

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12154

Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT LEESEAN WILLIAMS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 5:14-cr-00010-RH-MJF-1

Before WILSON, BRASHER, and ABUDU, Circuit Judges.

PER CURIAM:

Robert Williams, proceeding pro se, appeals the district court's denial of his second motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A). He argues that the district court abused its discretion by failing to adequately address his arguments, improperly relying on a juvenile adjudication, and erroneously weighing the 18 U.S.C. § 3553(a) factors. We disagree. The district court properly considered his arguments and did not commit a clear error of judgment in weighing the § 3553(a) factors. Accordingly, we affirm.

I.

In October 2014, Williams was charged with distribution, reception, and possession of child pornography, to which he pled guilty and was sentenced to 235 months' imprisonment. His sentence is at the upper end of the guidance range because this was his third sex crime against a child—at thirteen years old he pled guilty to a lewd and lascivious act with a three-year-old, and at twenty-one, he pled *nolo contendere* to sexual battery of a fifteen-year-old. Williams has filed two motions to vacate this sentence and one prior motion for compassionate release—none of which have been successful.

Most recently, he filed a second motion for compassionate release, arguing that (1) he has preexisting conditions that heighten his COVID-19 risk; (2) he has demonstrated substantial rehabilitation during his imprisonment; and (3) the § 3553(a) factors support

23-12154

Opinion of the Court

3

his release. The district court denied this motion, but on review, we held that it failed to provide sufficient explanation for its decision, and vacated and remanded for further proceedings. We now review the district court's new order denying Williams's motion.

II.

We review de novo whether a defendant is eligible for a § 3582(c)(1)(A) sentence reduction. *United States v. Bryant*, 996 F.3d 1243, 1247, 1251 (11th Cir. 2021). Once eligibility is established, we review a district court's denial of the motion for an abuse of discretion, requiring an adequate explanation of the sentencing decision to allow for meaningful review. *United States v. Giron*, 15 F.4th 1343, 1345 (11th Cir. 2021). "A district court abuses its discretion if it applies an incorrect legal standard, follows improper procedures in making its determination, or makes clearly erroneous factual findings." *Id.* We will find an abuse of discretion regarding the reasonableness of a sentence if a district court "(1) fails to afford consideration to relevant factors that were due significant weight, (2) gives significant weight to an improper or irrelevant factor, or (3) commits a clear error of judgment in considering the proper factors." *United States v. Irey*, 612 F.3d 1160, 1189 (11th Cir. 2010) (en banc) (quotations omitted).

The First Step Act of 2018¹ codified "compassionate release," which provides a narrow exception to the general rule that a court may not modify a sentence once it has been imposed. 18 U.S.C.

¹ First Step Act of 2018, Pub. L. 115-391. 132 Stat. 5194.

§ 3582(c); *United States v. Puentes* 803 F.3d 597, 605–06 (11th Cir. 2015) (A district court may modify a defendant’s sentence “only when authorized by a statute or rule.”). In order to grant a motion for compassionate release, the district court must find “first, that an extraordinary and compelling reason exists; second, that a sentencing reduction would be consistent with U.S.S.G. § 1B1.13; and third, that § 3553(a) factors weigh in favor of compassionate release.” *Giron*, 15 F.4th at 1347. If the district court finds against the defendant on one of these requirements, it need not analyze the other requirements and cannot reduce the sentence. *Id.*

The district court here found against Williams on the § 3553(a) factors. There are numerous § 3553(a) factors,² and to adequately explain its decision, a district court “need not exhaustively analyze” every factor in its order, but must note that each factor was considered. *United States v. Tinker*, 14 F.4th 1234, 1241 (11th Cir. 2021) (quotations omitted). It need not give all factors equal weight and has discretion to attach greater weight to one factor over others, especially when weighing criminal history. *See United States v. Rosales-Bruno*, 789 F.3d 1249, 1254 (11th Cir. 2015); *United States v. Riley*, 995 F.3d 1272, 1279 (11th Cir. 2021). This is a low burden that the district court has met here.

² The factors include but are not limited to: (1) the offense’s nature and circumstances and the defendant’s history and characteristics; (2) the need to reflect the offense’s seriousness, promote respect for the law, and provide just punishment; (3) the need to deter; (4) the need to protect the public; and (5) the sentencing guidelines. *See* 18 U.S.C. § 3553(a).

23-12154

Opinion of the Court

5

The district court order provided a sufficient statement of its reasons for denying Williams's motion. It focused on the need to protect the public by discussing Williams's prior child sex crimes, and maintaining that he is a danger to other persons in the community, particularly children.³ The order goes on to briefly note that the court considered Williams's arguments and all § 3553(a) factors. This is all our case law compels the district court to do. *See Tinker*, 14 F.4th at 1241; *Rosales-Bruno*, 789 F.3d at 1254; *Riley* 995 F.3d at 1279. It afforded consideration to relevant factors without clear error, and did not improperly weigh irrelevant factors.⁴ *See Irej*, 612 F.3d at 1189. Therefore, the district did not abuse its discretion in denying Williams's motion for compassionate release, and we affirm its decision.

AFFIRMED.

³ Due to the high rate of recidivism for sex crimes against minors, we find this brief interaction with the facts sufficient. Klaus-Peter Dahle et al., *The Development of the Crime Scene Behavior Risk Measure for Sexual Offense Recidivism*, 38 *Law & Hum. Behav.* 569 (2014).

⁴ While Williams argues that the district court erred in considering his juvenile adjudication (the lewd and lascivious act he pled guilty to at thirteen), there is no limit on the information concerning the background, character, and conduct of the defendant that a court may consider in imposing an appropriate sentence. U.S.S.G. § 4A1.2(d)(2)(B); 18 U.S.C. § 3661. This includes evidence of post-conviction rehabilitation. *Pepper v. United States*, 562 U.S. 476, 503–04 (2011).