

United States Court of Appeals for the Fifth Circuit

No. 23-60010
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 1, 2023

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

CADRIUS BAKER,

Defendant—Appellant.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:20-CR-97-1

Before BARKSDALE, ENGELHARDT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Following a bench trial, Cadrius Baker was convicted of: making a false statement while acquiring, or attempting to acquire, a firearm; making a false statement concerning information in an official record; and possession of a firearm by a prohibited person, in violation of 18 U.S.C. §§ 922(a)(6),

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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(n), and 924(a)(1)(A). He contends the district court erred by denying his request for a Guideline § 3E1.1 adjustment for acceptance of responsibility.

Because the sentencing court is in a unique position to evaluate defendant's acceptance of responsibility, great deference is afforded the court's finding: our court will "affirm the denial of a reduction for acceptance of responsibility unless it is without foundation, a standard of review more deferential than the clearly erroneous standard". *United States v. Lord*, 915 F.3d 1009, 1017 (5th Cir. 2019) (citation omitted); *see* Guideline § 3E1.1 cmt. n.5.

Baker does not meet this standard. The court's rejection of the requested adjustment was based on an implicit adverse credibility finding we will not disturb. *See United States v. Spires*, 79 F.3d 464, 467 (5th Cir. 1996) (explaining decisions concerning acceptance of responsibility will almost always be upheld because they are heavily dependent on credibility determinations).

AFFIRMED.