

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-14348
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GEORGE WILLIE HUGHLEY,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Alabama
D.C. Docket No. 3:25-cr-00353-ECM-SMD-1

Before JORDAN, KIDD, and ANDERSON, Circuit Judges.

PER CURIAM:

George Hughley appeals his 151-month imprisonment sentence for possession with intent to distribute 5 grams or more of methamphetamine. Hughley argues that the district court erred

by imposing a two-level stash house enhancement under U.S.S.G. § 2D1.1(b)(12) and by failing to impose a two-level minor role reduction under § 3B1.2 and that these procedural errors were not harmless.

We review for clear error the district court’s factual finding of whether a defendant maintained a premises for the manufacture or distribution of drugs, *United States v. George*, 872 F.3d 1197, 1204-05 (11th Cir. 2017), and what role a defendant played in an offense, *United States v. Rodriguez De Varon*, 175 F.3d 930, 937 (11th Cir. 1999) (en banc).

A two-level enhancement applies to a defendant convicted of a drug offense where the defendant “maintained a premises for the purpose of manufacturing or distributing a controlled substance.” See U.S.S.G. § 2D1.1(b)(12). The commentary to § 2D1.1 explains that factors that the court should consider in determining whether the defendant “maintained” the premises are whether he held a possessory interest in the premises and the extent to which he “controlled access to, or activities at, the premises.” *Id.*, comment. (n.17). The commentary further explains that manufacturing or distributing a controlled substance need only be one of the defendant’s primary or principal uses of the premises, not the sole purpose for which the premises was maintained, but must be one of the defendant’s primary or principal uses for the premises, and that the court should consider how frequently the premises was used by the defendant for manufacturing or distributing a controlled substance. *Id.*

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A two-level reduction applies “[i]f the defendant was a minor participant in any criminal activity.” *Id.* § 3B1.2(b). Specifically to § 2D1.1 cases, a minor role reduction is “generally warranted if the defendant’s primary function in the offense was performing a low-level trafficking function,” such as a courier, running errands or acting as a lookout or if the defendant’s primary function was performing another low-level trafficking function, such as distributing controlled substances in user level quantities for little or no monetary compensation or with a primary motivation other than profit. *See id.* § 2D1.1(e)(2).

We will not rule on the validity of a disputed guideline adjustment if: (1) the district court stated it would have given the same sentence regardless of the outcome of the disputed guideline provision; and (2) assuming that there was an error, the sentence is still substantively reasonable if the guideline dispute “ha[d] been decided in the way the defendant argued and the advisory range reduced accordingly.” *United States v. Keene*, 470 F.3d 1347, 1349 (11th Cir. 2006). We have described this framework as “a species of the harmless error doctrine.” *United States v. Olson*, 127 F.4th 1266, 1275 (11th Cir. 2025).

We review the substantive reasonableness of a sentence under a deferential abuse-of-discretion standard. *United States v. Oudomsine*, 57 F.4th 1262, 1266 (11th Cir. 2023). The abuse-of-discretion standard “allows a range of choice for the district court, so long as that choice does not constitute a clear error of judgment.” *United States v. Riley*, 995 F.3d 1272, 1278 (11th Cir. 2021)

(quoting *United States v. Irey*, 612 F.3d 1160, 1188-89 (11th Cir. 2010) (en banc)). We will “vacate a sentence as substantively unreasonable ‘if, but only if, we are left with the definite and firm conviction that the district court committed a clear error of judgment in weighing the 18 U.S.C. § 3553(a) factors by arriving at a sentence that lies outside the range of reasonable sentences dictated by the facts of the case.’” *Id.* (quoting *Irey*, 612 F.3d at 1190) (brackets omitted).

A district court abuses its considerable discretion and imposes a substantively unreasonable sentence only 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.’” See *Oudomsine*, 57 F.4th at 1266 (quoting *Irey*, 612 F.3d at 1189). “A district court does not have to give all the factors equal weight, and it has discretion ‘to attach great weight to one factor over others.’” *Olson*, 127 F.4th at 1276 (quoting *United States v. Rosales-Bruno*, 789 F.3d 1249, 1254 (11th Cir. 2015)).

In general, a district court need not state on the record that it has explicitly considered each of the § 3553(a) factors, nor discuss those factors. *Oudomsine*, 57 F.4th at 1265. Rather, it is enough that the record reflects that the district court considered the § 3553(a) factors and the parties’ arguments. *Id.* We have reasoned that so long as the district court’s decision was “in the ballpark of permissible outcomes,” the abuse-of-discretion standard requires that the district court’s decision be affirmed. *United States v.*

Butler, 39 F.4th 1349, 1355 (11th Cir. 2022) (quoting *United States v. Rosales-Bruno*, 789 F.3d 1249, 1257 (11th Cir. 2015)). Further, the fact that a sentence is significantly below a defendant’s guideline range is an indication of its reasonableness. *United States v. Goldman*, 953 F.3d 1213, 1222 (11th Cir. 2020).

We may take the degree of the variance into account, but we do not presume that a sentence outside the guideline range is unreasonable and give due deference to the district court’s decision that the § 3553(a) factors support its chosen decision. See *Oudomsine*, 57 F.4th at 1267 (citing *Irey*, 612 F.3d at 1186-87). “A district court ‘has considerable discretion in deciding whether the § 3553(a) factors justify a variance’” *Id.* at 1266 (quoting *United States v. Shaw*, 560 F.3d 1230, 1237 (11th Cir. 2009)). A sentence is procedurally unreasonable if the district court fails to adequately explain the sentence, including any variance from the guidelines range. *Id.* at 1265 (citing *Shaw*, 560 F.3d at 1237).

Finally, the prior precedent rule requires that a panel is bound by prior decisions unless they are overturned by this Court sitting en banc or by the Supreme Court. *United States v. Archer*, 531 F.3d 1347, 1352 (11th Cir. 2008).

Here, it is unnecessary for us to address whether the district court erred in applying the two-level stash house enhancement or in not applying the two-level minor role reduction because any error was harmless. The district court explicitly stated that even if it had sustained Hughley’s guideline objections, it would have nonetheless sentenced Hughley to 151 months’ imprisonment because

that is what the court believed to be the appropriate sentence. This statement satisfies the first requirement of *Keene* and triggers harmless error review. *Keene*, 470 F.3d at 1349. And while Hughley argues that *Keene* was wrongly decided, this Court is bound by it under the prior precedent rule. *See Archer*, 531 F.3d at 1352.

The next step is to assess whether Hughley's 151-month sentence would have still been substantively reasonable under the guideline range that would have applied if the court had sustained his objections. *See id.* If the district court had sustained Hughley's objection to the application of the 2-level stash house enhancement and the lack of the 2-level minor role reduction, his total offense level would have been lowered from 31 to 27, which, with the criminal history category of IV, would have lowered his guideline imprisonment range to 100-125 months. U.S.S.G. Ch. 5, Pt. A.

While Hughley's 151-month imprisonment sentence would have been a 26-month upward variance from the high end of that alternative range, it still would have been substantively reasonable. The district court explicitly considered the § 3553(a) factors in arriving at this sentence, including the nature and circumstances of the offense, Hughley's history and characteristics, the seriousness of the offense, the need to afford adequate deterrence to criminal conduct, the need to protect the public and the goal to avoid unwarranted sentencing disparities among defendants. Specifically, the court emphasized the seriousness of distributing methamphetamine in the community and Hughley's criminal history that in-

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volved drug offenses and a recent period of incarceration for a firearm conviction. The court also acknowledged the mitigating factors of Hughley maintaining employment despite his history with substance abuse and his intellectual disabilities and his acceptance of responsibility. In doing so, the court stated that it read all the documents submitted, including the letters written on his behalf and the forensic evaluation.

Hughley has not shown that imposing a 151-month imprisonment sentence under the lower, alternative guideline range that would have applied would constitute a clear error of judgment in light of the district court's consideration of these proper factors. *See Oudomsine*, 57 F.4th at 1266. The district court had broad discretion in deciding how to weigh the relevant factors and was within its discretion to give greater weight to the seriousness of the conduct of distributing methamphetamine and Hughley's criminal history that involved drug and firearm offenses than the mitigating factors of his employment and substance abuse history, his intellectual disabilities, and his acceptance of responsibility. *See Olson*, 127 F.4th at 1276. The district court would have had considerable discretion to decide that these factors warranted an upward variance, particularly as the guideline range did not fully account for certain factors, such as the nature of his criminal history. *See Oudomsine*, 57 F.4th at 1266. Thus, even when viewed under the lower, alternative guideline range that would have applied if the court had sustained Hughley's objections, the sentence would have still been "in the ballpark of permissible outcomes." *Butler*, 39 F.4th at 1355 (quoting *Rosales-Bruno*, 789 F.3d at 1257). In addition, even if the

151-month sentence was an upward variance, it was still well below the statutory maximum sentence of 480 months, which is an indication that the sentence was substantively reasonable. *See Goldman*, 953 F.3d at 1222.

AFFIRMED.