage so that he could use the same footage to call the victim's credibility into question. *Ford*, 798 F.3d at 660.

Nor could Bains successfully challenge the sufficiency of the evidence. To revoke Bains's release under 18 U.S.C. § 3583(e)(3), the district court needed to find by a preponderance of the evidence that Bains "knowingly without legal justification ... [caused] bodily harm to any family or household member" or "[made] physical contact of an insulting or provoking nature with any family or household member." 720 ILCS 5/12-3.2(a). We review the court's factual findings for clear error.

United States v. Perez, 99 F.4th 972, 976 (7th Cir. 2024). “Where there are two permissible views of the evidence, the factfinder’s choice between them cannot be clearly erroneous.” *United States v. Avila*, 106 F.4th 684, 694 (7th Cir. 2024) (quoting *Anderson v. City of Bessemer City*, 470 U.S. 564, 574 (1985)).

Here, the district court questioned whether the attack was as severe as the victim said it was, noting that there was no physical evidence that she was strangled. But the court also acknowledged that her distress and apparent injury supported the accusation that Bains hit her. In other words, the court weighed Bains’s account of the fight against the victim’s before concluding that it was more likely than not that Bains had caused her bodily harm or made physical contact of an insulting or provoking nature short of strangulation. The degree of force necessary to sustain a conviction for simple battery under Illinois law is not especially high—“one common way to violate section 5/12-3.2(a)(2) is by spitting on another.” *De Leon Castellanos v. Holder*, 652 F.3d 762, 766 (7th Cir. 2011). We see no clear error in the court’s finding that Bains made contact with the victim in a manner that would sustain a conviction for simple battery.

Counsel also considers challenging Bains’s six-month prison term and two-year term of supervised release but rightly concludes such a challenge would be frivolous. Counsel notes that the district court correctly calculated the guidelines range at four to ten months’ imprisonment, given Bains’s criminal history category of II and Grade C violations. *See* U.S.S.G. § 7B1.4. Counsel next observes that the court weighed the appropriate § 3553(a) factors, *see Esteras v. United States*, 606 U.S. 185, 192, 195 (2025), and considered Bains’s arguments in mitigation before imposing the sentence, *see United States v. Yankey*, 56 F.4th 554, 558 (7th Cir. 2023). Likewise, the court adequately explained the sentence, emphasizing a particular need to deter future criminal conduct. *See id.* at 560; 18 U.S.C. § 3553(a)(2)(B). Bains’s within-guidelines sentence is also presumptively reasonable, and nothing in the record rebuts that presumption. *See Yankey*, 56 F.4th at 560.

Lastly, counsel concludes Bains waived any challenge to the conditions of supervised release when he waived a formal reading of the conditions. *See United States v. Gibbs*, 130 F.4th 619, 622 (7th Cir. 2025).

Accordingly, we GRANT the motion to withdraw and DISMISS the appeal.