

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10100
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NELSON ANGEL BELLON,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:25-cr-20100-DPG-1

Before JORDAN, KIDD, and ANDERSON, Circuit Judges.

PER CURIAM:

Nelson Bellon appeals his 114-month imprisonment sentence for carjacking, which was within the guideline range of 100-

125 months. Bellon argues that his sentence was substantively unreasonable because the district court unjustifiably emphasized his prior unsuccessful probation sentences and gave insufficient weight to his mitigating factors, such as his mental health issues, substance dependence, and acceptance of responsibility.

We review the substantive reasonableness of a district court's sentence under a deferential abuse of discretion standard. *United States v. Trailer*, 827 F.3d 933, 935 (11th Cir. 2016). "The party challenging the sentence bears the burden of showing that it is unreasonable." *Id.* at 936.

A sentence must be reasonable "in light of the totality of the circumstances and the § 3553(a) factors." *Id.* A district court abuses its discretion when it "(1) fails to afford consideration to relevant [§ 3553(a)] 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. King*, 57 F.4th 1334, 1338 (11th Cir. 2023) (quoting *United States v. Irey*, 612 F.3d 1160, 1189 (11th Cir. 2010) (en banc)) (alteration in original).

When weighing the § 3553(a) factors, the district court need not explicitly state or discuss each factor; it is sufficient for the court to acknowledge that it considered the factors and the defendant's arguments. *United States v. Gonzalez*, 550 F.3d 1319, 1324 (11th Cir. 2008). We will not find a sentence substantively unreasonable unless "we are left with the definite and firm conviction that the district court committed a clear error of judgment in weighing the §

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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. Cabezas-Montano*, 949 F.3d 567, 611 (11th Cir. 2020) (quoting *Irey*, 612 F.3d at 1190).

“A district court’s unjustified reliance on a single § 3553(a) factor may be a symptom of an unreasonable sentence.” *United States v. Williams*, 526 F.3d 1312, 1322 (11th Cir. 2008) (quotation marks omitted). However, the district court has the “sound discretion” to determine the weight that is given to each sentencing factor, and “we will not substitute our judgment in weighing the relevant factors.” *United States v. Butler*, 39 F.4th 1349, 1356 (11th Cir. 2022) (quoting *United States v. Martinez-Gonzalez*, 663 F.3d 1305, 1311 (11th Cir. 2011)). This discretion includes “broad leeway” to determine how to weigh a defendant’s criminal history in sentencing. *Id.* at 1355-56 (quoting *United States v. Rosales Bruno*, 789 F.3d 1249, 1261 (11th Cir. 2015)).

While we do not strictly presume that a sentence within the guideline range is substantively reasonable, “we ordinarily will expect the sentence to be a reasonable one.” *Cabezas-Montano*, 949 F.3d at 611. “[W]hen sentencing within the advisory Guidelines range, the district court is not required to give a lengthy explanation for its sentence.” *United States v. Rodriguez*, 75 F.4th 1231, 1244 (11th Cir. 2023) (quoting *United States v. Livesay*, 525 F.3d 1081, 1090 (11th Cir. 2008)). Furthermore, when a sentence is imposed well below the statutory maximum, this indicates reasonableness. *Id.*

Here, the district court did not impose a substantively unreasonable sentence because Bellon's 114-month sentence was within the range of reasonable sentences when balancing the § 3553(a) factors in his case. *See Cabezas-Montano*, 949 F.3d at 611. The district court was justified in placing emphasis on Bellon's criminal history, including his multiple unsuccessful probation sentences, as well as the violent nature of the offense. The weight given to the § 3553(a) factors, many of which relate directly or indirectly to criminal history, was within the sound discretion of the district court. *See Butler*, 39 F.4th at 1355-56; 18 U.S.C. § 3553(a)(1)-(4), (6). Contrary to Bellon's argument, the district court adequately balanced his criminal history factor against his mitigating factors. At sentencing, the court confirmed that it "considered everything," which included not only the parties' arguments, the PSI, the guidelines, Bellon's criminal history, and the factors set forth in § 3553(a), but also the mitigating factors of Bellon's preexisting mental health issues, benzodiazepine addiction and other substance abuse issues, character letters, neuropsychological evaluation, and that he took responsibility. The district court was not required to explicitly list each § 3553(a) factor in weighing them—though it did list several—or provide a lengthy discussion of the reasoning behind its sentence. *See Gonzalez*, 550 F.3d at 1324; *Rodriguez*, 75 F.4th at 1244. The fact that Bellon's sentence was within the guideline range of 100 to 125 months and well below the maximum statutory sentence of 25 years indicates that it was reasonable and did not exceed what was necessary for deterrence, reducing

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recidivism, or protecting the public from harm. *See Cabezas-Montano*, 949 F.3d at 611; *Rodriguez*, 75 F.4th at 1244.

Moreover, as the government notes, although the district court expressed concern with the violent nature of the offense, the impact it had on the victim, and Bellon's repeated past supervision violations, the court still imposed a sentence in the middle of the guideline range—against its inclination towards the higher end—to account for Bellon's time served in state custody. The record does not indicate that the district court abused its discretion by improperly weighing the § 3553(a) factors, committing a clear error of judgment, or imposing a sentence beyond what was reasonable for Bellon's case. *See King*, 57 F.4th at 1338; *Cabezas-Montano*, 949 F.3d at 611. Rather, the record indicates that the district court balanced the mitigating factors in Bellon's favor and did not merely punish him based on his criminal history. *Cf. Williams*, 526 F.3d at 1322. This Court defers to the district court's exercise of its discretion in weighing the relevant factors and will not substitute its own judgment for that of the district court when the sentence was reasonable given the facts of the case. *See Butler*, 39 F.4th at 1356. As such, Bellon has not sustained his burden of showing that his sentence was substantively unreasonable. *See Trailer*, 827 F.3d at 936.

AFFIRMED.