In the

United States Court of Appeals

For the Seventh Circuit

Nos. 24-2367, 24-2369 & 24-2370

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ADEL DAOUD,

Defendant-Appellant.

Appeals from the United States District Court for the
Northern District of Illinois, Eastern Division.
Nos. 1:12-cr-00723, 1:13-cr-00703 & 1:15-cr-00487 —
Matthew F. Kennelly, *Judge*.

ARGUED SEPTEMBER 30, 2026 — DECIDED NOVEMBER 19, 2026

Before BRENNAN, *Chief Judge*, and RIPPLE and ST. EVE, *Circuit Judges*.

ST. EVE, *Circuit Judge*. Adel Daoud committed three violent crimes in the name of religious extremism. First, Daoud attempted to detonate a bomb that would have killed hundreds of innocent people. Fortunately, the "bomb" was fake, and the product of an FBI sting operation. Second, Daoud solicited the murder of the FBI agent who served as

Daoud's right-hand man in planning the attack. Third, after two-and-a-half years in custody, Daoud attempted to murder an inmate in his sleep with handmade weapons because the victim once drew a picture of the Prophet Muhammad. Daoud entered an *Alford* plea as to all three crimes. After we found his initial sentence of 16 total years substantively unreasonable, Daoud sought to withdraw that plea, which the district court denied. After taking issue with two separate counsels, Daoud eventually invoked his right to self-representation at sentencing, which the district court granted. Ultimately, the district court re-sentenced Daoud to 27 years' imprisonment. He now appeals, but we affirm the district court across the board.

I. Background

The record in this case sets forth Adel Daoud's path into the criminal justice system. *See United States v. Daoud*, 980 F.3d 581, 584–90 (7th Cir. 2020). Daoud first caught the FBI's attention when he was 18 years old. Law enforcement discovered Daoud's online activity in which he sought out and promoted violent jihadist materials and declared his desire to take revenge against the United States. FBI agents began corresponding with Daoud, posing as fellow jihadists from around the world.

After extensive conversation, Daoud began to work closely with one agent who posed as an operational terrorist named "Mudafar." Daoud began planning a terror attack with Mudafar, eventually settling on Chicago's Cactus Bar & Grill as "the perfect place" for their attack. When the time came to execute the plan, Daoud said he wanted to have "direct action" and asked if he could detonate the bomb that Mudafar built. Daoud said that the presence of 200 people at

the scene of the attack was "like the lottery." He pressed the detonate button and the FBI immediately arrested him.

Daoud's next two crimes took place while in custody. Shortly after arriving at the Metropolitan Correctional Center (MCC) in Chicago, Daoud sought to have the FBI agent who posed as Mudafar murdered. Daoud's cellmate saw an opportunity. He worked with federal authorities to record Daoud's solicitations for Mudafar's murder, receiving $15,000 for his efforts. The cellmate showed Daoud a picture of the agent, purportedly secured by his associates on the outside but actually provided by authorities, and told Daoud to make a call authorizing the murder, which Daoud did.

About two-and-a-half years into custody, in May 2015, Daoud attacked another inmate in his sleep with sharpened toothbrushes, including one with a razor blade attached. He attacked his cellmate because, six months prior, that inmate had drawn a picture of the Prophet Muhammad.

After the assault, Daoud's counsel moved for a competency hearing. The district court found Daoud incompetent to stand trial due to schizophrenia and other mental health disorders in August 2016. The proceedings paused until March 2018, when the district court found Daoud, then stabilized with medication, competent to stand trial. At this point, two different judges had Daoud's three separate cases. Daoud was set to go to trial on the first two crimes that November, but on the eve of jury selection, the district court granted Daoud's request to plead guilty while maintaining his innocence—colloquially known as an *Alford* plea—to all ten counts spawning from his three crimes. The advisory Guidelines range provided for life imprisonment. The district court sentenced him to 16 years.

We reversed that decision as substantively unreasonable and directed the district court to re-sentence Daoud. *See Daoud*, 980 F.3d at 596. Daoud's combined case went to a third district judge. Before the second sentencing, the district court transferred his case to a fourth, an administrative necessity[1] that Daoud thinks strengthens his argument on appeal. Before we address that contention, however, a bit more on the post-remand proceedings:

Roughly six months after our decision, Daoud began submitting strange filings to the district court. He claimed that his attorney had set up the 2016 incompetency finding to mask a criminal enterprise in which the attorney profited from both Daoud's family and his fees as court-appointed counsel. That attorney, who had represented Daoud for the better part of a decade, moved to withdraw based on irreconcilable differences while expressing concerns about Daoud's mental health status to the court. Judge Lee verified the falsity of the accusations and appointed independent counsel to discuss with Daoud the decision to fire his longtime attorney. The independent counsel confirmed that after several meetings with Daoud, she did not doubt his competency. In January 2022, Judge Lee brought the MCC staff into court to confirm that Daoud had consistently taken his medication at the time of his request to part ways with his attorney, and the staff confirmed as such. Judge Lee granted Daoud's request to part ways with his old attorney and appointed the independent

[1] On September 8, 2022, the Executive Committee of the Northern District of Illinois reassigned Daoud's case to the Honorable Matthew F. Kennelly after the initial recipient on remand, the Honorable John Z. Lee, was confirmed as a Circuit Judge to the United States Court of Appeals for the Seventh Circuit.

counsel to step in as Daoud's new attorney with instructions to file a request for a competency hearing if one was warranted. She never did.

Daoud quickly took issue with his new attorney. She lasted less than a year, but in that time, she filed a motion to withdraw Daoud's *Alford* plea. Judge Kennelly, who had taken over the case in September 2022, denied that motion. Meanwhile, Daoud continued to file motions on his own behalf and decided to again fire his attorney. This time, he invoked his right to self-representation under the Sixth Amendment. In December 2022, Judge Kennelly granted the request after performing the requisite colloquy with Daoud but kept Daoud's attorney as standby counsel. Daoud represented himself in his initial sentencing hearings held throughout the summer of 2023, at which point Judge Kennelly urged Daoud to consider a mental evaluation for mitigation purposes.

The sentencing proceedings sat on hold while Daoud filed a litany of motions, all of which the district court denied or dismissed. Daoud also participated in the recommended mental evaluation but told Judge Kennelly in June 2024 that after conferring with standby counsel, he had decided not to submit the contents of the report as mitigation evidence.

On July 19, 2024, Judge Kennelly sentenced Daoud to 27 years and a lifetime of supervised release. Daoud's arguments at sentencing primarily focused on the entrapment defense that he waived in exchange for his plea, as well as continued advocacy as to why Judge Kennelly should let him withdraw his plea. Judge Kennelly reviewed the sordid details of Daoud's "tremendously serious crimes" while simultaneously acknowledging Daoud's relative youth and vulnerability. He observed that Daoud's "relatively bizarre beliefs"

might indicate the possibility of "something more going on there than just awkwardness." Even so, the court said it could not rely on speculation, and that Daoud was "perfectly within his rights" to refuse to offer the results of the psychiatric examination.

Daoud appealed. He contends that the district court abused its discretion in denying his motion to withdraw the *Alford* plea and that his waiver of the right to counsel at sentencing was not knowing, intelligent, and voluntary. Finally, he argues that his 27-year sentence was substantively unreasonable. We affirm the district court.

II. Request to Withdraw *Alford* Plea

We review a district court's denial of a motion to withdraw a guilty plea for abuse of discretion. *United States v. Smith*, 989 F.3d 575, 580 (7th Cir. 2021). A district court can elect to grant such a motion where a defendant has shown "a fair and just reason for requesting the withdrawal." Fed. R. Crim. P. 11(d)(2)(B). We have recognized three broad justifications that could meet that standard: "(1) the defendant is innocent, (2) the defendant received ineffective assistance of counsel, and (3) the plea was not knowing and voluntary." *United States v. Kamkarian*, 79 F.4th 889, 892 (7th Cir. 2023). We uphold factual findings as to whether a defendant had a "fair and just" reason to withdraw a plea unless they are clearly erroneous. *United States v. Collins*, 796 F.3d 829, 833 (7th Cir. 2015).

On appeal, as below, Daoud argues both that his proclaimed innocence and alleged involuntariness justify his withdrawal of his *Alford* plea.

Daoud's legal innocence arguments do not support withdrawing his plea. We have never held that a claim of legal innocence can justify the withdrawal of a plea made under the *Alford* framework. That is for good reason. The very definition of an *Alford* plea allows a defendant to maintain his proclaimed legal innocence. *See North Carolina v. Alford*, 400 U.S. 25 (1970); *Hicks v. Hepp*, 871 F.3d 513, 520 n.3 (7th Cir. 2017). If that assertion satisfied the "fair and just" standard, it would amount to a rule where a defendant who entered an *Alford* plea could withdraw his plea at will. But that is not the law, as a defendant has "no absolute right to withdraw a guilty plea before sentencing." *Collins*, 796 F.3d at 834; *United States v. Buckley*, 847 F.2d 991, 998 n.4 (1st Cir. 1988) ("By definition, defendants who make *Alford* pleas do not deny their legal innocence. This does not mean they can withdraw these pleas willy-nilly.").

Even if an exception to this logic exists, we would not find it here. Daoud insists his theory of legal innocence would be borne out if only he were permitted to go to trial on an entrapment defense as to the first two cases, along with a broader mental health defense. While we leave motions to withdraw to the sound discretion of the district court, we have found that discretion abused where a defendant was unaware of an available entrapment defense clear on the face of the record. *United States v. Groll*, 992 F.2d 755, 760 (7th Cir. 1993). This record, however, overwhelmingly demonstrates that Daoud knew of his potential entrapment and mental health defenses at the time he entered his *Alford* plea. *United States v. Bryant*, 557 F.3d 489, 495–96 (7th Cir. 2009); *United States v. Silva*, 122 F.3d 412, 415 (7th Cir. 1997).

Indeed, Daoud made his awareness of these potential defenses clear on three separate occasions: during his oral motion for an *Alford* plea, in his subsequent written motion for an *Alford* plea, and again during the change of plea hearing itself. From the beginning, Daoud and his counsel emphasized that it was a strategic decision not to go to trial on the entrapment and mental state defenses. Indeed, it is easy to see the attraction of an *Alford* plea for a defendant who maintains his legal innocence but thinks that his attempted defenses at trial would not overcome the likelihood that a jury would find him guilty regardless. *Hicks*, 871 F.3d at 520 n.3. Daoud's oral and written motions for an *Alford* plea demonstrated this thought process. He acknowledged the government's "extensive evidence," including the ability to "parade" the bomb in front of the jury, as well as factual admissions inherent in any entrapment defense. He also made clear that he had no interest in the possibility of being "locked up forever on a mental defense." To find that Daoud's motion to withdraw his plea rested on a newly available defense would defy credulity. *Groll*, 992 F.2d at 758.

Nor are we persuaded by Daoud's contentions about voluntariness. Daoud claims that changed circumstances between his plea deal and his second sentencing rendered his plea involuntary. At oral argument, counsel admitted that this argument "indirectly" rests on the fact that we remanded to a new judge for resentencing, though Daoud also points to his new counsel, improved mental health status, and the "disrupted" nature of his arrangement with the government as additional evolutions that together rendered his plea involuntary.

Daoud waived any argument that hinges on us remanding this case to a different judge. "Waiver of a right extinguishes any error and precludes appellate review, whereas forfeiture of a right is reviewed for plain error." *United States v. Waldrip*, 859 F.3d 446, 450 (7th Cir. 2017) (citing *United States v. Brodie*, 507 F.3d 527, 530 (7th Cir. 2007)). Daoud told the district court explicitly that he was not raising an argument about the downstream impacts of the remand. "There is no clearer example of an intentional relinquishment of a known right than this." *Waldrip*, 859 F.3d at 449.

Even if we entertained the merits of Daoud's argument, the district court correctly observed that re-assignment to a new judge is never a valid reason to withdraw a plea. Indeed, "defendants can claim no right to be sentenced by a particular judge." *United States v. Bursten*, 560 F.2d 779, 786 (7th Cir. 1977). Nor is there a constitutional right to a specific sentence. A defendant's only entitlement is "to have his sentence correctly determined in accordance with the applicable law and based upon reliable evidence." *United States v. Urrego-Linares*, 879 F.2d 1234, 1239 (4th Cir. 1989) (internal citation omitted); *see United States v. Nelson*, 774 F.3d 1104, 1107 (7th Cir. 2014). It is the solemn duty and sole province of a district court judge—*any* district court judge—to ensure that entitlement is met.

Daoud's reliance on *United States v. Cook* does not save his argument. 668 F.2d 317 (7th Cir. 1982). *Cook* arose from the general premise that "[p]lea agreements essentially are contracts between government and defendant." *United States v. Underwood*, 174 F.3d 850, 854 (7th Cir. 1999). In *Cook*, we agreed with the defendant that the government violated that contract because the government promised not to make any

recommendations as to Cook's potential punishment and not to offer anything in aggravation, only for the government to make its case file—containing aggravating facts—available to the probation officer for inclusion in the presentence report. *Cook*, 668 F.2d at 318. (We did so while observing that we had substantial doubt as to whether the government could lawfully withhold such information in the first place.)

In Daoud's eyes, his plea experienced comparable disruption when we found his initial sentence substantively unreasonable. This strained comparison ignores that Daoud had no plea agreement with the government, which objected to his request for an *Alford* plea from the start. In other words, he did not have a contract and the government promised him nothing. And the change-of-plea hearing confirmed Daoud's awareness of the potential sentences he could face, including life in prison. While Daoud may have underestimated his sentence, "that—we have recognized—is not a fair and just reason to withdraw a guilty plea." *United States v. Barr*, 960 F.3d 906, 918 (7th Cir. 2020) (collecting cases).[2]

At bottom, the "changed circumstances" in Daoud's case reflect the natural course of criminal litigation that stretches more than a decade long. The district court thus did not abuse its discretion when it denied Daoud's motion to withdraw his *Alford* plea.

---

[2] Daoud makes two other undeveloped arguments as to voluntariness: that he would be less stressed about going to trial in 2022 than his defense counsel thought he would be in 2018, and that it was the government, and not Daoud, who appealed the original sentence. The district court did not abuse its discretion in finding these contentions unworthy of analysis.

III. Waiver of Right to Counsel

The Sixth Amendment right to representation in a criminal case generally includes a defendant's right to represent himself, so long as he makes a knowing, intelligent, and voluntary choice to forego counsel. *Faretta v. California*, 422 U.S. 806 (1975). Daoud invoked that right prior to his sentencing, and the district court granted it after conducting a thorough inquiry. On appeal, Daoud, now represented by counsel, contends that he did not knowingly and intelligently waive his right to an attorney.

We review a district court's legal determination that a defendant waived his right to counsel de novo and its underlying factual findings for clear error. *United States v. Johnson*, 980 F.3d 570, 576 (7th Cir. 2020).

A. Knowing, Intelligent, and Voluntary Waiver

"Whether a defendant is competent to waive counsel turns on 'whether he has the *ability* to understand the proceedings.'" *Jean-Paul v. Douma*, 809 F.3d 354, 358 (7th Cir. 2015) (citing *Godinez v. Moran*, 509 U.S. 389, 401 n.12 (1993)). The district court has an affirmative obligation to ensure that this threshold has been met. *United States v. James*, 487 F.3d 518, 527 (7th Cir. 2007). To determine whether a defendant has knowingly waived the right to counsel, we consider four factors: (1) "the extent of the district court's formal inquiry into the defendant's waiver of counsel, if any"; (2) "other evidence in the record showing the defendant understood the dangers and disadvantages of self-representation"; (3) "the defendant's background and experience"; and (4) "the context of the choice to proceed pro se." *United States v. Jones*, 65 F.4th 926, 929 (7th Cir. 2023). Daoud argues that the first factor was so

deficient that the overall assessment could not constitute a valid waiver. We disagree.

1. Formal Hearing

In what has commonly become known as a *Faretta* colloquy, courts use "a thorough and formal inquiry in which the court asks the necessary questions and imparts the necessary information" to probe this question. *United States v. Clark*, 774 F.3d 1108, 1112 (7th Cir. 2014) (internal citations omitted). *Faretta*, of course, addressed the waiver of counsel in a criminal trial, and the "Supreme Court has never held that waivers of counsel at any stage of the proceedings other than trial require such a give-and-take between the accused and someone trying to educate him about counsel's benefits." *Speights v. Frank*, 361 F.3d 962, 964–65 (7th Cir. 2004); *see Iowa v. Tovar*, 541 U.S. 77 (2004) (holding that a full-blown *Faretta* colloquy is not necessary where the accused wants to plead guilty without legal assistance). But because the Sixth Amendment right to self-representation applies at sentencing, a *Faretta* inquiry is appropriate. *United States v. Mancillas*, 880 F.3d 297, 301 (7th Cir. 2018); *United States v. Harrington*, 814 F.3d 896, 900–01 (7th Cir. 2016); *cf. James*, 487 F.3d at 527.

District courts have broad discretion to frame a *Faretta* colloquy in accordance with the stage of the proceeding and the vulnerability of the defendant. *Douma*, 809 F.3d at 359; *see also Tovar*, 541 U.S. at 88. This discretion goes to both the substance and scope of the *Faretta* colloquy. While a post-conviction request to eschew counsel may indicate that the defendant is "already well aware of the charges and their severity," *Harrington*, 814 F.3d at 900, the assistance of an attorney at sentencing would nonetheless prove particularly helpful "in marshaling the facts, introducing evidence of mitigating

circumstances and in general aiding and assisting the defendant to present his case." *McConnell v. Rhay*, 393 U.S. 2, 4 (1968) (internal citation omitted). That particular dynamic will shape the district court's *Faretta* colloquy in the face of a defendant's post-conviction, pre-sentencing invocation of the right to self-representation.

We have never prescribed magic words for what the *Faretta* colloquy requires at any stage of the proceeding. *United States v. Vizcarra-Millan*, 15 F.4th 473, 486 (7th Cir. 2021). Daoud effectively asks that we reverse that longstanding practice and impose a specific script. We decline to do so. District courts have discretion to determine how to best shape the inquiry to the specific circumstances of the case. *United States v. Underwood*, 88 F.4th 705, 709 (7th Cir. 2023). "[A] reviewing court's 'attention ultimately is directed not at what was said or not said to the defendant but whether that defendant in fact understood the risks and made a knowing and intelligent waiver.'" *United States v. Salley*, 166 F.4th 680, 685 (7th Cir. 2026) (citing *United States v. Egwaoje*, 335 F.3d 579, 585 (7th Cir. 2003)).

The record makes clear that the district court engaged in a thorough and formal inquiry that properly balanced the requisite warnings with respect for Daoud's clear wishes. *Underwood*, 88 F.4th at 709. Judge Kennelly customized his colloquy to the nature of a sentencing proceeding: he explained to Daoud that much like his first sentencing, he should anticipate a multi-day hearing in which witnesses would be questioned and cross-examined—a task that a lawyer would be much better suited to do. Recognizing Daoud's desire to speak for himself, Judge Kennelly also explained to Daoud that he would have the opportunity to speak on his own

behalf, "unfiltered by a lawyer," even if he retained his appointed counsel. Judge Kennelly further offered Daoud the chance to submit his own written sentencing memorandum to the court, separate from counsel's submission, if Daoud kept his attorney. Daoud, however, rejected the offer.

On appeal, Daoud contends that the district court should have pushed harder on Daoud's reasons for wanting to proceed pro se. Even if our caselaw required such a specific probe (and it does not), Judge Kennelly met the mark here. His colloquy with the defendant reflects a specific recognition of Daoud's desire to drop the "middleman" and take matters into his own hands. Daoud also expressed distrust of his current lawyer in part because the court had held a scheduling status hearing that Daoud had not known about in advance. Judge Kennelly responded to that concern by patiently walking through the case docket to explain how courts use scheduling meetings and placeholder dates, and how none of this indicated that his counsel was working against him. But again, this was not enough for Daoud, who acknowledged the risks and decided to proceed anyway.

It is the district court's responsibility to engage in a colloquy with the defendant. *See United States v. Moya-Gomez*, 860 F.2d 706, 735–36 (7th Cir. 1988). Daoud had an attorney with whom he could discuss his decision at the time he filed his motion. Here, the court itself made the risks clear, and the defendant nonetheless knowingly and voluntarily invoked his waiver. We look at the defendant's awareness of the challenge of proceeding pro se, not how good he will be at doing so, when we evaluate whether the district court properly permitted the defendant to exercise that right. *Underwood*, 88 F.4th at 709. Once a competent defendant timely invokes his waiver,

"a trial court may not deny it." *Salley*, 166 F.4th at 684 (citing *United States v. Banks*, 828 F.3d 609, 614 (7th Cir. 2016)). Judge Kennelly's additional decision to convert Daoud's appointed counsel into standby counsel, though not required, only underscores the thoroughness of his admonitions. *See Moya-Gomez*, 860 F.2d at 740 (observing that the "appointment of standby counsel is a well-recognized safeguard when a defendant elects to proceed pro se").

The record contradicts Daoud's assertion that the district court did not check whether Daoud knew his request for self-representation was only for sentencing, not trial. Judge Kennelly made clear to Daoud that his only opportunity to go to trial would be if, on appeal, we reversed the district court's denial of Daoud's motion to withdraw his *Alford* plea, and that the only proceeding still ahead of Daoud at the district court was his sentencing.

The bulk of Daoud's argument on appeal goes to his mental health status. Specifically, Daoud takes issue with the fact that his mental health did not feature sufficiently in the *Faretta* colloquy. He also wishes that the district court had asked him outright if he was taking his medication at the time.

We have never held that a specific inquiry into a defendant's background is a required element of this colloquy so long as the context as a whole meets the constitutional standards. *See Harrington*, 814 F.3d at 900. We have affirmed a finding of waiver, for example, where a district court did not specifically address a defendant's negative mental health history in its *Faretta* colloquy because the district court found the defendant "lucid and responsive" at the time of the waiver. *Kidd v. Lemke*, 734 F.3d 696, 705 (7th Cir. 2013).

The defense tries to distinguish *Kidd* on the grounds that the severity of Daoud's negative mental health history—specifically, the district court's earlier finding that he was incompetent to stand trial—demands a different result. We are not persuaded. The district court found Daoud competent to stand trial years prior to his invocation of the waiver. When Judge Kennelly took over the case, the record already included years' worth of documentation as to Daoud's mental health history, his age and education, and his experience in the court system. That includes the hearing in which Judge Lee brought in the MCC medical staff to testify as to Daoud's medication routine and compliance. Daoud's counsel—present at the MCC hearing—never requested a competency hearing from the court, including after the court appointed her as standby counsel. Further, despite the fact that Daoud had a mental health evaluation completed for sentencing mitigation, he declined to submit the contents of that report to the court, even after consulting with his standby counsel. The robustness of a record such as Daoud's certainly informs the "post-trial timing" of the request. *See Harrington*, 814 F.3d at 900.

Daoud's appellate briefing also reflects a conspicuous disconnect regarding his mental health. While simultaneously claiming that the district court erred in not probing his competence in the December 2022 *Faretta* colloquy, Daoud asserts that his mental health was so strong in 2022 that the district court should have permitted him to withdraw his *Alford* plea and go to trial. Recognizing that his counsel's initial request for the *Alford* plea had indicated that the stresses of trial might produce a setback in his client's mental health journey, Daoud now contends that by October 2022, "the conditions which contributed to his instability—lack of competency, lack of

medication, long periods of segregation and isolation, his inability to receive family visits or practice his religion—had been remedied and were no longer such that trial would not be a viable option for him." In other words, Daoud wields his competency in opposite directions on appeal even though the district court held a hearing on the waiver issue and the withdrawal request simultaneously. Neither maneuver is compelling.

It may be prudent for a district court who knows a defendant is taking mental health medication to confirm his compliance with the medication in light of a request to proceed pro se. But that is a context-specific question best left to the district judge, who has a front row seat to the defendant's behaviors and tendencies throughout the proceeding. *Cf. United States v. Stenson*, 167 F.4th 478, 483 (7th Cir. 2026) (declining to require, as a rule, a question about mental health medication in the context of a plea colloquy). We see no reason to impose such a general requirement, nor do we find one specifically compelled by this factual record.

2. Other Factors

A review of the record to assess the remaining factors leaves no doubt that Daoud knowingly and intelligently waived his right to counsel. *See Johnson*, 980 F.3d at 577 (noting that "failure to conduct a full inquiry is not necessarily fatal").

First, the record demonstrates that Daoud elected to represent himself with "eyes open." *Faretta*, 422 U.S. at 835 (internal citation omitted). Warned that self-representation would be a "colossally stupid decision," Daoud explicitly stated that "instead of being mad at the lawyer because the lawyer is not

doing what I want them to do, I would rather do it myself and I will feel fine with that even if I win or lose. If I lose, I lost. It wasn't because someone else didn't do what I asked them to do." In acknowledging the risks, Daoud made clear he understood them. These admissions "weigh heavily on the side of finding a waiver." *Moya-Gomez*, 860 F.2d at 736.

Second, Daoud's reliance on counsel for roughly a decade's worth of proceedings reinforces that he was well aware of the benefits of having an attorney. *See United States v. Offutt*, 122 F.4th 268, 280 (7th Cir. 2024); *Underwood*, 88 F.4th at 711. "[A]cquaintance with the criminal justice system weighs in favor of finding a knowing, voluntary, and intelligent waiver." *Offutt*, 122 F.4th at 281. Daoud also explicitly told the district court that he consulted with standby counsel as to whether or not to submit the mental health report in mitigation at sentencing (and declined to do so). This, along with his active participation in motions practice, "indicates an appreciation for the task he took on when he elected to represent himself." *Underwood*, 88 F.4th at 710.

Finally, Daoud already had experienced one full sentencing hearing on the very same convictions at issue here. And in acknowledging the risks, Daoud made clear he was making a strategic choice to take matters into his own hands, even though he stated that he knew he might fail. "A defendant who waives his right to counsel for strategic reasons tends to do so knowingly." *Harrington*, 814 F.3d at 900. These factors, in addition to the *Faretta* colloquy, show that Daoud made a valid and clear choice "to represent himself 'with eyes open.'" *Jones*, 65 F.4th at 929 (quoting *Faretta*, 422 U.S. at 835).

Once Daoud invoked his right to self-representation, Judge Kennelly had to "explain and emphasize the perils and

pitfalls" of doing so. *Jones*, 65 F.4th at 929 (internal citation omitted). He thoroughly did that. But once he did not change Daoud's mind, the district court had to respect that right. We affirm the decision below.

IV. Daoud's Sentence

Daoud next argues that his sentence of 324 months imprisonment and lifetime supervised release was substantively unreasonable.[3] A sentence is substantively reasonable "'if the district court gives meaningful consideration to the factors enumerated in 18 U.S.C. § 3553(a), including the advisory Sentencing Guidelines, and arrives at a sentence that is objectively reasonable in light of the statutory factors and the individual circumstances of the case.'" *United States v. Patel*, 921 F.3d 663, 672 (7th Cir. 2019) (citing *United States v. Rosen*, 726 F.3d 1017, 1027 (7th Cir. 2013)). We review the substantive reasonableness of a sentence imposed for an abuse of discretion, cognizant of the fact that "there is a nearly irrebuttable presumption that a below-range sentence is reasonable." *United States v. Miller*, 829 F.3d 519, 527 (7th Cir. 2016).

The below-Guidelines sentence of 324 months was substantively reasonable. The district court carefully explained the sentence it imposed and thoroughly described the § 3553(a) factors. *United States v. Seymour*, 94 F.4th 679, 688

---

[3] Daoud puts forth that all his arguments go to the sentence's substantive unreasonableness. Nonetheless, his argument that the district court failed to consider his extensive history of mental health issues in its assessment of the 18 U.S.C. § 3553(a) sentencing factors sounds like a claim of procedural error, which we review de novo. *United States v. Rubio*, 182 F.4th 702, 707 (7th Cir. 2026). No matter: under every possible standard of review, this argument fails.

(7th Cir. 2024). Judge Kennelly offered a thorough review of the defendant's status as a young adult at the time he commissioned his first crime, as well as the indicia of impressionability he displayed over the years. In doing so, he gave adequate consideration to Daoud's history and characteristics pursuant to 18 U.S.C. § 3553(a). "[W]e do not require a district court to make specific findings concerning the § 3553(a) factors so long as it is clear he considered them and we are able to review the sentence, which it did and we are." *United States v. Dachman*, 743 F.3d 254, 262 (7th Cir. 2014).

Most of Daoud's arguments as to substantive reasonableness are a regurgitation of his arguments reprising his lack of skill as a professional criminal defense attorney. Invoking the right to self-representation, though, "usually increases the likelihood of a[n] … outcome unfavorable to the defendant." *McKaskle v. Wiggins*, 465 U.S. 168, 177 n.8 (1984).

Daoud next puts forth a primer on adolescent brain development, tracing the Supreme Court's doctrinal development regarding excessive punishment and juvenile offenders. Daoud does not acknowledge that he was, in fact, a legal adult at the time he pressed the button that he thought would kill hundreds of people. At the time of the first crime, Daoud was "a little short of 19 years old." Further, Judge Kennelly quite explicitly acknowledged Daoud's relative youth and impressionability during his sentencing. He balanced those considerations with Daoud's repeated efforts to murder people in the name of religious extremism and his documented danger of recidivism. The resulting below-guidelines sentence was not one made in error.

Daoud likely waived any argument with regard to mental health mitigation. In determining waiver, "the important

concern is whether a defendant chose, as a matter of strategy, not to present an argument." *Waldrip*, 859 F.3d at 449 (citing *United States v. Burns*, 843 F.3d 679, 685 (7th Cir. 2016)). The district court urged Daoud to consider a mental health assessment to put forth in mitigation; Daoud did so, but then decided—in consultation with standby counsel—not to present the report to the court. At minimum, Daoud forfeited the argument by "negligently fail[ing] to raise an argument at the district court." *Waldrip*, 859 F.3d at 450.

Judge Kennelly stated on the record that he would have considered mental health mitigation, had Daoud presented it, but that he could not do so. Indeed, Daoud acknowledges that his decision tied the judge's hands. A defendant's own obstruction cannot govern that analysis where his strategic choices invited the sentence he received. The truth is that the "deficiencies of which [Daoud] now complains were products of his self-representation." *See Simpson v. Battaglia*, 458 F.3d 585, 598 (7th Cir. 2006); *cf. Wiggins*, 465 U.S. at 177 n.8 ("[A] defendant who exercises his right to appear pro se 'cannot thereafter complain that the quality of his own defense amounted to a denial of effective assistance of counsel.'") (citation modified). And if we view this challenge as a substantive one that contests the relative weight the district court gave to its mitigation considerations, *see United States v. Melega*, 173 F.4th 907, 914 (7th Cir. 2026), there is no record upon which one could reasonably conclude the district court went outside of the "broad bounds of reasonableness." *United States v. Purnell*, 701 F.3d 1186, 1189 (7th Cir. 2012).

V. Conclusion

The district court did not abuse its discretion in denying Daoud's motion to withdraw his *Alford* plea. Likewise, the

district court acted well within its discretion to deliver Daoud a below-Guidelines sentence. Daoud knew the risks of proceeding to sentencing pro se, so his knowing and informed decision to waive counsel stands. Daoud's sentence is affirmed.