

United States Court of Appeals  
for the Fifth Circuit

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No. 23-20029  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**  
August 16, 2023  
Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

ANDREW JEFFREY SWOPE,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:20-CR-84-1

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Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Andrew Jeffrey Swope appeals the aggregate 360-month sentence imposed following his guilty plea convictions for two counts of sexual exploitation of minor children, one count of distribution of child pornography, one count of receipt of child pornography, and one count of possession of child pornography. He argues that the sentence is substantively

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

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unreasonable, and our review is for abuse of discretion. *See Holguin-Hernandez v. United States*, 140 S. Ct. 762, 766-67 (2020); *Gall v. United States*, 552 U.S. 38, 51-52 (2007).

Swope has failed to make the showing required to rebut the presumption of reasonableness that applies to his below-guidelines sentence. *See United States v. Simpson*, 796 F.3d 548, 557-58 (5th Cir. 2015). The district court heard all of his mitigation arguments at sentencing as well as the Government's arguments for a higher sentence. Ultimately, the district court explained that its decision to vary downward to the chosen sentence was based on the nature and circumstances of the offense and the history and characteristics of the defendant. *See* 18 U.S.C. § 3553(a)(1). Swope's arguments on appeal essentially urge us to reweigh the sentencing factors, which we will not do. *See United States v. Hernandez*, 876 F.3d 161, 167 (5th Cir. 2017).

AFFIRMED.