

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13611
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

OSCAR CRUZ-BALDO,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Florida
D.C. Docket No. 1:25-cr-00006-AW-MAL-1

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

PER CURIAM:

Appellant Oscar Cruz-Baldo pleaded guilty to unlawfully possessing a firearm and received a sentence of 36 months' imprisonment. On appeal, he challenges the substantive reasonableness of his sentence. After careful consideration, we affirm.

I.

In February 2025, Cruz-Baldo was drinking alcohol at the home he shared with his estranged wife, Rena Cruz-Baldo,¹ when the couple got into an argument.² During the argument, he punched her in the chin. He also struck her dog with multiple objects and stabbed the dog in the head with a knife, leaving behind a puncture wound.

Police officers came to the home. Rena told them what had happened and showed them the injuries that she and the dog had sustained. Officers searched the property but were unable to locate Cruz-Baldo.

After officers left, Rena, fearing that Cruz-Baldo would return, decided to sleep in her truck with the doors locked. Several hours later, he came back and approached the truck. He was holding a 12-gauge shotgun loaded with four rounds of ammunition. He tapped on the truck window. He then racked the slide of the shotgun, which chambered a round of ammunition into the barrel,

¹ To avoid confusion, we refer to Oscar Cruz-Baldo as “Cruz-Baldo” and Rena Cruz-Baldo as “Rena.”

² Cruz-Baldo and Rena’s divorce was finalized shortly after the incident in this case.

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and demanded that she open the gate to the property. He threatened that if she did not comply, he would shoot her and the dog. Rena opened the gate. She called the police and reported that Cruz-Baldo had a shotgun and had threatened her.

In the morning, police officers located Cruz-Baldo at a nearby farm and arrested him. He admitted that he had been drunk and arguing with Rena. But he denied there had been a physical altercation. He told the officers that he had possessed a loaded shotgun only to protect himself from Rena's dog. He then helped police recover the shotgun.

Cruz-Baldo, a citizen of Mexico, was charged with possessing a firearm as a noncitizen unlawfully in the United States. *See* 18 U.S.C. § 922(g)(5). He pleaded guilty.

Before the sentencing hearing, a probation officer prepared a presentence investigation report ("PSR"). The PSR stated that Cruz-Baldo was born in Mexico and had dropped out of school in the fourth grade. He stopped attending school after his father died because he needed to work and support his family. He came to the United States in 2001 when he was approximately 16 years old. After arriving in the United States, he worked construction and farming jobs.

The PSR calculated Cruz-Baldo's Sentencing Guidelines range. It assigned him a base offense level of 14. *See* U.S. Sent'g Guidelines Manual § 2K2.1. It then applied a four-level enhancement because he had possessed the firearm in connection with another felony offense: aggravated assault with a deadly weapon. *See*

id. § 2K2.1(b)(6)(B) After applying a three-level reduction for acceptance of responsibility, *id.* § 3E1.1, the PSR reported that his total offense level was 15. Because he had no criminal history points, he was in criminal history category I. The PSR calculated his guidelines range as 18 to 24 months’ imprisonment and reported that he faced a statutory maximum of 15 years. *See* 18 U.S.C. § 924(a)(8).

At the sentencing hearing, the district court adopted the PSR’s guidelines calculations. The parties then addressed the sentencing factors in 18 U.S.C. § 3553(a).³ Cruz-Baldo asked the court to impose a sentence at the low end of the guidelines range and pointed to his lack of criminal history and the fact that he would be removed from the United States. He also apologized for his actions. The government requested a sentence at the high end of the guidelines range.

³ Under § 3553(a), a district court is required to impose a sentence that is “sufficient, but not greater than necessary, to comply with the purposes” of the statute. 18 U.S.C. § 3553(a). These purposes include the need to: reflect the seriousness of the offense; promote respect for the law; provide just punishment; deter criminal conduct; protect the public from the defendant’s future criminal conduct; and effectively provide the defendant with educational or vocational training, medical care, or other correctional treatment. *Id.* § 3553(a)(2). The court must also consider the nature and circumstances of the offense, the history and characteristics of the defendant, the kinds of sentences available, the applicable guidelines range, the pertinent policy statements of the Sentencing Commission, the need to avoid unwarranted sentencing disparities, and the need to provide restitution to victims. *Id.* § 3553(a)(1), (3)–(7).

After hearing from the parties, the court imposed a sentence of 36 months' imprisonment followed by a three-year term of supervised release. The court said that it had considered the § 3553(a) factors and imposed an upward variance because "the guidelines do not fully capture the egregiousness of the conduct here." Doc. 49 at 9.⁴ It acknowledged that Cruz-Baldo had received a four-level enhancement under the Sentencing Guidelines for possessing a firearm in connection with the commission of another felony. But the court concluded that a sentence within the applicable guidelines range "would not be sufficient to provide adequate punishment or to take into account the seriousness of the offense" because Cruz-Baldo had created a "really awful situation where he was terrorizing his wife with a firearm, [and] he stabbed a dog in the neck." *Id.* In imposing the sentence, the court also stated that it had considered Cruz-Baldo's lack of criminal history, his remorse, and the likelihood that he would be removed from the country after completing his custodial sentence.

This is Cruz-Baldo's appeal.

II.

We review the substantive reasonableness of a sentence under a deferential abuse-of-discretion standard. *Gall v. United States*, 552 U.S. 38, 51 (2007).

⁴ "Doc." numbers refer to the district court's docket entries.

III.

On appeal, Cruz-Baldo challenges the substantive reasonableness of his sentence. We will vacate a sentence as substantively unreasonable “only if[] we are left with the definite and firm conviction that the district court committed a clear error of judgment in weighing the § 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. Irely*, 612 F.3d 1160, 1190 (11th Cir. 2010) (en banc) (citation modified). Importantly, “the weight given to any specific § 3553(a) factor is committed to the sound discretion of the district court.” *United States v. Croteau*, 819 F.3d 1293, 1310 (11th Cir. 2016). Although there is no presumption of reasonableness, “a sentence imposed well below the statutory maximum penalty indicates reasonableness.” *United States v. Woodson*, 30 F.4th 1295, 1308 (11th Cir. 2022) (citation modified). The party challenging the sentence bears the burden of showing that it is substantively unreasonable. *United States v. Boone*, 97 F.4th 1331, 1338–39 (11th Cir. 2024).

When a court imposes a sentence outside the applicable guidelines range, it must state “the specific reason for the imposition of a sentence different from” the guidelines range. 18 U.S.C. § 3553(c)(2). When a court imposes a sentence with a “major” variance from the guidelines range, it must provide a “more significant justification.” *United States v. Steiger*, 99 F.4th 1316, 1322 (11th Cir. 2024) (en banc). When reviewing a sentence with a variance, we “must give due deference” to the district court’s decision that the § 3553(a) factors, as a whole, justify the extent of the variance. *Gall*, 552 U.S. at 51.

Cruz-Baldo attacks his 36-month sentence as unreasonably long, pointing out that it is 50% longer than a sentence at the top end of his guidelines range. He argues that no upward variance was necessary because his conduct in assaulting Rena was “already factored” into his guidelines range when he received a four-level enhancement for committing another felony while possessing the firearm. Appellant’s Br. 11. And he says that the district court gave insufficient weight to mitigating factors such as his personal circumstances, lack of criminal history, and remorse.

We conclude that the district court did not abuse its discretion. At the sentencing hearing, it gave a sufficient explanation for its decision to impose an upward variance when it explained that because of Cruz-Baldo’s serious conduct in this case in which he threatened Rena with a loaded shotgun and stabbed her dog, the guidelines range was inadequate. We cannot say that the district court abused its considerable discretion when it decided to give great weight to certain § 3553(a) factors, such as the seriousness of the offense and need to provide adequate punishment, and less weight to other factors that would have supported a shorter sentence. *See Croteau*, 819 F.3d at 1310. In addition, we note that Cruz-Baldo’s sentence was well below the statutory maximum of 15 years that he faced, which further supports the conclusion that the sentence was reasonable. *See Woodson*, 30 F.4th at 1308.

AFFIRMED.