

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 21-13898

Non-Argument Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

*versus*

MICHAEL ANGELO SEXTON,

a.k.a. Michaelangelo Sexton,

a.k.a. MikeGotit,

a.k.a. MikeGotti,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 1:17-cr-20266-DPG-1

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Before WILSON, JORDAN, and NEWSOM, Circuit Judges.

PER CURIAM:

Michael Sexton appeals his 90-month prison sentence for possession of unauthorized access devices and aggravated identity theft. His 90-month sentence was the result of a resentencing that we ordered in Sexton’s prior appeal. *See United States v. Sexton*, No. 20-14220 (11th Cir. Apr. 9, 2021).

Sexton argues that the government breached a stipulation in his plea agreement. That stipulation provided that the loss amount for purposes of calculating Sexton’s guideline range would be \$3.5 million. At Sexton’s resentencing hearing, he moved for a downward variance. While he acknowledged that he had stipulated to a loss amount of \$3.5 million, he argued that “the actual loss amount was \$75,000.” The government countered that Sexton could have been held responsible for a loss of more than \$1 billion and that “what the parties did in this case was they stipulated to another number that was arguably more reasonable.” The government’s remark, Sexton argues, breached the plea agreement’s stipulation about the amount of loss.

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Opinion of the Court

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We find no merit to that argument. Under the plea agreement, the government explicitly “reserve[d] the right to inform the Court and the probation office of all facts pertinent to the sentencing process.” That is all the government did when it argued that Sexton could have been held responsible for a greater loss amount. The government nonetheless fulfilled its promise to recommend that the loss amount was \$3.5 million for purposes of calculating Sexton’s guideline range. Because the government did not breach the plea agreement, we affirm.

**AFFIRMED.**