

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals**For the Seventh Circuit
Chicago, Illinois 60604**

Argued June 2, 2026

Decided June 15, 2026

*Before*CANDACE JACKSON-AKIWUMI, *Circuit Judge*JOHN Z. LEE, *Circuit Judge*REBECCA TAIBLESON, *Circuit Judge*

No. 25-2152

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,**v.*MARVELOUS C. BURNETT,
*Defendant-Appellant.*Appeal from the United States District
Court for the Southern District of
Illinois.

No. 4:24-CR-40022-JPG-1

J. Phil Gilbert,
*Judge.***ORDER**

Marvelous Burnett pleaded guilty to sixteen counts of distribution of a controlled substance and one count of possession with intent to distribute. He was sentenced above his guidelines range to 162 months' imprisonment. He now argues that the district court failed to justify the above-guidelines sentence and imposed a sentence that was substantively unreasonable. Seeing no error, we affirm.

As part of an investigation by the Federal Bureau of Investigation and the Drug Enforcement Administration, confidential sources made several controlled purchases of

cocaine from Burnett and his codefendants. In February 2024, agents obtained a search warrant for Burnett's house, where they seized cocaine, drug paraphernalia, and drug ledgers. Officers also interviewed Burnett, who admitted to distributing cocaine and identified collaborators.

In May 2024, Burnett was charged with fifteen counts of distribution of a controlled substance, *see* 21 U.S.C. §§ 841(a)(1), (b)(1)(C), one count of distribution of a controlled substance involving 500 grams or more of cocaine, *see id.* §§ 841(a)(1), (b)(1)(B)(ii), and one count of possession with intent to distribute a controlled substance involving 500 grams or more of cocaine, *see id.* §§ 841(a)(1), (b)(1)(B)(ii). He pleaded guilty to all counts.

A probation officer prepared a presentence investigation report that calculated a guidelines range of 120 to 121 months, based on a total offense level of 29 and a criminal history category of II.* Burnett's total offense level reflected an initial offense level of 30, increased by two levels for his leadership role in the offense, U.S.S.G. § 3B1.1(c), and lowered three levels for acceptance of responsibility, U.S.S.G. §§ 3E1.1(a), (b). Burnett had a criminal history of II based on three criminal history points—a figure that excluded five prior convictions that were too old to count. *Id.* § 4A1.2(e)(3).

The district court adopted the PSR and sentenced Burnett above his guidelines range to 162 months' imprisonment. The court considered the sentencing factors under 18 U.S.C. § 3553(a), focusing on Burnett's lengthy criminal history and how to adequately deter him from reoffending. The court went on to announce that it was "varying upwards from the guideline range based upon the criminal history." It grounded its reasoning in several § 3553(a) factors and explained that Burnett's persistent reoffending necessitated deviating from the guidelines:

[T]he fact that you have never complied with any of the sentencing – being on supervised release or probation, you have not demonstrated to this Court that you can comply with the law. And when I look at the 3553(a) factors, the nature and circumstances of the offense, history and

* Because the statutory minimum sentence of 120 months for Counts 14 and 17—which involved 500 grams or more of cocaine, *see* 21 U.S.C. § 841(b)(1)(B)(ii)—was greater than the minimum of the applicable guidelines ranges (97 to 121 months), Burnett's guidelines range was set at 120 to 121 months, *see* U.S.S.G. § 5G1.2(b).

characteristics of you as a Defendant, the need to protect the public from further crimes, an upward variance is required here for 162 months.

On appeal, Burnett first argues that the court failed to adequately justify the above-guidelines sentence. He argues that the court's explanation was not thorough enough to justify a departure from the guidelines because much of its explanation revolved around one consideration—his criminal history.

But the court's sentencing justification, which addressed several § 3553(a) factors, including Burnett's significant criminal history, was sufficient. "[A] district court adequately explains a sentence or deviation when it thoroughly documents its reasoning therefor." *United States v. Cook*, 108 F.4th 574, 583 (7th Cir. 2024) (citation omitted). The court explained that Burnett's criminal history was relevant to deterrence (highlighting that he reoffended despite his prior sentence being reduced by 37 months); respect for the law (emphasizing his "conscious choice" to engage in the drug culture, refusal to "conform to a law-abiding life," and continuous reoffending while on supervised release); and his history and characteristics (saying he is "no dummy," a GED graduate who made a "career out of criminal activity.") Burnett's criminal history may have predominated the court's discussion of the § 3553(a) factors, but it was far from the court's only reason for imposing an above-guidelines sentence.

Burnett also takes issue with the court's reliance on the instant offense being committed while on supervised release, insinuating that the court added time to his sentence to punish him for the offense. But violations of supervised release are relevant in assessing the § 3553(a) factors, which includes the need for the sentence to provide for just punishment, *see United States v. Hayden*, 775 F.3d 847, 849 (7th Cir. 2014), to afford adequate deterrence, and to protect the public from further crimes of the defendant, *see United States v. Allgire*, 946 F.3d 365, 367–68 (7th Cir. 2019).

He also urges that his sentence is substantively unreasonable, arguing, for instance, that the court gave too much weight to his criminal history. But the court has discretion over how much weight it gives a particular factor. *See United States v. Campbell*, 37 F.4th 1345, 1353 (7th Cir. 2022). And the court grounded its reasoning in other § 3553(a) factors—including not only his lengthy criminal history, but also his inability to be deterred despite a prior sentence reduction and his overall lack of respect for the law.

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Lastly, Burnett maintains that the court did not adequately consider his argument in mitigation—that his advancing age (he will be released when he is 55 years old) makes him unlikely to reoffend. But the district court has broad discretion to weigh both mitigating and aggravating factors, *see United States v. Cook*, 108 F.4th 574, 586 (7th Cir. 2024), and his disagreement with how the court balanced these factors does not make his sentence substantively unreasonable, *see id.*; *United States v. Hatch*, 909 F.3d 872, 875–76 (7th Cir. 2018).

For these reasons, we AFFIRM.