

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-11829
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TARIS DEVOE HOLLOMON,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 1:24-cr-00032-LAG-ALS-1

Before ROSENBAUM, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

Taris Hollomon appeals his sixty-month sentence for possessing a firearm as a convicted felon. He argues that his sentence

was procedurally unreasonable because the district court incorrectly applied the United States Sentencing Guidelines, and substantively unreasonable because the district court failed to evaluate mitigating evidence during sentencing. After careful review, we affirm.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

On October 24, 2024, a Georgia State Patrol trooper was on routine patrol on State Route 26 in rural Schley County, Georgia. Driving west, the trooper spotted a black sports utility vehicle traveling east at high speed. As the vehicle whizzed by, the trooper's radar measured its speed at seventy-nine miles per hour (about twenty-five miles per hour over the posted fifty-five-mile-per-hour speed limit).

The trooper gave chase. As he caught up to the vehicle, the trooper activated his emergency lights and siren. The vehicle tried to speed away, weaving in and out of traffic to pass other cars on the wrong side of the road on a curve in a no-passing area. The trooper eventually closed in on the vehicle and executed a precision immobilization technique (commonly known as a PIT maneuver). The vehicle careened to a stop on the highway shoulder. As it came to rest, the driver sprung out carrying a black backpack and ran towards a wooded area off the side of the road. As the driver crossed the tree line, he fell, throwing the backpack to the ground. While he was trying to get back up, the trooper ran out of his patrol car towards the tree line and apprehended the driver.

Local police arrived on the scene and identified the driver as Taris Hollomon. Police retrieved Hollomon’s backpack, which contained a stolen Smith & Wesson revolver. Investigating Hollomon’s history, they discovered that he was a convicted felon with prior convictions for disorderly conduct, first-degree burglary, conspiracy to possess stolen firearms, receipt of a firearm by a person under indictment, and possession of methamphetamine.

The government indicted Hollomon on one count of possessing a firearm as a convicted felon. *See* 18 U.S.C. §§ 922(g), 924(a)(8). Hollomon pleaded guilty. The probation office prepared a presentence investigation report, which assigned Hollomon an advisory guideline range of fifty-seven to seventy-one months’ imprisonment based upon a total offense level of nineteen and a criminal history category of five. The offense level included a four-level enhancement under U.S.S.G. section 2K2.1(b)(6)(B)¹ for “us[ing] or possess[ing] any firearm or ammunition in connection with another felony offense”—in this case, fleeing or attempting to elude a pursuing police vehicle under Georgia Code section 40-6-

¹ When Hollomon was sentenced, the enhancement for possessing a firearm in connection with another felony was located at section 2K2.1(b)(6), but a 2025 amendment to the guidelines moved the enhancement to section 2K2.1(b)(7). *Compare* U.S.S.G. § 2K2.1(b)(6) (2024), *with* U.S.S.G. § 2K2.1(b)(7) (2025). We’ll refer to the enhancement as section 2K2.1(b)(6)(B) throughout this opinion since that’s where it was at the time of Hollomon’s sentencing.

395(a)²—and a two-level enhancement under U.S.S.G. section 3C1.2 for “recklessly creat[ing] a substantial risk of death or serious bodily injury to another person in the course of fleeing from a law enforcement officer.”

Hollomon objected. First, he argued that section 2K2.1(b)(6)(B) did not apply because it required use or possession of a firearm “in connection with” another crime, and Hollomon did not use or possess the firearm to facilitate fleeing or attempting to elude police. Second, he asserted that applying both section 2K2.1(b)(6)(B) and section 3C1.2 resulted in “impermissible double counting” because both enhancements were founded on the same conduct—fleeing a police officer in a vehicle.

The district court overruled Hollomon’s objections. Section 2K2.1(b)(6)(B), it explained, did not require that Hollomon actually use or attempt to use the firearm, only that he could have used the firearm to facilitate his flight. The district court also concluded that applying both section 2K2.1(b)(6)(B) and section 3C1.2 did not result in impermissible double counting because each enhancement was based on different conduct and aimed at a different

² Georgia Code section 40-6-395(a) provides that “[i]t shall be unlawful for any driver of a vehicle willfully to fail or refuse to bring his or her vehicle to a stop or otherwise to flee or attempt to elude a pursuing police vehicle or police officer when given a visual or an audible signal to bring the vehicle to a stop.” O.G.C.A. § 40-6-395(a).

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harm—section 2K2.1(b)(6)(B) was “about the possession of the firearm” while committing another crime and section 3C1.2 was “about . . . the reckless driving.”

With the objections overruled, the district court moved on to sentencing. Hollomon argued that he should receive a downward variance or departure because of his youth, past struggles with substance abuse, and undiagnosed post-traumatic stress disorder from when he was shot two years earlier.

The district court explained that it understood Hollomon was suffering from post-traumatic stress from being shot but noted that this was his third time before the district court related to having a firearm. The district court told Hollomon that “you cannot have a gun. You know what guns do. You almost died yourself, sir, and you still keep doing the same thing.” Having considered the mitigating factors, “the advisory sentencing range, as well as the sentencing factors found at 18 U.S.C. [s]ection 3553(a), including the nature and circumstances of the offense, the history and characteristics of the defendant, the need to avoid unwarranted sentencing disparities, and need to promote respect for the law,” the district court sentenced Hollomon to sixty-months’ imprisonment.

STANDARD OF REVIEW

“We review a district court’s interpretation of the sentencing guidelines and application of the guidelines to the facts de novo, and we review the district court’s findings of fact for clear error.”

United States v. Martinez, 964 F.3d 1329, 1333 (11th Cir. 2020) (citation modified). “A district court’s determination that a defendant possessed a gun ‘in connection with’ another felony offense is a finding of fact that we review for clear error.” *Id.* (quoting *United States v. Bishop*, 940 F.3d 1242, 1250 (11th Cir. 2019)). We “review[] de novo a double counting claim.” *United States v. Matos-Rodriguez*, 188 F.3d 1300, 1310 (11th Cir. 1999). And we review for abuse of discretion the substantive reasonableness of a sentence. *Gall v. United States*, 552 U.S. 38, 41, 51 (2007).

DISCUSSION

Hollomon argues that his sentence was procedurally unreasonable because the district court misapplied section 2K2.1(b)(6)(B), and its application of both section 2K2.1(b)(6)(B) and section 3C1.2 resulted in impermissible double counting. He also contends that his 60-month sentence was substantively unreasonable. We’ll take these arguments in turn.

A. Section 2K2.1(b)(6)(B)

First, Hollomon argues that the district court erred in applying section 2K2.1(b)(6)(B) because he did not possess a firearm “in connection with” his fleeing police in a vehicle, in violation of Georgia Code section 40-6-395(a). Section 2K2.1(b)(6)(B) imposes a four-level enhancement if the defendant “used or possessed any firearm or ammunition in connection with another felony offense.” U.S.S.G. § 2K2.1(b)(6)(B). “A person possesses a firearm ‘in con-

nection with’ another offense if the firearm possession is contextually, causally, or logically related to that offense.” *United States v. James*, 135 F.4th 1329, 1334 (11th Cir. 2025). “[T]he phrase ‘in connection with’ in section 2K2.1(b)(6)(B) must be interpreted broadly,” though it is not without “boundaries.” *Id.* at 1334–35 (citation modified). “At minimum, ‘the firearm must have some purpose or effect with respect to the . . . crime,’ and it ‘must facilitate, or have the potential of facilitating’ the offense.” *Id.* at 1335 (quoting *Smith v. United States*, 508 U.S. 223, 238 (1993)).

Hollomon contends that he never “reached for the gun or made any attempt to use it” so “[t]he firearm did not facilitate the crime of failing to stop.” But the “touchstone” of section 2K2.1(b)(6)(B) “has always been the firearm’s potential to facilitate the other offense,” not whether the defendant actually used or attempted to use it to facilitate another crime. *Id.* at 1334. A “connection exists where” a firearm “emboldens an actor who had the opportunity or ability to display or discharge the weapon to protect himself or intimidate others, whether or not such display or discharge in fact occurred.” *Id.* at 1335 (quoting *United States v. Carillo-Ayala*, 713 F.3d 82, 93 (11th Cir. 2013)); *see also United States v. Brooks*, 112 F.4th 937, 949 (11th Cir. 2024) (“In certain circumstances, mere possession of a firearm can be enough to apply a sentencing enhancement under [section] 2K2.1(b)(6)(B).” (citation modified)).

That’s what happened here. Hollomon had his firearm with him in the car while fleeing or attempting to elude law enforcement officers in a vehicle. After law enforcement stopped him, he grabbed the bag that held the firearm and continued to flee. “When considering a firearm’s *potential* use,” we apply “a strong presumption that a defendant aware of the weapon’s presence will think of using it if his illegal activities are threatened.” *Id.* at 950 (citation modified).

While Hollomon was in the car fleeing the police, he had the “opportunity or ability to display or discharge the weapon to protect himself or intimidate others” even if no “such display or discharge in fact occurred.” See *James*, 135 F.4th at 1335 (quoting *Carrillo-Ayala*, 713 F.3d at 93); see also *Matos-Rodriguez*, 188 F.3d at 1304–09 (finding that the presence of a firearm in an automobile the defendant used to flee from police after a sting operation involving counterfeit currency showed that the possession was “in connection with” a counterfeiting offense because the defendant could have used the firearm to protect his criminal activity even though he threw the firearm out the window while fleeing police); *United States v. Rhind*, 289 F.3d 690, 695 (11th Cir. 2002) (applying section 2K2.1(b)(6)(B) when the defendants left a disassembled handgun under the rear passenger seat of their car and an unloaded shotgun in the trunk because “the mere availability and appearance of the firearms could have served to promote the defendants’ use of the car to possess and conceal counterfeit currency”). Accordingly, we see no legal error in the district court’s interpretation of

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section 2K2.1(b)(6)(B), and no clear error in its finding that Hollomon possessed the firearm “in connection with” his violation of Georgia law.

B. Double Counting

Next, Hollomon contends that the district court’s application of both section 2K2.1(b)(6)(B) and section 3C1.2 resulted in impermissible double counting because the two enhancements were based on the same conduct—fleeing a police officer in a vehicle. We presume “that the [sentencing c]ommission intended to apply separate sections cumulatively unless otherwise specified, ‘and, as a result, a defendant asserting a double counting claim has a tough task.’” *United States v. Flanders*, 752 F.3d 1317, 1340 (11th Cir. 2014) (quoting *United States v. Webb*, 665 F.3d 1380, 1382 (11th Cir. 2012)).

“Impermissible double counting occurs only when one part of the [g]uidelines is applied to increase a defendant’s punishment on account of a kind of harm that has already been fully accounted for by application of another part of the [g]uidelines.” *United States v. Suarez*, 893 F.3d 1330, 1336 (11th Cir. 2018) (quoting *United States v. Dudley*, 463 F.3d 1221, 1226–27 (11th Cir. 2006)). If two enhancements “are aimed at different harms, neither enhancement fully accounts for both harms” and their imposition “d[oes] not amount to impermissible double-counting.” *United States v. Asante*, 782 F.3d 639, 648 (11th Cir. 2015) (citation modified).

There was no impermissible double counting here because the two enhancements likewise “address[ed] two different kinds of

harm.” *Id.* at 647 (citation modified). Section 2K2.1(b)(6)(B) was aimed at Hollomon’s possession of an illegal firearm in connection with his crime of fleeing police, regardless of whether that flight recklessly endangered others. Section 3C1.2, for its part, was concerned with Hollomon’s reckless endangerment of others while fleeing the police, regardless of whether fleeing the police was a crime and whether he used or possessed a firearm while doing so. “[T]hese two enhancements [were] aimed at different harms, so “neither enhancement fully account[ed] for both harms,” and the district court’s imposition of both enhancements “d[id] not amount to impermissible double-counting.” *See id.* at 648 (citation modified).

Hollomon responds that we should ignore our usual double-counting rule, and instead look to section 3C1.2’s commentary, which provides that the enhancement does not apply “where the offense guideline in [c]hapter [t]wo . . . results in an equivalent or greater increase in offense level solely on the basis of the same conduct.” U.S.S.G. § 3C1.2 cmt. 1. According to Hollomon, section 2K2.1(b)(6)(B) and section 3C1.2 were imposed “solely on the basis of the same conduct,” because they both involved Hollomon’s high-speed chase with police.

We may look to the guidelines’ commentary only if the text of the guideline is itself “genuinely ambiguous.” *United States v. Dupree*, 57 F.4th 1269, 1274–75 (11th Cir. 2023) (en banc). But Hollomon explained to the district court that his double-counting argument was “not a *Dupree* argument where we are saying that the

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language in the guideline itself is ambiguous,” and he does not claim otherwise on appeal. Because there is no argument that section 3C1.2 is “genuinely ambiguous,” we see no reason to resort to the commentary here. *See id.*

And even if we did, it would not change our conclusion. Section 2K2.1(b)(6)(B) was applied based on Hollomon’s possession of a firearm in connection with the crime of fleeing police under Georgia law, while section 3C1.2 was applied based on his reckless behavior in a high-speed car chase while fleeing police. Because the district court’s imposition of these two enhancements required evidence of different conduct, we don’t think the district court imposed them “solely on the basis of the same conduct” even if they both involved Hollomon’s flight from police. U.S.S.G. § 3C1.2 cmt. 1.

C. Substantive Reasonableness

Finally, Hollomon argues that his 60-month sentence was substantively unreasonable because the district court failed to take into account his youth, untreated mental health issues, and substance abuse disorder in formulating the sentence.

To evaluate the substantive reasonableness of a sentence, we consider “the totality of the circumstances and whether the sentence achieves the sentencing purposes stated in [section] 3553(a).” *United States v. Goldman*, 953 F.3d 1213, 1221 (11th Cir. 2020) (citing *Gall*, 552 U.S. at 51).

Under section 3553(a), a sentence must be “sufficient, but not greater than necessary,” to “reflect the seriousness of the offense,” “promote respect for the law,” “provide just punishment,” “afford adequate deterrence,” “protect the public from further crimes of the defendant,” and rehabilitate the defendant. 18 U.S.C. § 3553(a). “The task is a holistic endeavor that requires the district court to consider a variety of factors,” including “the nature and circumstances of the offense,” “the defendant’s history and characteristics,” “the kinds of sentences available,” the applicable guideline range, the Commission’s policy statements, “the need to provide restitution to any victims,” and “the need to avoid unwarranted sentencing disparities.” *United States v. Rosales-Bruno*, 789 F.3d 1249, 1254 (11th Cir. 2015) (citing 18 U.S.C. § 3553(a)).

The weight accorded to each factor “is committed to the sound discretion of the district court.” *United States v. Butler*, 39 F.4th 1349, 1355 (11th Cir. 2022). “In situations where consideration of the [section] 3553(a) factors is mandatory, district courts needn’t address ‘each of the [section] 3553(a) factors or all of the mitigating evidence.’” *United States v. Tinker*, 14 F.4th 1234, 1241 (11th Cir. 2021) (quoting *United States v. Taylor*, 997 F.3d 1348, 1354 (11th Cir. 2021)). “Instead, an acknowledgement by the district court that it considered the [section] 3553(a) factors and the parties’ arguments is sufficient.” *Id.* (citing *Taylor*, 997 F.3d at 1354–55).

A district court abuses its discretion in imposing a sentence when it “(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. Irej*, 612 F.3d 1160, 1189 (11th Cir. 2010) (en banc) (citation modified). We will vacate the sentence only if we “are left with the definite and firm conviction that the district court committed a clear error of judgment in weighing the [section] 3553(a) factors by arriving at a sentence that lies outside the range of reasonable sentences dictated by the facts of the case.” *United States v. Pugh*, 515 F.3d 1179, 1191 (11th Cir. 2008) (citation modified). A sentence well below the statutory maximum is an indicator of reasonableness, *United States v. Gonzalez*, 550 F.3d 1319, 1324 (11th Cir. 2008), and we generally expect a sentence within the guideline range to be reasonable, *United States v. Hunt*, 526 F.3d 739, 746 (11th Cir. 2008).

The district court did not abuse its discretion when it imposed a sixty-month sentence. The district court noted that it had “considered . . . the sentencing factors found at . . . [s]ection 3553(a), including the nature and circumstances of the offense, the history and characteristics of the defendant, the need to avoid unwarranted sentencing disparities, and need to promote respect for the law.” Although it “underst[ood]” the mitigating arguments, including Hollomon’s post-traumatic stress disorder from being shot, the district court explained that this was Hollomon’s “third time . . . in front of [the court] related to [his] having a firearm,” and that, after “the horror of getting shot and almost losing [his] life,” Hollomon should have known that “no matter what is going on, [he could not] have a gun.”

The district court therefore gave due weight to the section 3553(a) factors and Hollomon's mitigating arguments even if it did not discuss each factor and argument in detail. *See Tinker*, 14 F.4th at 1241. The fact that the sentence was well below the statutory maximum of fifteen years underscores the reasonableness of the sentence. *See Gonzalez*, 550 F.3d at 1324; *see also* 18 U.S.C. § 924(a)(8) (imposing statutory maximum prison term of 15 years).

AFFIRMED.