

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12289
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUIS CARLOS MURILLO ASPRILLA,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Florida
D.C. Docket No. 8:20-cr-00380-WFJ-AAS-2

Before JILL PRYOR, BRANCH, and LUCK, Circuit Judges.

PER CURIAM:

Luis Carlos Murillo Asprilla appeals the district court's denial of his motion to reduce his sentence under 18 U.S.C. section 3582(c)(2), arguing the district court made a clearly erroneous

factual finding and incorrectly weighed the applicable sentencing factors. After careful review, we affirm.

FACTUAL BACKGROUND AND PROCEDURAL HISTORY

On December 2, 2020, a military patrol plane spotted Murillo Asprilla and two crewmates sailing a go-fast boat in international waters south of Panama. Suspecting the boat of trafficking narcotics, the plane reported the boat's location to the United States Coast Guard, which sent a helicopter to intercept it. When the crew refused an order to stop, the helicopter shot out the boat's engine, leaving it dead in the water. The helicopter then observed Murillo Asprilla and his crewmates dumping bales of cocaine into the ocean. After boarding the boat and arresting the crew, the Coast Guard recovered eight bales containing about 187 kilograms of cocaine from the area around the boat.

Murillo Asprilla was charged with and pleaded guilty to conspiring to possess, and possessing, with the intent to distribute five or more kilograms of cocaine while upon the high seas and aboard a vessel subject to the jurisdiction of the United States. *See* 46 U.S.C. §§ 70503(a), 70506(a), (b); 21 U.S.C. § 960(b)(1)(B)(ii.) In advance of sentencing, the United States Probation Office prepared a presentence investigation report, which assigned Murillo Asprilla an advisory guideline range of 108 to 135 months' imprisonment based on a total offense level of thirty-one and a criminal history category of one. Varying downward from the advisory guideline range, the district court sentenced Murillo Asprilla to ninety-seven months' imprisonment.

In 2024, the probation office reported to the district court that Murillo Asprilla was eligible for a sentence reduction under Amendment 821 to an amended guideline range of 87 to 108 months' imprisonment.¹ Murillo Asprilla filed a motion for a sentence reduction under 18 U.S.C. section 3582(c)(2), requesting a low-end sentence of 87 months' imprisonment.

The district court denied the motion. It acknowledged that Murillo Asprilla was eligible for a sentence reduction under Amendment 821, and noted his argument that he “ha[d] done well during his incarceration[,] ha[d] no disciplinary violations[,] and ha[d] completed several educational courses.” Still, the district court concluded that the section 3553(a) “sentencing factors . . . militate[d] against a reduction.” The district court reasoned that “[section 3553(a)] requires the sentence to reflect the nature and circumstances of the offense,” and here, “[t]his was a large cocaine smuggling case where [Murillo Asprilla] and his colleagues resisted arrest, requiring the Coast Guard to shoot out the engines on their vessel” and “[t]hey benefited from the obstruction because it enabled them to jettison contraband,” with “only 187 kilos of cocaine

¹ Amendment 821 introduced a new retroactive sentencing guideline, U.S.S.G. § 4C1.1, that reduces a defendant's offense level by two if the defendant (1) “did not receive any criminal history points”; and (2) meets ten other criteria enumerated in U.S.S.G. section 4C1.1(a). See U.S.S.G. supp. app. C, amend. 821 (2023); U.S.S.G. supp. app. C, amend. 825 (2023). There is no dispute that Murillo Asprilla was eligible for a sentence reduction under Amendment 821.

□ recovered.” Further, the district court explained, a sentence reduction under these circumstances would not serve the goals of section 3553(a), including the need for the sentence to “reflect the seriousness of the offense,” “promote respect for the law,” and afford adequate deterrence to criminal conduct.

STANDARD OF REVIEW

We review for abuse of discretion a district court’s denial of a sentence reduction under section 3582(c)(2). *United States v. Caraballo-Martinez*, 866 F.3d 1233, 1238 (11th Cir. 2017). “A district court abuses its discretion if it applies an incorrect legal standard, follows improper procedures in making the determination, □ makes findings of fact that are clearly erroneous,” or “commits a clear error of judgment.” *United States v. Harris*, 989 F.3d 908, 911–12 (11th Cir. 2021) (citation modified). “We will find clear error if, after reviewing all the evidence, we are left with the definite and firm conviction that a mistake has been committed.” *United States v. Philossaint*, 141 F.4th 1334, 1339 (11th Cir. 2025) (citation modified).

DISCUSSION

Murillo Asprilla argues that the district court abused its discretion under section 3582(c)(2) because its statement that Murillo Asprilla and his crewmates “benefitted from the[ir] obstruction” and “only 187 kilos of cocaine were recovered” implied a clearly erroneous factual finding that his offense involved “more cocaine than was recovered.” But the district court accurately recounted

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that Murillo Asprilla and his crewmates “resisted arrest, requiring the Coast Guard to shoot out the engines on their vessel,” and this “obstruction . . . enabled them to jettison contraband,” leaving “only 187 kilos of cocaine [] recovered.” This tracked the uncontested facts presented in the presentence investigation report, which indicated that the boat was carrying “at least 187.3 kilograms of cocaine.” The district court fairly inferred that Murillo Asprilla and his crewmates “benefitted from the[ir] obstruction,” even if they were eventually caught and sentenced based on the 187 kilograms of cocaine recovered.

Murillo Asprilla responds that the district court’s language also implies an “incorrect assumption” that “his base offense level would have been higher” “had additional cocaine been recovered.” But the district court never speculated about a higher offense level based on unrecovered cocaine and clearly determined Murillo Asprilla’s offense level based on the 187 kilograms of cocaine recovered, applying the guideline section for an offense involving at least 150 kilograms but less than 450 kilograms or more of cocaine. *See* U.S.S.G. § 2D1.1(a)(5), (c)(2).

Murillo Asprilla also contends that the district court’s characterization of his conduct as “obstruction” “violates the spirit” of the sentencing guidelines because it penalized him without applying the obstruction enhancement under U.S.S.G. section 3C1.1. But, under the section 3553(a) factors, the district court could consider all conduct relevant to the “nature and circumstances” of the offense, whether or not that conduct resulted in an enhancement.

See 18 U.S.C. § 3553(a)(1); see also *United States v. Turner*, 626 F.3d 566, 574 (11th Cir. 2010) (finding that a district court may consider conduct relevant to an enhancement under the section 3553(a) factors). Here, it was undisputed that Murillo Asprilla attempted to evade arrest and destroy evidence. Murillo Asprilla’s offense conduct was relevant under the section 3553(a) factors regardless of whether the district court characterized it as “obstruction” or whether the conduct could have supported an obstruction enhancement under section 3C1.1.

Finally, Murillo Asprilla contends that the district court “commit[ed] a clear error of judgment” under section 3553(a) by putting too much weight on the nature and circumstances of the offense and not enough on mitigating circumstances like his good conduct in prison. We see no clear error of judgment.

Under section 3582(c)(2), a district court “may reduce the term of imprisonment” for “a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . after considering the factors set forth in [18 U.S.C.] section 3553(a).” 18 U.S.C. § 3582(c)(2). Section 3553(a), in turn, requires the district court to “impose a sentence sufficient, but not greater than necessary,” to achieve the purposes of sentencing set out in section 3553(a)(2), including the need for the sentence to “reflect the seriousness of the offense,” “promote respect for the law,” “provide just punishment,” “afford adequate deterrence,” “protect the pub-

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lic from further crimes of the defendant,” and “provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.” *Id.* § 3553(a). To determine whether a sentence achieves these purposes, the district court must 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.” *Id.*

In evaluating the 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, 1221–22 (11th Cir. 2020) (citing *Gall v. United States*, 552 U.S. 38, 51 (2007)). A district court “needn’t address each of the [section] 3553(a) factors or all of the mitigating evidence” and the weight accorded to each factor “is committed” to the district court’s “sound discretion.” *United States v. Tinker*, 14 F.4th 1234, 1241 (11th Cir. 2021) (citation modified).

Here, the district court accounted for Murillo Asprilla’s argument that he “ha[d] done well” in prison and completed “several” educational courses but determined that the mitigating circumstances did not justify a sentence reduction in light of the totality of circumstances under section 3553(a). *See Goldman*, 953 F.3d at 1221. As the district court explained: (1) the offense in-

volved a large amount of cocaine; (2) Murillo Asprilla and his crewmates tried to escape responsibility by fleeing; (3) their flight required the Coast Guard to use force; and (4) their flight enabled them to jettison contraband. Considering these facts, the district court determined that a sentence reduction below 97 months would not achieve the purposes of sentencing because it would not “reflect the seriousness of the offense,” “promote respect for the law,” or “afford adequate deterrence to criminal conduct.” *See* 18 U.S.C. § 3553(a)(2). Because the district court gave due weight to Murillo Asprilla’s mitigating arguments and to the section 3553(a) factors, we see no abuse of discretion in its denial of Murillo Asprilla’s motion to reduce his sentence.

AFFIRMED.