

United States Court of Appeals
For the Eighth Circuit

No. 16-4553

United States of America

Plaintiff - Appellee

v.

Carvell Seman England

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Sioux City

Submitted: August 10, 2017

Filed: August 11, 2017

[Unpublished]

Before COLLOTON, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

While Carvell Seman England was serving a third term of federal supervised release, the district court¹ revoked supervised release and sentenced him to 18 months

¹The Honorable Leonard T. Strand, Chief Judge, United States District Court for the Northern District of Iowa.

in prison and no additional supervised release. On appeal, England challenges the revocation sentence as substantively unreasonable. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

Although the sentence is above the advisory range contained in the Guidelines Chapter 7 policy statements, it is well within statutory limits. *See* 18 U.S.C. § 3583(e)(3) (maximum revocation prison term is five years if underlying offense is Class A felony; three years if underlying offense is Class B felony). The district court thoroughly explained its reasons for varying upward, including England's history of repeated violations, his failure to appear at the original revocation hearing, and the need to adequately deter him from further criminal conduct despite imposing no further term of supervised release. *See id.* (before revoking supervised release and imposing sentence, court must consider specified factors in 18 U.S.C. § 3553(a), including history and characteristics of defendant, and need to deter criminal conduct); *United States v. Growden*, 663 F.3d 982, 984 (8th Cir. 2011) (per curiam) (court acted well within broad discretion in imposing above-Guidelines revocation sentence where it considered appropriate § 3553(a) factors, sufficiently explained reasoning for variance, and imposed sentence within statutory limits).

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