FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 24-14034

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANDRE ADAMS, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:23-cr-00012-VMC-NHA-1

Before WILLIAM PRYOR, Chief Judge, GRANT, and LUCK, Circuit Judges.

WILLIAM PRYOR, Chief Judge:

This appeal requires us to review Andre Adams Jr.'s convictions and sentence for possessing drugs with an intent to distribute them, possessing a firearm in furtherance of a drug-

trafficking crime, and possessing a firearm as a convicted felon. Adams argues that the district court erred when it denied his motion to suppress and request for a hearing under *Franks v. Delaware*; admitted unduly prejudicial evidence and inadmissible character evidence and hearsay; refused to give a required jury instruction; and denied his motion for a judgment of acquittal. Adams also challenges his sentence of imprisonment for 228 months as substantively unreasonable. But Adams failed to meet a threshold requirement for a *Franks* hearing, raised meritless evidentiary objections, and requested a redundant jury instruction. Sufficient evidence supported his convictions, and the district court imposed a reasonable sentence. We affirm.

I. BACKGROUND

We describe the background of this appeal in two parts. First, we describe the facts underlying the appeal. Then, we describe the proceedings before the district court.

A. Factual Background

In December 2021, Detective Greg Dunlap, an officer in the Manatee County Sheriff's Office, received a tip that a man named "Dre" was dealing drugs and collecting payments on Cash App, an electronic payment platform. The tip led Detective Dunlap to a residence at 303 22nd Street East in Bradenton, Florida. Based in part on that address, police analysts determined that Dre might be Andre Adams. After obtaining a photograph of Adams from a driver's license database, Detective Dunlap identified Adams outside of the 303 22nd Street East residence.

Detective Dunlap began surveilling the residence in person and with a 24-hour surveillance camera. While surveilling the house, he observed frequent interactions between Adams and individuals visiting the residence, often for five or fewer minutes. During some of the visits, Adams handed something to the visitor. On one occasion, Detective Dunlap followed Adams to a nearby storage facility called Pinnacle Storage. Another time, Detective Dunlap took two trash bags from the trash can outside the residence and inspected their contents. Inside one of the bags, Detective Dunlap discovered a pill bottle bearing the name "Shirley Whitfield" and three sandwich bags filled with white residue. A test confirmed that one of the bags contained fentanyl.

Detective Dunlap also subpoenaed Adams's Cash App records. The records showed Adams receiving money in dozens of small transactions—most commonly for $20, $40, $60, or $100—for a total of over $67,000. Based on his experience in narcotics investigations, Detective Dunlap understood that drug deals often involve small payments in the amounts Adams received. Detective Dunlap also recognized that some individuals sending Adams money had histories of drug use. One sender stated that he or she sent the money for "Scooby Snacks," a code word for heroin or fentanyl. By state public records, Detective Dunlap learned that Adams had no employment history during any of the months he received Cash App payments or indeed since early 2020.

Detective Dunlap applied for a search warrant for the residence at 303 22nd Street East. In the application affidavit,

Detective Dunlap described his investigation, the tip, his surveillance observations, the results of the trash pull, the Cash App payments, and Adams's lack of employment history. The affidavit did not mention that the name "Shirley Whitfield" appeared on the pill bottle recovered in the trash pull. After reviewing Detective Dunlap's affidavit, a judge signed a search warrant for Adams's residence.

The Manatee County Sheriff's Office executed the search warrant. In the kitchen of the residence, the search team discovered drug-cutting agents, a dye press, and a Sig Sauer pistol. Drug dealers mix drug-cutting agents in their product to increase its weight. A dye press uses pressure to shape an item placed within it into a rectangle. The pistol was loaded and plainly visible, and it bore Adams's deoxyribonucleic acid. Police also found keys and mail addressed to Adams on the kitchen counter.

In the master bedroom, police found a red bag containing narcotics. That bag resembled one Adams carried in surveillance video recordings before the search. The bedroom also contained Adams's driver's license and bank card. In the bedroom closet, the search team found a money counter, a bag holding $20,990, and a shoebox containing $1,375.

After the search team found narcotics in the residence, Detective Dunlap decided to investigate the storage facility to which he had followed Adams several weeks earlier. He subpoenaed Pinnacle Storage, which produced several records and informed the detective that Adams rented a unit in the facility. One

of the records was a customer sign-up form that listed Adams as the customer, Adams's parents' address as his address, and the same phone number associated with the Cash App account. Another record revealed that Adams often made multiple short visits to the facility throughout the day. And Pinnacle's surveillance video showed Adams visiting the storage unit twice in the five days preceding the search.

The police obtained a warrant to search Adams's storage unit. Using the keys found in the residence, police opened the unit. Inside the unit, police collected 2.2 kilograms of cocaine, 617 grams of methamphetamine, 121 grams of heroin, a Bryco Arms pistol, an AK-47 rifle with at least one loaded magazine, a Smith and Wesson revolver, drug-cutting agents, and digital scales. Other than the contraband, the unit contained only some tools and fireworks.

At the time of the search, Adams had previously been convicted of a felony for trafficking more than 400 grams of cocaine. Adams stipulated that he knew that, as a convicted felon, he could not possess a firearm or ammunition. Later testimony confirmed that each firearm found during the search traveled in interstate or foreign commerce.

B. Procedural History

A federal grand jury indicted Adams on three counts. Count one charged Adams with possessing with intent to distribute a controlled substance. *See* 21 U.S.C. § 841(a)(1), (b)(1)(B). Count two charged Adams with possession of a firearm in furtherance of a

drug trafficking crime. *See* 18 U.S.C. § 924(c)(1)(A)(i). And count three charged Adams with possessing firearms and ammunition as a convicted felon. *See id.* §§ 922(g)(1), 924(a)(8).

Before trial, Adams moved to suppress the evidence the police discovered in the residence and the storage unit. He argued that the affidavit for the warrant included a material omission because Detective Dunlap failed to mention that the pill bottle bore the name "Shirley Whitfield." Adams sought a *Franks* hearing to establish that the omission was intentional or reckless. *See Franks v. Delaware*, 438 U.S. 154, 171–72 (1978). He also sought to suppress the evidence obtained from the storage unit as fruit of the poisonous tree.

A magistrate judge recommended denying the motion to suppress. The magistrate judge stated that Adams provided no affidavit or sworn statement alleging that Detective Dunlap knowingly or recklessly misrepresented or omitted facts in his affidavit, as required by *Franks*. And because the residential search was lawful, the fruit-of-the-poisonous-tree doctrine did not apply to the search of the storage unit. Over Adams's objection, the district court adopted the magistrate judge's recommendation and denied the motion to suppress.

Adams later filed several motions in limine. Two motions sought to exclude his bank records, Cash App records, and employment history under Federal Rules of Evidence 401, 403, 404, and 801(d). The district court denied the motions. At trial, the

prosecution presented the Cash App records and employment history, but it did not seek to admit any bank records.

At trial, Sergeant Jason Powell, the officer who supervised the search of the storage unit, testified that he "was led to believe" that the keys used to open the storage unit were retrieved from the residence. Adams objected to the statement as inadmissible hearsay, and the district court overruled his objection. Later in the trial, Detective Dunlap testified that the police retrieved the keys to the storage unit from inside the residence.

After the government rested, Adams moved for a judgment of acquittal under Federal Rule of Criminal Procedure 29. Adams argued that the evidence could prove only that he was present around firearms and drugs, not that he possessed them. The district court denied Adams's motion.

Adams later requested a jury instruction that "'[m]ere presence' at the scene of an event or merely associating with certain people does not establish proof of possession." The district court declined to give Adams's proposed instruction.

After closing arguments, the district court instructed the jury that "[t]he term 'possession' includes actual, constructive, sole, and joint possession." It explained the types of possession as follows:

> Actual possession of a thing occurs if a person knowingly has direct physical control of it. Constructive possession of a thing occurs if a person doesn't have actual possession of it, but has both the

> power and the intention to take control over it later. Sole possession of a thing occurs if a person is the only one to possess it. Joint possession of a thing occurs if two or more people share possession of it.

The jury found Adams guilty on all counts. At the sentencing hearing, the prosecution asked for a guideline-range prison sentence of 168 months on counts one and three combined and 60 months on count two for a total of 228 months. The prosecutor highlighted Adams's prior conviction for trafficking two kilograms of cocaine, for which he was sentenced to fifteen years in prison. Adams requested a 192-month sentence. "After considering the advisory sentencing guidelines and all of the factors identified in . . . section[] 3553(a)(1)–(7)" of Title 18 of the United States Code, the district court sentenced Adams to 228 months of imprisonment. The 228-month sentence was appropriate, the district court explained, because Adams "continue[d] to break the law over and over again."

II. STANDARDS OF REVIEW

"We review a district court's denial of a *Franks* hearing for an abuse of discretion." *United States v. Goldstein*, 989 F.3d 1178, 1197 (11th Cir. 2021). We also review "evidentiary rulings for abuse of discretion." *United States v. Cooper*, 926 F.3d 718, 730 (11th Cir. 2019). And we review a "refusal to give a requested jury instruction for abuse of discretion." *United States v. Gumbs*, 964 F.3d 1340, 1347 (11th Cir. 2020) (citation modified). We also "review for abuse of

discretion the substantive reasonableness of a sentence." *United States v. Osorto*, 995 F.3d 801, 822 (11th Cir. 2021).

"We review a denial of a motion for judgment of acquittal *de novo*." *United States v. Maurya*, 25 F.4th 829, 841 (11th Cir. 2022) (emphasis added). In that review, we determine whether the evidence, taken "in the light most favorable to the government," would permit "a reasonable trier of fact" to "find . . . guilt beyond a reasonable doubt." *Id.* (citation modified). If there is any "reasonable construction of the evidence from which the jury could have found the defendant guilty beyond a reasonable doubt," we "must" affirm the conviction. *United States v. Ignasiak*, 667 F.3d 1217, 1227 (11th Cir. 2012).

III. DISCUSSION

We divide our discussion into five parts. First, we explain that the district court did not abuse its discretion by denying Adams's motion to suppress and his request for a *Franks* hearing. Second, we explain that the district court did not abuse its discretion by overruling his evidentiary objections. Third, we conclude that the district court did not abuse its discretion when it refused to give Adams's requested jury instruction on mere presence. Fourth, we explain that the district court did not err when it denied Adams's motion for a judgment of acquittal. Finally, we determine that the district court did not abuse its discretion by sentencing Adams to 228 months of imprisonment.

A. The District Court Correctly Denied Adams's Motion to Suppress and Request for a Franks *Hearing.*

The Fourth Amendment ordinarily requires police officers to obtain a warrant before conducting a search. *See* U.S. CONST. amend. IV. In practice, police submit to a judge an affidavit "setting forth the necessary facts and circumstances whereby the judge may determine probable cause." *United States v. Hawes*, 529 F.2d 472, 480 (5th Cir. 1976). A defendant may challenge the validity of a search by arguing that the affidavit supporting the warrant contained knowing or reckless misrepresentations or omissions. *See Franks*, 438 U.S. at 171–72. If a defendant makes a preliminary showing that an affidavit contains fabrications, he may receive a hearing—known as a *Franks* hearing—at which the district court considers the validity of the search warrant. *Id.* To make that preliminary showing, a defendant must submit an "affidavit or otherwise sworn statement alleging that [the officer] knowingly or recklessly included false statements in the search warrant affidavit" or else "satisfactorily explain[]" the absence of an affidavit or sworn statement. *United States v. Arbolaez*, 450 F.3d 1283, 1294 (11th Cir. 2006) (citation modified), *abrogated in part on other grounds by Michigan v. Bryant*, 562 U.S. 344, 355 (2011).

Adams argues he should have received a *Franks* hearing based on several alleged omissions or misrepresentations in the affidavit used to obtain a search warrant for the residence. But Adams did not submit an affidavit or sworn statement about Detective Dunlap's knowledge or recklessness with his motion to

suppress, nor did he attempt to explain the absence of such an affidavit. The district court ruled against Adams on this ground, yet Adams does not address the issue in his brief. As a result, Adams abandoned any challenge to the denial of his motion on that ground. *See Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 680 (11th Cir. 2014) ("When an appellant fails to challenge properly on appeal one of the grounds on which the district court based its judgment, he is deemed to have abandoned any challenge of that ground, and it follows that the judgment is due to be affirmed.").

Adams separately challenges the warrant for the storage unit under the fruit-of-the-poisonous-tree doctrine. Under that doctrine, police may not obtain a search warrant using information that is "the fruit of a Fourth Amendment violation." *See United States v. Karo*, 468 U.S. 705, 719 (1984). Adams points out that the warrant for the storage unit depended on evidence discovered in the search of the residence and argues that the invalidity of the first search undermines the validity of the second. But evidence "cannot be 'fruit of the poisonous tree' if the tree itself is not poisonous." *Colorado v. Spring*, 479 U.S. 564, 571–72 (1987). Because the search of the residence was lawful, Adams's challenge to the storage unit search necessarily fails. The district court did not abuse its discretion by denying Adams's request for a *Franks* hearing or motion to suppress.

B. The District Court Correctly Denied Adams's Evidentiary Objections.

Adams disputes two of the district court's evidentiary rulings. First, Adams argues that the district court should have excluded his Cash App records, his employment history, and his "banking records" under Federal Rules of Evidence 403 and 404(b). He maintains that the records are "unfairly prejudicial propensity evidence" that "had no direct proof of being linked to drug activity." Second, Adams contends that the district court should have excluded one of Sergeant Powell's statements as hearsay. Adams's evidentiary objections fail.

1. Adams's Objections Under Rules 403 and 404(b)

The law governing Adams's evidentiary objections is well settled. A "court may exclude relevant evidence if its probative value is substantially outweighed by a danger of . . . unfair prejudice, confusing the issues, [or] misleading the jury." FED. R. EVID. 403. "Rule 403 is an extraordinary remedy which should be used only sparingly since it permits the trial court to exclude concededly probative evidence." *United States v. Church*, 955 F.2d 688, 700 (11th Cir. 1992) (citation modified). And Rule 404(b)(1) prohibits using "[e]vidence of any other crime, wrong, or act . . . to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character." FED. R. EVID. 404(b)(1). But it does not bar admission of evidence "inextricably intertwined with the evidence regarding the charged offense." *United States v. Fortenberry*, 971 F.2d 717, 721 (11th Cir.

1992). Evidence is inextricably intertwined with the charged offense if it "pertain[s] to the chain of events explaining the context, motive[,] and set-up of the crime . . . or forms an integral and natural part of an account of the crime." *United States v. Williford*, 764 F.2d 1493, 1499 (11th Cir. 1985).

The district court did not abuse its discretion in denying Adams's objections to the Cash App records, employment history, and "banking records" under Rule 403. The Cash App records established that Adams received $67,000 from dozens of transactions in amounts consistent with the sale of narcotics. The records helped to prove that Adams intended to distribute the drugs located in the residence and storage unit. Because we have "repeatedly . . . held that evidence of prior drug dealing is highly probative of intent to distribute a controlled substance and . . . is not overly prejudicial," Rule 403 does not bar the admission of the Cash App records. *United States v. Booker*, 136 F.4th 1005, 1014 (11th Cir. 2025). Similarly, the employment records confirmed that Adams was unemployed for several years before the search, which made it more likely that the $20,000 discovered in the residence and the thousands of dollars received by Cash App came from illegal drug sales. Adams fails to articulate any unfair prejudice from the admission of the employment records. With clear probative value and no risk of unfair prejudice, the evidence was admissible under Rule 403. Finally, the United States never sought to admit any "banking records" at trial. An erroneous evidentiary ruling constitutes harmless error if it does not have "a substantial impact on the outcome of the case." *United States v. Frazier*, 387

F.3d 1244, 1268 n.20 (11th Cir. 2004) (en banc). Because the government never admitted the banking records, the district court's admissibility ruling did not have an impact on the outcome of the case, so it was at most harmless error.

The district court also did not abuse its discretion by overruling Adams's objection under Rule 404(b). The Cash App records and lack of employment history played essential roles in Detective Dunlap's investigation and "form[ed] an integral and natural part of an account of the crime." *Williford*, 764 F.2d at 1499. The records were inextricably intertwined with the evidence related to the charged offense, so Rule 404 did not bar their admission. *See Fortenberry*, 971 F.2d at 721.

2. Adams's Hearsay Objection

Under Federal Rules of Evidence 801(c) and 802, an out-of-court statement "offer[ed] . . . to prove the truth of the matter asserted in the statement" is inadmissible hearsay. But "[t]he improper admission of hearsay testimony which is merely cumulative on matters shown by other admissible evidence is harmless error." *Coughlin v. Capitol Cement Co.*, 571 F.2d 290, 307 (5th Cir. 1978). Adams takes issue with Sergeant Powell's testimony that "Detective Dunlap brought a set of keys with him that [Sergeant Powell] was led to believe was recovered from the search warrant . . . at the residence." Adams argues that Sergeant Powell's testimony depends on an out-of-court statement to confirm that the storage unit keys came from the residence.

The admission of any hearsay was harmless error. Detective Dunlap testified on personal knowledge that the police found the keys used to open the storage unit inside the residence. That testimony, which Adams never challenged as inadmissible, renders Sergeant Powell's statement "merely cumulative on matters shown by other admissible evidence." *Coughlin*, 571 F.2d at 307. Under *Coughlin*, the admission of this cumulative evidence "is harmless error." *Id.*

C. The District Court Correctly Denied Adams's Request for a Jury Instruction on Mere Presence.

When a party requests a jury instruction, the district court must give it "if (1) the requested instruction [i]s a correct statement of the law, (2) its subject matter [i]s not substantially covered by other instructions, and (3) its subject matter . . . [i]s so important that failure to give it seriously impair[s] the defendant's ability to defend himself." *United States v. Paradies*, 98 F.3d 1266, 1286 (11th Cir. 1996). Adams insists that the district court abused its discretion by failing to give the following instruction: "'Mere presence' at the scene of an event or merely associating with certain people does not establish proof of possession." According to Adams, this instruction was crucial because the prosecution "failed to provide . . . testimony of any actual hand-to-hand transaction or distribution of drugs," instead merely relying on Adams's proximity to the discovered drugs and firearms.

The district court gave jury instructions that substantially covered Adams's proposed instruction. It informed the jury that

possession required either "direct physical control" over an item or "both the power and the intention to take control over it later." Its instructions made clear that mere proximity, without direct physical control or an intention to control, does not suffice to prove possession. *See also United States v. Rojas*, 537 F.2d 216, 220 (5th Cir. 1976) (holding that an instruction that possession required "either direct physical control or the power and intention to exercise dominion or control over" an item sufficed "to preclude conviction for mere presence"). The district court did not abuse its discretion in refusing to give Adams's requested instruction.

D. The District Court Properly Denied Adams's Motion for a Judgment of Acquittal.

Adams argues that the district court should have granted a judgment of acquittal. But sufficient evidence supported his convictions. We address each conviction separately.

1. Adams Knowingly Possessed and Intended to Distribute Drugs.

The government had to prove that Adams "had knowing possession of . . . drugs and an intent to distribute them." *United States v. Cochran*, 683 F.3d 1314, 1322 (11th Cir. 2012); *see also* 21 U.S.C. § 841(a)(1). Possession "can be either actual or constructive." *United States v. Kennedy*, 146 F.4th 1054, 1064 (11th Cir.) (citation modified), *cert. denied*, 146 S. Ct. 393 (2025). "Constructive possession exists when the defendant exercises ownership, dominion, or control over the item or has the power and intent to exercise dominion or control." *United States v. Beckles*,

565 F.3d 832, 841 (11th Cir. 2009) (citation modified). The government can prove constructive possession "by evidence showing ownership, dominion, or control over . . . the premises on which [the contraband] is concealed." *United States v. Montes-Cardenas*, 746 F.2d 771, 778 (11th Cir. 1984). An intent to distribute drugs "can be proven circumstantially from, among other things, the quantity of the drug and the existence of implements such as scales commonly used in connection with the distribution of the drug." *Kennedy*, 146 F.4th at 1064 (citation modified). Other evidence of an intent to distribute includes the presence of "substance[s] used to cut [drugs], a large amount of cash[,] . . . and a weapon." *United States v. Marszalkowski*, 669 F.2d 655, 662 (11th Cir. 1982).

A reasonable jury could find that Adams possessed drugs. Before the search, Detective Dunlap observed Adams frequently meeting with visitors to the residence and handing something to them. During the search, police discovered drugs in the residence and the storage unit. In the kitchen, they found mail addressed to Adams and a gun bearing his deoxyribonucleic acid. The bedroom in which they found the drugs contained Adams's driver's license, bank card, over $20,000 in cash, and a money counter. Police discovered the drugs in a bag resembling one Detective Dunlap had seen Adams carry. The customer sign-up form listed Adams as the renter of the storage unit, surveillance showed Adams visiting the unit, and police found the key to the unit in the residence. Based on the mail addressed to Adams, his driver's license and bank card, and the surveillance footage showing Adams coming out of the

residence to meet with visitors, a reasonable jury could have found that Adams had constructive possession of the residence. And then a jury could find that he constructively possessed the contraband within the residence. *Montes-Cardenas*, 746 F.2d at 778; *see also United States v. Morales*, 868 F.2d 1562, 1573 (11th Cir. 1989) (concluding that the record contained sufficient evidence of constructive drug possession where the defendant leased and paid the utility bills for the apartment in which police found the drugs). Similarly, the customer sign-up form, Adams's frequent visits, and the location of the key to the storage unit in the residence supported a finding that Adams possessed the storage unit and the contraband it contained.

A jury could also reasonably find that Adams knew about the drugs he possessed. A jury could infer knowledge of the drugs in the residence because police discovered them within a bag resembling one Adams had been carrying and in the same room that the police found Adams's driver's license and bank card. The storage unit contained few items other than the contraband, and nothing in the record suggests that the contraband was concealed. Adams cannot plausibly profess ignorance of unconcealed contraband in a storage unit he frequently visited. *See United States v. Wilson*, 183 F.3d 1291, 1300 (11th Cir. 1999) (holding that "drugs [that] [a]re not hidden . . . could have led the jury rationally to conclude, beyond a reasonable doubt, that [the defendant] knew of the existence of the drugs"). Adams also "had a prior conviction for drug trafficking, which the jury could weigh against any inference that [he] had no knowledge of the drugs." *United States v. Barron-*

Soto, 820 F.3d 409, 419 (11th Cir. 2016). A reasonable jury could have found that Adams knew about the drugs in the residence and storage unit.

The evidence also proved Adams's intent to distribute drugs. In the residence and storage unit, police discovered a large quantity of drugs, a large quantity of cash, drug-cutting agents, firearms, a dye press, and digital scales. Each item suggests an intent to distribute drugs. *See Kennedy*, 146 F.4th at 1064; *Marszalkowski*, 669 F.2d at 662. Corroborating the physical evidence, Detective Dunlap testified about observing Adams conducting many meetings bearing a suspicious resemblance to drug deals. And Adams's Cash App records revealed many transactions with values suggestive of drug sales. Although Adams argues the Cash App account did not belong to him, his name appeared on the account, and the phone number associated with the account was identical to the one listed on Adams's customer signup form for the storage unit. Based on this evidence, the jury could reasonably have found that Adams intended to distribute drugs. Because sufficient evidence supported Adams's conviction on count one, the district court did not err when it denied Adams's motion for a judgment of acquittal on that count.

2. Adams Knowingly Possessed a Firearm in Furtherance of a Drug Trafficking Crime.

Adams's conviction on count two required proof that Adams "(1) knowingly (2) possessed a firearm (3) in furtherance of any drug trafficking crime." *United States v. Woodard*, 531 F.3d 1352,

1362 (11th Cir. 2008); *see also* 18 U.S.C. § 924(c). The first two elements use the same standards applicable to Adams's conviction for knowing possession of drugs. *See Kennedy*, 146 F.4th at 1064. To satisfy the "in furtherance" element, the government had to prove "some nexus between the firearm and the drug selling operation." *United States v. Timmons*, 283 F.3d 1246, 1253 (11th Cir. 2002) (citation modified). Factors relevant to a nexus include "the type of drug activity . . . being conducted, accessibility of the firearm, . . . the status of the possession (legitimate or illegal), whether the gun is loaded, proximity to the drugs or drug profits, and the time and circumstances under which the gun is found." *Id.* (citation modified).

A reasonable jury could find that Adams knowingly possessed firearms. Because Adams constructively possessed the residence and storage unit, he constructively possessed the pistol retrieved from the residence and the three firearms discovered in the storage unit. *Montes-Cardenas*, 746 F.2d at 778; *Morales*, 868 F.2d at 1573. A jury could also infer that Adams knew of the firearms because Adams's deoxyribonucleic acid was on the pistol in the residence, and the firearms in the storage unit were readily accessible.

And sufficient evidence supported that Adams possessed his firearms in furtherance of a drug-trafficking crime. Due to Adams's previous felony conviction, he possessed the firearms illegally, which indicates a nexus between possession and use in furtherance of a drug crime. *See Timmons*, 283 F.3d at 1253; *see also* 18 U.S.C.

§ 922(g)(1). The pistol that police found in the residence was loaded, in an accessible location, and near drug-trafficking tools. Meanwhile, the storage unit contained one loaded firearm and two other firearms nearby two kilograms of cocaine and over half a kilogram of methamphetamine. Because Adams illegally possessed loaded firearms discovered near drugs and drug profits, a reasonable jury could have convicted him of violating section 924(c).

3. Adams Knowingly Possessed a Firearm as a Convicted Felon.

Adams's final conviction required proof that Adams "knew he possessed a firearm" and "knew he belonged to the relevant category of persons barred from possessing a firearm." *United States v. Coats*, 8 F.4th 1228, 1234 (11th Cir. 2021) (citation modified); *see also* 18 U.S.C. § 922(g)(1). Under section 922(g)(1), the relevant category of persons is those "who ha[ve] been convicted in any court of . . . a crime punishable by imprisonment for a term exceeding one year." Section 922(g)(1) applies only to firearms that have "traveled in interstate commerce." *United States v. Scott*, 263 F.3d 1270, 1274 (11th Cir. 2001).

Sufficient evidence supports Adams's third conviction. As discussed above, sufficient evidence supported that Adams knowingly possessed a gun. Adams stipulated that he knew at the time of the search that he had a previous felony conviction and that he could not possess a firearm or ammunition. And the government offered testimony at trial that each firearm traveled in

interstate commerce. Because a reasonable jury could find Adams guilty of all three charged offenses, the district court did not abuse its discretion by denying Adams's motion for a judgment of acquittal.

E. The District Court Reasonably Sentenced Adams to 228 Months of Imprisonment.

A sentence is substantively unreasonable only 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. Rosales-Bruno*, 789 F.3d 1249, 1256 (11th Cir. 2015) (citation modified). The relevant factors include "the nature and circumstances of the offense and the history and characteristics of the defendant." 18 U.S.C. § 3553(a)(1). We "ordinarily" treat a sentence within the guideline range as "a reasonable one." *United States v. Snipes*, 611 F.3d 855, 872 (11th Cir. 2010) (citation modified).

The district court did not abuse its discretion when it sentenced Adams to 228 months in prison. Adams argues that "[i]n [the] light of the circumstantial evidence in the instant case, the district court" should have instead given Adams his requested sentence of 192 months. But the district court considered the sentencing factors and imposed a sentence within the guideline range. It explained that the sentence reflected Adams's "deci[sions] to continue to break the law over and over again." And "[a] court that weighs heavily a defendant's criminal history has acted within

its discretion." *United States v. Riley*, 995 F.3d 1272, 1280 (11th Cir. 2021). "[T]his Court will not substitute its judgment in weighing the relevant factors." *United States v. Dougherty*, 754 F.3d 1353, 1361 (11th Cir. 2014). Adams's sentence is reasonable.

IV. CONCLUSION

We **AFFIRM** Adams's convictions and sentence.