

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13650
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANTONIO MIGUEL CARROW,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Alabama
D.C. Docket No. 3:19-cr-00115-WKW-KFP-1

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

PER CURIAM:

Antonio Carrow appeals his sentence of 24 months' imprisonment upon revocation of supervised release. Carrow argues that his sentence is procedurally unreasonable because the District

Court improperly considered the need for retribution as described in 18 U.S.C. § 3553(a)(2)(A). He further argues that his sentence was substantively unreasonable because it was greater than necessary to achieve the sentencing purposes identified in 18 U.S.C. § 3553(a). We affirm his sentence.

I. BACKGROUND

In August 2017, Carrow pleaded guilty to charges of possession with intent to distribute controlled substances and possession of a firearm in furtherance of a drug-trafficking crime. The Court sentenced Carrow to a total term of 100 months' imprisonment and five years of supervised release. According to the conditions of Carrow's supervised release, Carrow was to refrain from any unlawful use of a controlled substance, to submit to periodic drug tests, to live at a place approved of by a probation officer, to notify said officer at least 10 days before any change in living arrangements, to participate in a substance abuse program, to submit to searches pursuant to the search policy of the court, to participate in a mental health treatment program, and to follow the instructions of the probation officer assigned to him. Carrow began serving his supervised release term on October 4, 2024.

By July 2025, Carrow's probation officer had filed multiple violation reports alleging five violations of supervised release.¹ The

¹ In February 2025, Carrow's probation officer filed a report alleging two violations. In April 2025, the Court modified the terms of Carrow's release to include inpatient treatment. In May 2025, a violation report increased the count

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officer alleged that Carrow (1) refused to comply with recommended treatment services, (2) submitted a urine sample that tested presumptive positive for methamphetamine and amphetamine and admitted that he used methamphetamine, (3) again submitted a presumptive positive test and admitted to continued use, (4) left his approved residence and failed to notify the officer of the change in address, and (5) failed to report to the probation office as instructed.

The parties filed a joint motion to impose judgment and waiver of final probation revocation hearing. The parties agreed that the applicable guideline range for the supervised release violations was 8 to 14 months and proposed a sentence of 9 months' imprisonment with no supervised release to follow. The Court denied the joint motion and moved forward with the revocation hearing.

At the revocation hearing, Carrow pleaded guilty to all five violations. At one point during the hearing, after Carrow mentioned that he had totaled his car, the Court responded, "I heard this week that 43 percent of deceased accident victims in the state of Ohio two years ago . . . were high on marijuana. Just the drug marijuana . . . And you've got methamphetamine and amphetamines and other things. Ecstasy." The Court dismissed the plea agreement, stating that there was "too much disrespect here for the law; too much disrespect for the Court; too much new criminal

to four violations. In July 2025, the probation officer amended the report to include the fifth violation.

activity, absconding, and a criminal history of category of VI before all this even started.”

The District Court accepted Carrow’s plea of guilty and ordered the term of supervised release revoked. The Court stated that it considered all the factors authorized under § 3583(e) and intended to avoid sentencing disparities in other similar cases. The Court considered Carrow’s history and the need to promote deterrence. The Court expressed that it had initially considered a five-year sentence but was swayed by Carrow’s words at sentencing. Despite this, the Court still determined that Carrow owed the government and the law “a payment.” Ultimately, the Court sentenced Carrow to 24 months’ imprisonment, an upward variance, based on “pre-existing criminal history and the conduct of this particular defendant since he’s been on supervision, actually, just a year.”

Carrow objected to both the procedural and substantive reasonableness of the sentence, stating that the violations were all technical and yielded a guideline range of only 8 to 14 months. Carrow believed the Court had treated him as if he had committed an offense other than a technical violation and argued that a sentence within the guideline range would have been reasonable. The Court overruled the objection and stated that it was “entitled to consider in the sentencing any conduct, particularly the conduct that has happened in the last year since he’s been on supervision.”

II. PROCEDURAL REASONABLENESS

In considering whether to revoke a term of supervised release, a district court may consider a variety of factors set out in

section 3553(a). However, as Carrow correctly argues, it may not consider, under § 3553(a)(2)(A), the need for a sentence “to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense.” The Supreme Court has held that “a court must consider the *forward-looking* ends of sentencing (deterrence, incapacitation, and rehabilitation), but may not consider the *backward-looking* purpose of retribution.” *Esteras v. United States*, 606 U.S. 185, 196, 145 S. Ct. 2031, 2041 (2025). It is the role of fines, probation, and imprisonment to serve as “just deserts” for an underlying offense, while supervised release is intended to serve rehabilitative ends. *Id.*

The issue for Carrow here is that he did not properly object on these grounds. When a defendant does not object to a court’s improper reliance on retribution at a revocation hearing, we may review only for plain error. *Id.* at 202–03, 145 S. Ct. at 2045. Specifically, a defendant must “make the district court aware that it may be impermissibly relying on § 3553(a)(2)(A)” in order to avoid this standard of review. *Id.* Otherwise, the trial court will not have the ability to “recognize its potential error and clarify its revocation decision to make clear that it is not taking account of § 3553(a)(2)(A).” *Id.*

Carrow’s general objection to the procedural reasonableness of his sentence was not sufficient to put the District Court on notice of its potential reliance on improper evidence. Therefore, we must affirm the District Court’s order “unless it is ‘clear’ or ‘ob-

vious’ that the district court actually relied on § 3553(a)(2)(A)—because it did so either expressly or by unmistakable implication. *Id.* (quoting *United States v. Olano*, 507 U.S. 725, 734, 113 S. Ct. 1770, 1777 (1993)).

In revoking Carrow’s term of supervised release, the District Court made one express reference to the “payment” Carrow owed the Court and the government and noted Carrow’s disrespect for the law and the Court. But, when taken in the context of the Court’s other remarks at the revocation hearing, it is clear the Court’s comment concerned Carrow’s violations of supervised release rather than the underlying offense. This is made clear by the Court’s reference to “too much new criminal activity,” demonstrating a consideration of Carrow’s violations of release rather than a focus on retribution. When briefly commenting on Carrow’s prior criminal history, the Court noted its ability to sentence Carrow “particularly” on his past year of supervised release violations.

Beyond generally referring to Carrow’s criminal history, the Court did not discuss any aspect of the underlying offense, including any of the conduct involved. In fact, the Court gave a much plainer consideration to deterrence, one of the “forward-looking” factors permissible under *Esteras*. 606 U.S. at 196, 145 S. Ct. at 2041. Considering how minimal the Court’s comments implicating retribution were and the overall context of the District Court’s words, we must conclude that Carrow failed to show that the District

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Court plainly erred. Therefore, Carrow's sentence was not procedurally unreasonable.

III. SUBSTANTIVE REASONABLENESS

This Court reviews the substantive reasonableness of a sentence for abuse of discretion. *United States v. Grushko*, 50 F.4th 1, 10 (11th Cir. 2022). The party challenging a sentence bears the burden of establishing that it is unreasonable based on the facts of the case and the factors provided by § 3553(a). *United States v. Tome*, 611 F.3d 1371, 1378 (11th Cir. 2010).

In considering whether a sentence is substantively unreasonable, we must give “due deference” to the district court to consider and weigh the proper sentencing factors. *United State v. Shabazz*, 887 F.3d 1204, 1224 (11th Cir. 2018) (quoting *United States v. Cubero*, 754 F.3d 888, 892 (11th Cir. 2014)). A district court's unjustified reliance upon a single § 3553(a) factor is a symptom of an unreasonable sentence. *United States v. Crisp*, 454 F.3d 1285, 1292 (11th Cir. 2020). However, the district court does not have to give all the factors equal weight, and it is granted discretion to attach great weight to one factor over another. *United States v. Gomez*, 955 F.3d 1250, 1257 (11th Cir. 2020). We have explained that a district court abuses its discretion 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.” *Id.* (quoting *United States v. Irey*, 612 F.3d 1160, 1189 (11th Cir. 2010) (en banc)).

Whether these factors justify a variance is a discretionary call; a sentence outside the guideline range is not presumed to be unreasonable. *United States v. King*, 57 F.4th 1334, 1338–39 (11th Cir. 2003). This Court will reverse on these grounds only if “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. McBride*, 511 F.3d 1293, 1297–98 (11th Cir. 2007) (quoting *United States v. Williams*, 456 F.3d 1353, 1363 (11th Cir. 2006)).

Carrow failed to show the District Court abused its discretion in imposing its 24-month sentence. We must give due deference to the District Court’s weighing of the relevant factors. *Shabazz*, 887 F.3d at 1224. Throughout its discussion, the District Court noted its consideration of the proper § 3353(a) factors. It specifically referenced deterrence and Carrow’s personal history following his release. Carrow argues that the Court relied on facts not in evidence, citing the Court’s car accident statistics, but these comments merely were in response to Carrow’s statement that he totaled his car. The Court displayed concern that Carrow would drive his car while under the influence, potentially harming himself or others. This comment relates the need to protect the public and deter future crime, both of which are permissible considerations.

The Court acted well within its discretion in imposing a 10-month upward variance after considering all the factors and justifying its reason for doing so. *See King*, F.4th at 1338–39. Moreover,

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the sentence imposed, while an upward variance, remained well below the 60-month statutory maximum, indicating its reasonableness. *See United States v. Dougherty*, 754 F.3d 1353, 1364 (11th Cir. 2014). Thus, Carrow has not met his burden of showing that the 24-month term of imprisonment was substantively unreasonable.

IV. CONCLUSION

Carrow has failed to show that his sentence was either procedurally or substantively unreasonable. For these reasons we affirm.

AFFIRMED.