No. _____

In the

Supreme Court of the United States

Christopher Shane Sepeda,

Petitioner,

v.

United States,

Respondent.

On Petition for a Writ of Certiorari
to the Court of Appeals for the Fifth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the parsimony principle of 18 U.S.C. § 3553(a) permits a sentencing court to treat a defendant's history of childhood sexual trauma as both non-mitigating and indirectly aggravating?
2. Whether treating a defendant's childhood sexual abuse as indirectly aggravating involves reliance on an improper sentencing factor?

PARTIES TO THE PROCEEDING

Petitioner is Christopher Shane Sepeda, who was the Defendant-Appellant in the court below. Respondent, the United States, was the Plaintiff-Appellee in the court below. No party is a corporation.

RULE 14.1(b)(iii) STATEMENT

This case arises from the following proceedings in the United States Court of Appeals for the Fifth Circuit and the Northern District of Texas:

- *United States v. Sepeda*, No. 25-10570, 2026 U.S. App. LEXIS 7577 (5th Cir. March 13, 2026)
- *United States v. Sepeda*, No. 2:24-cr-00003-Z-BR-1 (N.D. Tex. May 24, 2025)

No other proceedings in state or federal trial or appellate courts, or in this Court, are directly related to this case.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Christopher Shane Sepeda seeks a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

OPINIONS BELOW

The opinion of the Court of Appeals is reported at *United States v. Sepeda*, No. 25-10570, 2026 U.S. App. LEXIS 7577 (5th Cir. March 13, 2026). The district court did not issue a written opinion.

JURISDICTION

The Fifth Circuit entered judgment on March 13, 2026. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

RULES AND GUIDELINES PROVISIONS

This Petition involves the parsimony principle of 18 U.S.C. § 3553(a) and a sentencing court's statutory obligation, under the same statute, to consider, *inter alia*, the "history and characteristics" of the defendant:

> (a) Factors To Be Considered in Imposing a Sentence.—The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider—
>
> > (1) the nature and circumstances of the offense and the history and characteristics of the defendant; ….

18 U.S.C. § 3553(a).

STATEMENT OF THE CASE

This Petition arises from a direct appeal challenging the district court's reasoning for an above-guidelines life sentence. In imposing a life sentence, the district court treated the defendant's childhood sexual trauma as both non-mitigating and indirectly aggravating. In essence, the district court construed the defendant's childhood trauma as something that made him more culpable because he, of all people, should have known better than to perpetuate the same acts he experienced as a child on others. Using this as a reason to upwardly vary at sentencing violates the § 3553(a) parsimony principle that courts are to impose a sentence "not greater than necessary." It also involves reliance on an improper sentencing factor.

After Mr. Sepeda's stepson made an outcry of sexual abuse, the government charged Mr. Sepeda with one count of Enticement and Attempted Enticement of a Minor, in violation of 18 U.S.C. § 2422(b). Mr. Sepeda pleaded guilty and, after a series of arguments and rulings, Mr. Sepeda's advisory sentencing range, under the guidelines, was 235 to 293 months imprisonment.

The district court then imposed an upward variant sentence of life on its own motion. In doing so, the district court went through each of the statutory § 3353(a) factors. When discussing the first factor, the history and characteristics of the defendant, the district court explained:

> But of most importance, Defendant has a history of physical and sexual abuse as a child. Defendant reported that his father physically abused both Defendant and his sister when they were young, hitting them multiple times a week as well. This is detailed in unobjected-to PSR Paragraph 51.

> Defendant's uncle sexually abused Defendant when he was young, and Defendant reported that he would spend a few days each summer with his uncle and that his uncle sexually abused Defendant during this time. This is detailed in PSR Paragraphs 54, 55 and 56.
>
> However, although Defendant's childhood history is admittedly tragic, the history is not mitigating in this case. Yes, Defendant endured terrible sexual abuse at a young age, which no child should be subjected to, but Defendant had the opportunity to end this legacy of horrific physical and sexual abuse but instead of protecting his own children and ensuring that they had the opportunity to grow up with a childhood free of horrors, Defendant, instead, chose to perpetuate the sexual trauma inflicted on his own son. As such, Defendant's choice to brutally abuse and sexually abuse his own son is an aggravating factor under 3553(a)(1) and it weighs heavily in favor of upward variance in this case.

(ROA.294-95).

On appeal, Mr. Sepeda challenged the substantive reasonableness of the district court's upward variant life sentence based on its treatment of Mr. Sepeda's childhood trauma. In a two-paragraph opinion, the Fifth Circuit affirmed. *United States v. Sepeda*, No. 25-10570, 2026 U.S. App. LEXIS 7577 (5th Cir. March 13, 2026).

This Petition follows, asking this Court to vacate Mr. Sepeda's erroneous life sentence.

REASONS FOR GRANTING THIS PETITION

The district court imposed an upward variant sentence of life imprisonment. When considering Mr. Sepeda's "history and characteristics" under 18 U.S.C. § 3553(a), the district court expressly found Mr. Sepeda's childhood trauma non-mitigating. This was a clear error of judgment in balancing the sentencing factors. The district court's analysis then treated Mr. Sepeda's childhood trauma as indirectly aggravating, which not only reflected a clear error of judgment in balancing the sentencing factors but also amounted to reliance on an improper factor. This Court should vacate and reverse for resentencing under a proper balancing of the appropriate factors and without consideration of an improper factor.

I. The district court's decision to treat Mr. Sepeda's personal history of childhood trauma as non-mitigating was a clear error of judgment in balancing the sentencing factors that violates Congress's parsimony principle.

Courts have held that there are three ways in which a district court can abuse its discretion under § 3553(a): (1) by not accounting for a factor that should have received significant weight; (2) by giving significant weight to an irrelevant or improper factor; or (3) by committing a clear error of judgment in balancing the sentencing factors. *E.g. United States v. Chandler*, 732 F.3d 434, 437 (5th Cir. 2013). Here, the district court's upward variance to a life sentence represented a clear error of judgment in balancing the sentencing factors because it treated Mr. Sepeda's childhood sexual abuse as non-mitigating. *See id.*

A. Courts routinely treat a defendant's childhood abuse as mitigating under § 3553(a)(1).

Courts routinely, and uncontroversially, find that childhood abuse is a mitigating "history and characteristic" under 18 U.S.C. § 3553(a)(1). It is effectively treated as a "given." A survey of the Federal Reporter reveals a mountain of such routine findings against a desert of findings akin to what the district court found in this case. *E.g. Wiggins v. Smith*, 539 U.S. 510, 514 (2003) (describing evidence of a defendant's childhood sexual trauma as "powerful" "mitigating evidence"); *Williams v. Alabama*, 791 F.3d 1267, 1277 (2015) (reaching the same conclusion as in *Wiggins*); *Shoemake v. United States*, No. 1:10CR123-MPM-DAS, 2019 U.S. Dist. LEXIS 158701, 2019 WL 4478768, at *13 (N.D. Miss. Sept. 18, 2019) (characterizing evidence that a defendant was sexually abused as a child as "clearly operat[ing] in mitigation").

Sometimes a court will go into more detail about the specific mitigating aspects of childhood trauma, connecting it to reduced moral culpability. In *Wiggins v. Smith*, for example, this Court considered the prejudicial effect of a defense attorney's failure to discover and present evidence of the defendant's childhood trauma. 539 U.S. 510, 534-35 (2003). There, the defendant, as a child, had experienced "physical torment, sexual molestation, and repeated rape." *Id.* at 535. This Court characterized this as "powerful" "mitigating evidence" and "the kind of troubled history we have declared relevant to assessing a defendant's moral culpability." *Id*. This conclusion, according to the Court, was rooted in a societal belief that a disadvantaged background is directly relevant to moral culpability for future offenses. *Id.*; *see also California v. Brown*, 479 U.S. 538, 545 (1987) (O'Connor, J., concurring) ("In my view, evidence

about the defendant's background and character is relevant because of the belief, long held by this society, that defendants who commit criminal acts that are attributable to a disadvantaged background, or to emotional and mental problems, may be less culpable than defendants who have no such excuse."). As another example, in *Williams v. Alabama*, the Eleventh Circuit rejected the district court's finding that evidence of childhood abuse can be a "double-edged sword"—sometimes mitigating, sometimes aggravating—for the same reasons this Court articulated in *Wiggins*. 791 F.3d 1267, 1277 (11th Cir. 2015) (quoting *Wiggins*).

B. Courts have routinely treated childhood abuse as mitigating for good reason: social scientific research supports the conclusion.

The way in which courts have treated childhood sexual trauma is not the result of unconsidered assumptions, habit, or custom. Instead, it aligns with years of social scientific research into the effects of childhood trauma. In her article titled *Social and Emotional Outcomes of Childhood Sexual Abuse: A Review of Recent Research*, Kimberly A. Tyler, a sociologist at University of Nebraska-Lincoln, surveyed 41 articles examining "the social and emotional outcomes of childhood sexual abuse." 7 Aggression & Violent Behavior 567, 568-78 (2002). In doing so, she found consistent evidence that such childhood trauma leads to significant increases in later suicidal thoughts, *id*. at 569, psychiatric disturbance, *id*. at 572, and depression, social isolation, and deviant behavior, *id*. at 574-75. Similarly, in *Behavioural Consequences of Child Abuse*, Dr. Abdulaziz Al Odhayani, along with others, concluded that child abuse is linked to "changes in the victims' mental and behavioural development

throughout their lives." Abdulaziz Al Odhayani et al., *Behavioural Consequences of Child Abuse*, 59 Canadian Family Physician 831, 836 (Aug. 2013). This, according to the research, "put[s] them at risk of engaging in potentially dangerous behavior in the future." *Id*.

These studies, and more, support this Court's conclusion that childhood trauma is related to adult moral culpability. *Wiggins*, 539 U.S. at 534-35. Specifically, that childhood trauma should be viewed as mitigating because it reduces adult moral culpability. *Id*. While some legal scholars have argued for a set "sentencing discount" to account for these effects of childhood trauma—Mirko Bagaric et al., *Trauma and Sentencing: the Case for Mitigating Penalty for Childhood Physical and Sexual Abuse*, 30 Stan. L. & Pol'y Rev. 1, 2 (2019)—Congress has not gone so far. Nonetheless, Congress requires courts to consider the history and characteristics of a defendant, 18 U.S.C. § 3553(a)(1), and childhood trauma is central that history and those characteristics.

C. Courts have found criminal defense attorneys ineffective for not mentioning a defendant's childhood abuse in mitigation—precisely because it is mitigating.

Courts have gone beyond words and citing studies for the mitigating effects of childhood sexual trauma. They have also reversed when a criminal defense attorney fails to investigate or raise such trauma at sentencing. Specifically, courts have held that it is ineffective assistance of counsel for a defense attorney to fail to raise the defendant's personal history of childhood abuse in mitigation. In *Williams v. Taylor*, this Court considered such a case. 529 U.S. 362 (2000). There, the defendant was

convicted of robbery and capital murder. *Id*. at 367-68. In mitigation at sentencing, defense counsel called three character witnesses and a psychiatrist to testify. *Id*. at 369. Defense counsel also argued that the jury should give weight to the fact that the defendant's proactive confession (the murder was unsolved and the defendant was not a suspect when he wrote a confession letter) led to the breakthrough in the case. *Id*. at 369. But defense counsel appears to have said nothing about the defendant's childhood. *Id*. at 368-70. The defendant ultimately received a death sentence. *Id*. at 370.

In *habeas* proceedings, the defendant argued, under *Strickland v. Washington*, that he was denied his Sixth Amendment right to the effective assistance of counsel because his lawyers failed to investigate and present evidence of childhood trauma. *See Williams*, 529 U.S. at 390. This Court agreed, holding that the lawyers' performance, at sentencing, was both deficient and prejudicial to the outcome of the case. *Id*. at 395-98. As to *Strickland*'s prejudice prong, the Court explained that while the mitigation evidence that was presented "may not have overcome a finding of future dangerousness," the omitted evidence—which included "the graphic description of [the defendant]'s childhood, filled with abuse and privation"—"might well have influenced the jury's appraisal of his moral culpability." *Id*. at 398. Three years later, this Court reached a similar conclusion in *Wiggins v. Smith*, described above, commenting that childhood sexual abuse is "powerful" mitigation evidence that is directly relevant "to assessing a defendant's moral culpability." 539 U.S. at

535. There, like in *Williams*, the Court held that the defendant's Sixth Amendment rights were violated when his attorneys failed to present such evidence. *Id*. at 538.

The question that this Court's analysis in *Williams* and *Wiggins* raises is simple: why would it be deficient and prejudicial for a defense attorney to fail to present evidence of childhood trauma at sentencing? The answer is equally simple: because it is mitigating. For the district court here to hold otherwise, and treat Mr. Sepeda's childhood trauma as non-mitigating, runs contrary to the underlying rationale of both cases.

D. To treat a defendant's childhood abuse as non-mitigating is a refusal to actually weigh the § 3553(a) factors and adhere to Congress's parsimony principle.

Congress created the § 3553(a) factors to require district courts to make a holistic, individualized assessment of a criminal defendant at sentencing. *See United States v. Hoffman*, 901 F.3d 523, 558 (5th Cir. 2018) ("Congress and the Sentencing Commission have commanded that courts conduct a holistic evaluation[.]"); *United States v. Key*, 599 F.3d 469, 475-476 (5th Cir. 2010) ("The sentencing court is directed to 'make an individualized assessment based on the facts presented,' with respect to each defendant in each case."). But the assessment is not aimless. Instead, it is governed by a "parsimony principle": to arrive at a sentence that is sufficient, but not greater than necessary, to serve Congress's sentencing purposes. *Dean v. United States*, 581 U.S. 62, 67 (2017) ("The list of factors is preceded by what is known as the parsimony principle, a broad command that instructs courts to 'impose a sentence sufficient, but not greater than necessary, to comply with' the four identified purposes

of sentencing: just punishment, deterrence, protection of the public, and rehabilitation.").

None of this is to say that a defendant's personal history of childhood sexual trauma cannot be overshadowed by the other § 3553(a) factors—it certainly can be. *See, e.g.*, *United States v. Myers*, No. CR17-2077-LTS, 2021 U.S. Dist. LEXIS 92309, 2021 WL 1947859, at *11-12 (N.D. Iowa May 14, 2021) (denying the defendant's motion for compassionate release despite finding that his history of childhood sexual abuse was mitigating under § 3553(a)). But for a court to find that childhood sexual abuse provides no mitigating value, at all, reflects a total failure of weighing competing factors against each other. It reflects an all-or-nothing approach to federal sentencing when the very essence of a factors-based analysis is to give each factor its rightful due. *See United States v. Hayes*, 448 F. App'x 469, 470 (5th Cir. 2011) (unpub.) (describing the district court's goal of "appropriately balanc[ing]" the § 3553(a) factors as involving "weigh[ing] the relative importance of each factor" and "consider[ing] the competing sentencing objectives."). With such a clear error of judgment, it was impossible for the district court to achieve Congress's ultimate goal at sentencing: a sentence sufficient, but not greater than necessary, to achieve the statutory sentencing goals. 18 U.S.C. § 3553(a).

II. The district court also considered Mr. Sepeda's childhood sexual trauma as indirectly aggravating. Thus, there can be no question that the life sentence is substantively unreasonable because the district court gave weight to an improper factor.

Some statements by the district court suggest that not only did it treat Mr. Sepeda's childhood sexual trauma as non-mitigating, it actually went further and treated the trauma as indirectly aggravating. To demonstrate, the logic of the district court's reasoning appears to be as follows:

1. Mr. Sepeda experienced horrible abuse, as a child, that should not happen to anyone

2. Mr. Sepeda then perpetuated a generational cycle of abuse

3. Mr. Sepeda's personal history of abuse makes him more culpable because he, of all people, should know the harm it would cause

Aligning this interpretation with the district court's actual words reveals the court's reasoning:

Interpretation	Actual words
1. Mr. Sepeda experienced horrible abuse, as a child, that should not happen to anyone	Yes, Defendant endured terrible sexual abuse at a young age, which no child should be subjected to …
2. Mr. Sepeda then perpetuated a generational cycle of abuse	… but Defendant had the opportunity to end this legacy of horrific physical and sexual abuse but instead of protecting his own children and ensuring that they had the opportunity to grow up with a childhood free of horrors, Defendant, instead, chose to perpetuate the sexual trauma inflicted on his own son.

3. Mr. Sepeda's personal history of abuse makes him more culpable because he, of all people, should know the harm it would cause	As such, Defendant's choice to brutally abuse and sexually abuse his own son is an aggravating factor under 3553(a)(1) and it weighs heavily in favor of upward variance in this case.

(ROA.295).

If the above interpretation is correct—that the district court treated childhood trauma as indirectly aggravating—then the court not only erred in weighing the factors but actually went so far as to give weight to an improper factor. If so, the court's analysis is analogous to what the Fifth Circuit considered in *United States v. Chandler*, 732 F.3d 434 (5th Cir. 2013).

In *Chandler*, the district court varied upward by 127 months over the advisory sentencing range in child exploitation case. *Id.* at 436. In doing so, the district court relied on the fact that the defendant was a police officer. *Id.* at 438. While the defendant's position as a police officer did not assist him in facilitating the offense, the district court took offense to the fact that he was in a position of public trust, which gave him a heightened responsibility to the community. *See id.* On appeal, the Fifth Circuit reversed—on plain error review—because the defendant's status as a police officer was an improper factor that did not facilitate the offense:

> In sum, Chandler's position as a police officer does not justify the increased sentence here, where there is no evidence that he used his position to facilitate the offense. Although the district court considered other factors at sentencing, the record shows that Chandler's position as a police officer was a primary reason for the upwards departure. We thus find that the district court erred by placing significant reliance on an improper factor.

Id. at 440.

Here, while Mr. Sepeda was not a police officer, his status as a victim of childhood sexual abuse was used in similar way. The district court in *Chandler* improperly sought to hold the defendant to a higher standard because he, as a police officer, of all people, should have known better than to violate the law. *See id*. at 438. Likewise here: the district court improperly held Mr. Sepeda to a higher standard because he, as a victim himself, of all people, should have known better than to perpetuate this same harm on others. (ROA.295). The circumstances are different but the logic is the same.

Thus, for the same reasons as in *Chandler*, the district court here considered an improper factor, which resulted in a substantively unreasonable upward variance.

III. Even if this Court reviews the district court's upward variance for plain error, it should reverse.

Mr. Sepeda contends that his substantive-reasonableness argument is reviewed for abuse of discretion because it meets the requirements of *Holguin-Hernandez v. United States*, 589 U.S. 169, 174 (2020) (holding that defense counsel's request for a lower sentence than the one imposed is sufficient to preserve substantive reasonableness review). But even if this Court were to review his argument for plain error, he should still prevail. Having shown error above, he would have to make three additional showings on plain error review: (1) that the error was clear or obvious; (2) that it affected his substantial rights; and (3) that this Court should exercise its discretion because the error seriously affected the fairness, integrity, or reputation of

the judicial proceedings. *United States v. Villegas*, 404 F.3d 355, 358-59 (5th Cir. 2005). He can make all three additional showings here.

First, the district court's error was clear or obvious. *Chandler* makes clear that an upward variant sentence animated by a clear error judgment in balancing the sentencing factors or reliance on an improper factor is substantively unreasonable. *Chandler*, 732 F.3d at 437 (quoting *Smith*, 440 F.3d at 708). *Chandler* further makes clear that a district court's reliance on an improper status—whether job or past victimhood—cannot form the basis for an upward variance under § 3553(a). *Id.* at 440. Here, the district court clearly erred in judgment when treating Mr. Sepeda's past abuse as non-mitigating and, further, relied on an improper factor when treating the abuse as indirectly aggravating in a similar way that the district court in *Chandler* considered the defendant's profession as aggravating.

Second, the district court's error affected Mr. Sepeda's substantial rights because it resulted in an upward variant sentence of life imprisonment—the highest possible sentence for which he was eligible and far above the 293-month top of the advisory sentencing range. Because this Court "cannot confidently say that the district court would have imposed the same sentence without reliance of that factor," Mr. Sepeda meets the third prong of plain error review. *Chandler*, 732 F.3d at 440 (quoting *United States v. Escalante-Reyes*, 689 F.3d 415, 424 (5th Cir. 2012).

Third, courts have exercised their discretion when the degree of the error or length of the upward variance are significant, and not justified by other facts in the record. *Chandler*, 732 F.3d at 440. Here, the degree of the error is high, the variance

is significant (from 293 months to life), and the facts of the case, while disturbing, were already fully accounted for by the sentencing guidelines in recommending a sentence below life imprisonment.

Thus, this Court should reverse even on plain error review.

CONCLUSION

Petitioner respectfully requests that this Court grant *certiorari* to review the judgment of the United States Court of Appeals for the Fifth Circuit.

Respectfully submitted,

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