

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10543
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT LEE COLLINS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:91-cr-00346-ELR-JED-1

Before JORDAN, JILL PRYOR, and KIDD, Circuit Judges.

PER CURIAM:

While on supervised release, Robert Collins committed new crimes by engaging in identity theft and attempting to cash a forged

check. The district court revoked his supervised release and imposed an 18-month sentence. On appeal, Collins argues that his revocation sentence is substantively unreasonable. After careful consideration, we affirm.

I.

In 1991, Collins used a stolen firearm to shoot at two police officers. He was convicted in federal court of possessing a firearm as a convicted felon. *See* 18 U.S.C. § 922(g). He faced an enhanced sentence under the Armed Career Criminal Act. *See id.* § 924(e). The district court ultimately imposed a sentence of 315 months' imprisonment followed by a five-year term of supervised release.

In December 2022, Collins began serving the term of supervised release in the Northern District of Georgia. The conditions of his supervised release included that he (1) not commit another crime, (2) remain in the Northern District of Georgia unless he received permission from the court or his probation officer, and (3) notify his probation officer within 72 hours of any arrest.

In May 2024, a probation officer filed a petition to revoke Collins's supervised release. The petition reported that in March 2024 Collins had been charged in Cherokee County, Georgia, with identity fraud and forgery in the third degree. It also described a separate incident in April 2024 when Collins allegedly went to a bank in Athens, Georgia, which was outside the Northern District of Georgia, and attempted to cash a check. The bank teller observed Collins acting suspiciously and contacted the individual who had signed the check, who told her that the check was

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not valid. Collins was arrested and charged in Athens-Clarke County with forgery in the third degree and deposit account fraud involving \$1,500 or more. According to the petition, Collins waited more than a month to report his Athens-Clarke County arrest to his probation officer.

The petition alleged that Collins violated the terms of his supervised release when he (1) committed the crimes of forgery and deposit account fraud in Athens-Clarke County, (2) committed the crime of identity fraud in Cherokee County, (3) failed to report his arrest to his probation officer within 72 hours, and (4) left the Northern District of Georgia without permission from the court or his probation officer.

In February 2026, the district court held a revocation hearing. By the time of the hearing, Collins had pleaded guilty in the Cherokee County case to identity fraud, received a one-year sentence, and completed the sentence. But his criminal case in Athens-Clarke County remained pending.

At the revocation hearing, Collins admitted that he violated the terms of his supervised release when he committed the crime of identity fraud in Cherokee County, failed to inform his probation officer within 72 hours of his arrest in Athens-Clarke County, and traveled outside the Northern District of Georgia without permission. He did not contest that he violated the terms of his supervised release by committing a crime in Athens-Clarke County. The court found that Collins had violated his supervised release.

The court then addressed whether to revoke his supervised release. It found that he had committed a Grade B violation¹ and was in criminal history category VI, which yielded a Sentencing Guidelines range of 21 to 27 months' imprisonment.

The government requested a sentence at the low end of the guidelines range with no term of supervised release to follow. It pointed out that Collins had engaged in new criminal conduct approximately one year into his term of supervised release. Although the new criminal conduct was not violent, the government expressed concern that Collins's lengthy federal sentence had not deterred him.

Collins requested a nine-month sentence. He emphasized that the crimes that led to his revocation were non-violent. He asked the court to give him credit for the 12 months he served in the Cherokee County case by reducing his sentence from

¹ The Sentencing Guidelines divide supervised release violations into three categories. Grade A violations include conduct constituting "a federal, state, or local offense punishable by a term of imprisonment exceeding one year that (i) is a crime of violence, (ii) a controlled substance offense, or (iii) involves possession of a firearm or destructive device." U.S. Sent'g Guidelines Manual. § 7B1.1(a)(1). Grade A violations also include conduct constituting "any other federal, state, or local offense punishable by a term of imprisonment exceeding twenty years." *Id.* Grade B violations involve "conduct constituting any other federal, state, or local offense punishable by a term of imprisonment exceeding one year." *Id.* § 7B1.1(a)(2). Grade C violations involve conduct constituting "a federal, state, or local offense punishable by a term of imprisonment of one year or less" or "a violation of any other condition of supervision." *Id.* § 7B1.1(a)(3).

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21 months, which was the bottom of his guidelines range, to nine months. He also asked the court to consider that he could still be sentenced in the Athens-Clarke County case.

The court revoked Collins’s supervised release and imposed a sentence of 18 months’ imprisonment with no supervised release to follow. It expressed concern that after serving a lengthy sentence in his underlying case, Collins committed new crimes while on supervised release. The court observed that he did not “seem to have been deterred by the time that [he had] served previously in custody.” Doc. 121 at 13.² The court also said that it considered the time he had served on the Cherokee County conviction but would not give him “full credit” for that time. *Id.* at 12.

This is Collins’s appeal.

II.

We review for abuse of discretion the substantive reasonableness of a sentence upon revocation of supervised release. *United States v. King*, 57 F.4th 1334, 1337 (11th Cir. 2023).

III.

When a defendant violates a condition of supervised release, a district court generally may extend or revoke his term of supervised release. 18 U.S.C. § 3583(e)(3). If the court revokes supervised release, it may order the defendant to “serve in prison all or part of the term of supervised release authorized by statute for the offense

² “Doc.” numbers refer to the district court’s docket entries.

that resulted in such term of supervised release.” *Id.* It also may order him to serve “a term of supervised release after imprisonment.” *Id.* § 3583(h). When deciding whether to revoke a term of supervised release and impose a custodial sentence, the court considers various factors including: the nature and circumstances of the offense; the defendant’s history and characteristics; the need to deter criminal conduct, protect the public, and provide the defendant with necessary educational or vocational training, medical care, or other correctional treatment; the kind of sentence and the sentencing range established by applicable guidelines or policy statements; pertinent policy statements; the need to avoid unwarranted sentence disparities; and the need to provide restitution to victims. *Id.* §§ 3553(a)(1), (a)(2)(B)–(D), (a)(4)–(7); 3583(e).

We will reverse a sentence imposed on revocation of supervised release for substantive unreasonableness “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. Trailer*, 827 F.3d 933, 936 (11th Cir. 2016) (citation modified). The party challenging the sentence bears the burden of showing that it is unreasonable. *See id.*

When imposing a sentence, a court generally has discretion to direct that the sentence will run concurrently to or consecutively with any sentence that has “been imposed in other proceedings, including state proceedings.” *United States v. Gomez*, 955 F.3d 1250,

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1258 (11th Cir. 2020) (citation modified). A policy statement in the Sentencing Guidelines advises that a district court “generally” should order a term of imprisonment imposed upon revocation of supervised release to run “consecutively to any sentence of imprisonment that the defendant is serving, whether or not the sentence of imprisonment being served resulted from the conduct that is the basis of the revocation of supervised release.” U.S. Sent’g Guidelines Manual § 7C1.4(b). We have recognized that under the Sentencing Guidelines there is a “policy favoring imposition of consecutive sentences in cases of violation of [supervised] release.” *United States v. Flowers*, 13 F.3d 395, 397 (11th Cir. 1994).

Here, the district court did not abuse its discretion in imposing an 18-month sentence. After Collins served an approximately 30-year sentence in the underlying criminal case, he was released from prison and committed additional crimes a little more than a year into his term of supervised release. Under these circumstances, we are not left with the definite and firm conviction that the district court committed a clear error of judgment in imposing an 18-month custodial sentence.

Collins argues that his sentence was unreasonable because he had already served the 12-month sentence imposed in the Cherokee County case. But the district court had discretion to order the revocation sentence to run consecutive to the state sentence, even though the state sentence was imposed for conduct that also was the basis for the revocation. *See Gomez*, 955 F.3d at 1258. Accord-

ingly, we conclude that the district court did not abuse its discretion when it rejected Collins's request to reduce his revocation sentence by 12 months to account for his state sentence.

AFFIRMED.