

# United States Court of Appeals for the Fifth Circuit

---

No. 22-10846  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

October 3, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

BRYCE RAWSON,

*Defendant—Appellant.*

---

Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:22-CR-91-1

---

Before HIGGINBOTHAM, STEWART, and SOUTHWICK, *Circuit  
Judges.*

PER CURIAM:\*

Bryce Rawson appeals his conviction of one count of engaging in illicit sexual conduct in foreign places, a violation of 18 U.S.C. § 2423(c) and (e). He argues that the district court improperly applied a sentencing guidelines cross reference, from U.S.S.G. § 2G1.1 to U.S.S.G. § 2A3.1, for use of force. He also asserts that the district court erred by finding that his two incidents

---

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

No. 22-10846

of improper sexual conduct occurred on separate occasions, constituting a pattern that necessitated the application of a five-level guidelines enhancement, U.S.S.G. § 4B1.5(b).

We review the district court's interpretation of the Sentencing Guidelines de novo and its factual findings for clear error because Rawson has preserved both of his arguments below. *United States v. Martinez-Romero*, 817 F.3d 917, 919 (5th Cir. 2016).

We find no error with the district court's holding that Rawson used force against his minor victim. Rawson's size and the cornering of his victim on a balcony are both plausibly uses of force under our precedent. *United States v. Lucas*, 157 F.3d 998, 1002 (5th Cir. 1997); see *United States v. Simmons*, 470 F.3d 1115, 1121 (5th Cir. 2006).

We find no error with the district court's holding that the two incidents happened on separate occasions and so show a pattern of conduct. As the crimes were committed days apart, they do not fall under any definition of a single occasion. See *United States v. Sadeek*, 77 F.4th 320, 326-27 (5th Cir. 2023).

AFFIRMED.