

United States Court of Appeals  
For the Eighth Circuit

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No. 16-2975

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United States of America

*Plaintiff - Appellee*

v.

Oscar Lamar Mims

*Defendant - Appellant*

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Appeal from United States District Court  
for the Eastern District of Missouri - St. Louis

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Submitted: April 19, 2017

Filed: May 1, 2017

[Unpublished]

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Before GRUENDER, ARNOLD, and BENTON, Circuit Judges.

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PER CURIAM.

A jury found Oscar Lamar Mims guilty of conspiring to possess with intent to distribute heroin, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. The

district court,<sup>1</sup> sentenced Mims to 120 months in prison. Mims's counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing the sufficiency of the evidence, the reasonableness of the sentence, and the effectiveness of counsel. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

The challenge to the sufficiency of the evidence fails in part because the jury heard numerous recorded telephone conversations related to a network of individuals involved in the distribution of heroin, and some of the calls established Mims's knowing participation in purchasing heroin for redistribution. *See United States v. Ramirez*, 362 F.3d 521, 524 (8th Cir. 2004) (standard of review); *United States v. Peeler*, 779 F.3d 773, 776 (8th Cir. 2015) (evidence of multiple sales of drugs sufficient to establish conspiracy where defendant was a party to one or more wiretapped conversations discussing aspects of heroin business, and indicating speaker's knowledge and involvement in common drug-distribution scheme). Mims received the statutory minimum sentence, and there is no indication in the record that the sentence is unreasonable. *See United States v. Feemster*, 572 F.3d 455, 461-64 (8th Cir. 2009) (en banc). Ineffective-assistance claims are usually best left for proceedings under 28 U.S.C. § 2255, where the record can be developed as needed. *See United States v. Davies*, 583 F.3d 1081, 1091 (8th Cir. 2009). An independent review of the record reveals no nonfrivolous issue for review. *See Penson v. Ohio*, 488 U.S. 75, 80 (1988).

The judgment is affirmed, and counsel's motion to withdraw is granted.

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<sup>1</sup>The Honorable Rodney W. Sippel, Chief Judge, United States District Court for the Eastern District of Missouri.