

United States Court of Appeals
For the Eighth Circuit

No. 24-1422

United States of America

Plaintiff - Appellee

v.

Cory Marvin Baker

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Central

Submitted: February 10, 2025

Filed: June 2, 2025

[Unpublished]

Before LOKEN, BENTON, and STRAS, Circuit Judges.

PER CURIAM.

Cory Baker received the statutory maximum of 24 months in prison after he violated several conditions of supervised release, including keeping and using unauthorized internet-capable electronic devices. On appeal, he argues that the

district court¹ improperly weighed the statutory factors, *see* 18 U.S.C. §§ 3553(a), 3583(e)(3), which led to a substantively unreasonable sentence.

We conclude otherwise. *See United States v. Clark*, 998 F.3d 363, 367 (8th Cir. 2021) (reviewing a revocation sentence for an abuse of discretion). The district court was concerned about the danger Baker posed to children, *see* 18 U.S.C. § 3553(a)(2)(C), particularly given that he had searched for child pornography using queries like “Shower Boys” and “Asian Boy Shower.” Not to mention that he had failed to comply with sex-offender-registration requirements and associated with a felon. Although the court varied upward, it sufficiently considered the relevant factors and did not commit a clear error of judgment in doing so. *See Clark*, 998 F.3d at 369–70; *see also United States v. Richart*, 662 F.3d 1037, 1052, 1054 (8th Cir. 2011) (explaining that a district court can “var[y] based on factors already taken into account by the advisory guidelines” and “weigh[] the[m] . . . more heavily than [a defendant] would prefer” (citation omitted)).

Nor did it “give significant weight to an improper factor.” *United States v. Boykin*, 850 F.3d 985, 988–89 (8th Cir. 2017) (per curiam). Along with his other violations, Baker admitted that he had a strained relationship with his probation officer. It was reasonable for the court to conclude that having him remain on supervision would not address the danger he posed. *See* 18 U.S.C. § 3553(a)(2)(C) (listing the “need . . . to protect the public” as a consideration). We accordingly affirm the judgment of the district court.

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.