RECOMMENDED FOR PUBLICATION
Pursuant to Sixth Circuit I.O.P. 32.1(b)

File Name: 26a0263p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

STEVE CROOM, JR.,
Defendant-Appellant.

No. 25-3864

Appeal from the United States District Court for the Northern District of Ohio at Youngstown.
No. 4:17-cr-00328-13—John R. Adams, District Judge.

Decided and Filed: September 11, 2026

Before: SUTTON, Chief Judge; GIBBONS and DAVIS, Circuit Judges.

COUNSEL

ON BRIEF: Thomas W. Kidd, Jr., KIDD & URLING LLC, Harveysburg, Ohio, for Appellant. Colleen Egan, UNITED STATES ATTORNEY'S OFFICE, Cleveland, Ohio, for Appellee.

OPINION

SUTTON, Chief Judge. When Steve Croom, Jr., crashed his car while driving drunk, he violated—for the third time—a supervised release condition that forbade him from using or possessing alcohol. The district court varied upward from the guidelines range by ten months, imposing a 24-month prison sentence. Seeing no error, we affirm.

I.

Before he conspired to launder money and commit wire fraud, Steve Croom often drank more than he should and drove when he shouldn't. When Croom pleaded guilty to two federal conspiracy charges in 2017, the district court sentenced him to 30 months in prison followed by five years of supervised release. Aware of Croom's history of drinking and driving, the district court forbade him from using or possessing alcohol during his term of supervision.

Thirteen months after Croom's term of supervision began, he was caught drinking and driving. Sitting behind the wheel of his black Cadillac while speaking with police, Croom admitted that he was "a little tipsy." R.612 at 2. Croom proceeded to resist officers' efforts to remove him from the vehicle and place him under arrest—then licked the police cruiser's windows for good measure. During his subsequent revocation hearing, Croom confessed to three violations of his federal supervised release conditions. The district court sentenced him to eight months in prison (the low end of the 8-to-14-month guidelines range), followed by four years of supervised release with the same conditions as before.

After Croom finished his prison sentence, another 13 months passed before he had his second alcohol-related supervised release violation, this time testing positive for alcohol during a random test. The supervising officer informed the court of the violation but urged lenience. The officer believed that Croom would benefit from another opportunity "to continue to work on his sobriety." R.748 at 3. The court honored that request and took no action.

Croom did not take advantage of this opportunity to fix matters. Roughly two years later, Croom drank alcohol, got behind the wheel of his silver sedan, ignored a stop sign, and struck a passing car. Both vehicles crashed into a nearby utility pole. When officers arrived at the scene, they found a mother and her two children, an 11-year-old and a 3-year-old. Speaking with a bloody lip, the mother told the police that she and her youngest child were "okay," but that her 11-year-old daughter's leg had been hurt in the crash. R.826 at 2. All three victims received medical care at the scene, and an ambulance took the 11-year-old to a hospital for further treatment of her leg.

Croom declined a breathalyzer test and faulted the victims for the crash. Law enforcement charged him with operating a vehicle while impaired and failing to yield the right of way. A state court found Croom guilty of both offenses and sentenced him to 180 days in jail, with 177 of them suspended.

Back in federal court, Croom faced three new supervised release violations for using alcohol, violating traffic-safety laws, and failing to pay court-ordered restitution to the victims of his original federal offenses. Croom waived his right to a hearing and admitted all three violations. Based on the charged conduct and Croom's criminal history category, the court calculated his sentencing guidelines range as 8 to 14 months. The court imposed a sentence of 24 months.

II.

Croom challenges his 24-month sentence as procedurally and substantively unreasonable.

Procedural reasonableness. A sentencing court commits procedural error when it miscalculates the guidelines range, treats the guidelines as mandatory, fails to consider the applicable § 3553(a) sentencing factors, relies on impermissible factors, selects a sentence based on clearly erroneous facts, or fails to adequately explain why it chose the sentence. *Gall v. United States*, 552 U.S. 38, 51 (2007); *see United States v. Rayyan*, 885 F.3d 436, 440 (6th Cir. 2018). We normally review claims of procedural error for abuse of discretion. *Rayyan*, 885 F.3d at 440. Objections raised for the first time on appeal, however, receive plain error review. *United States v. Vonner*, 516 F.3d 382, 385 (6th Cir. 2008) (en banc).

Croom contends that the district court failed to explain its sentence adequately. Because Croom did not raise this objection below, even after the district court gave him a chance to do so at the end of the hearing, *United States v. Bostic*, 371 F.3d 865, 872–73 (6th Cir. 2004), we review the district court's work for plain error, *see United States v. Simmons*, 587 F.3d 348, 358 (6th Cir. 2009).

We see no error, plain or otherwise, with the district court's explanation. The court accurately calculated the guidelines range. It treated the guidelines as advisory. It touched upon the relevant § 3553(a) factors while avoiding irrelevant ones. It did not rely on any clearly erroneous facts. And it adequately explained the sentence it chose. As the court put it, Croom's most recent drinking-and-driving excursion, along with his long history of "abus[ing] alcohol and operat[ing] motor vehicles," made it "clear" that Croom still did not grasp "the severity of his drinking and driving problem." R.835 at 8–9. Based on Croom's recalcitrant drinking and driving and the danger his conduct posed to others, the court concluded that a within-guidelines sentence would be "insufficient" to deter similar conduct in the future. R.835 at 10. This fair-minded explanation sufficed.

Croom complains that the district court improperly considered Croom's state court sentence in deciding to vary upward. Because Croom failed to lodge this complaint below, it receives plain error review. No error, one way or the other, occurred. In fashioning a sentence for a violation of supervised release, a court must consider, among other things, the need to deter the defendant's criminal conduct and protect the public from his future crimes. *See* 18 U.S.C. § 3583(e); *id.* § 3553(a)(2)(B)–(C). That's just what the district court did. Croom's repeated threats to public safety resulted in the no-alcohol condition. Croom knew the consequences of flouting that condition. He did so anyway—once, twice, then a third time. Based on Croom's "continued pattern and history" of driving drunk, the court concluded that a three-day stint in county jail would "not suffic[e]" to deter his next drunken turn behind the wheel. R.835 at 9–10. After a previous eight-month sentence did little to prevent this most recent violation, the inference was fair and warranted.

To Croom's eyes, the district court improperly treated his revocation proceeding as an opportunity to impose more punishment for his state drunk driving offense. True, the court described Croom's state sentence as "inadequate" and expressed a desire to "rectify that problem." R.835 at 9. But a sentencing court does not commit reversible error simply by considering how a federal sentence "would interact with its state counterpart." *United States v. Sims*, 161 F.4th 455, 459 (6th Cir. 2025). That is especially so when the same conduct "formed the basis of" the state offense and the federal supervised release violation. *Id.* This was not

Croom's first drinking-and-driving offense. And the court did not err in trying to make it his last.

Croom claims that the district court based its sentence on erroneous facts, insisting that the evidence was unreliable or too thin to support the court's finding that Croom's victims suffered physical injury in the crash. The district court did not clearly err in finding that the mother and her two children were injured when Croom struck their car. It based its factual findings on two legitimate sources of information: the probation office's October 10 violation report and the body cam footage from the scene of the crash. As the report details and the videos confirm, officers heard "a little girl screaming and crying" as they approached the victims' vehicle. R.826 at 2. The driver's 11-year-old daughter, complaining of leg pain, was taken by ambulance to a hospital for treatment. That suffices to support the court's finding.

Croom falls back on a sufficiency-of-the-evidence challenge. He argues that the court erred in crediting the violation report and videos when "no vehicular-assault charges had been filed" and "[n]o medical records, witness testimony, or formal findings were introduced" at the hearing. Appellant's Br. 8–9. But the court had no obligation to consult Croom's preferred sources before finding a fact based on a violation report and video recording of the incident's aftermath. The court reasonably relied on this evidence to support its finding. No procedural error occurred.

Substantive reasonableness. Croom separately maintains that his 24-month sentence is "too long"—that the court relied too heavily on some § 3553(a) factors at the expense of others in imposing this two-year sentence. *Rayyan*, 885 F.3d at 442. Because weighing sentencing factors against each other "is a matter of reasoned discretion, not math," we give the district court's decision considerable deference. *Id.* At stake is whether the trial judge exceeded his discretion in sentencing Croom to 24 months. The question is not what we would have done had we sentenced the defendant, an approach that might create risks of its own for Croom.

The district court's firm but reasonable sentence did not exceed its discretion. Croom repeatedly violated his supervised release conditions and showed no signs of changing his ways. This was Croom's third alcohol-related breach since his original term of supervised release began, his second involving drunk driving, and his fifth DUI offense overall. The court observed that Croom "showed little remorse for his actions," even after injuring young children in what could have been a tragic accident. R.835 at 9–10. Despite "numerous opportunities at treatment" and the "negative outcomes he ha[d] faced in the past," Croom by then had made scant progress toward "understand[ing] the severity of his drinking and driving problem." R.835 at 6, 8, 9. No abuse of discretion occurred in imposing this upward variance.

Croom resists this conclusion on the ground that the court placed too much weight on his recidivist DUI offenses. Because the guidelines already accounted for that history, he insists, the district court could not use his repeat offenses to justify a significant upward variance. We have "consistently rejected" these sorts of double-counting arguments when assessing the substantive validity of a sentence. *United States v. Dunnican*, 961 F.3d 859, 881 (6th Cir. 2020) (collecting examples). As in these cases, so here: A district court is free to sentence a defendant below or above the *advisory* guidelines based on its independent and reasoned assessment of the defendant's criminal history. *See, e.g.*, *United States v. Lanning*, 633 F.3d 469, 478 (6th Cir. 2011); *United States v. Herrera-Zuniga*, 571 F.3d 568, 589–90 (6th Cir. 2009).

Croom worries that the district court gave short shrift to other sentencing factors, such as rehabilitation, treatment considerations, proportionality, and the goals of supervised release. But the court *did* entertain Croom's request for treatment. In truth, the court did more than entertain the idea; it granted the request by requiring alcohol treatment as part of Croom's post-incarceration sentence. Sentencing is not an à la carte affair in which the defendant gets to decide what blend of deterrence and rehabilitation to accept.

As for the other sentencing considerations, Croom concedes that the main purpose of revoking a defendant's term of supervised release is to "sanction a defendant's breach of the court's trust." Appellant's Br. 8; *see* U.S. Sent'g Guidelines Manual ch. 7, pt. A(3)(b) (Nov. 2024). That sanction may also reflect "the seriousness of the underlying violation" and the violator's criminal history. Guidelines Manual ch. 7, pt. A(3)(b); *see United States v. Williams*, 169 F.4th 727, 731–32 (6th Cir. 2026). Given the nature and extent of Croom's breach of trust, a 24-month sentence was not disproportionate, and it did not fail to account for any other relevant factors. As the district court noted, Croom's violation was "sever[e]" and "[un]acceptable," especially given his history and the harm he had already caused victims of his drinking and driving. R.835 at 7, 8. That explanation suffices.

We affirm.