

United States Court of Appeals
For the Eighth Circuit

No. 19-1046

United States of America

Plaintiff - Appellee

v.

Dequan B. Stone

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: November 14, 2019

Filed: November 21, 2019

[Unpublished]

Before GRUENDER, WOLLMAN, and KOBES, Circuit Judges.

PER CURIAM.

Dequan Stone appeals the sentence the district court¹ imposed after his probation was revoked. He argues that the district court failed to sufficiently explain

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

the upward variance, and that the prison sentence imposed was substantively unreasonable.

After careful review, we conclude that the district court did not err in imposing Stone's sentence. *See United States v. Miller*, 557 F.3d 910, 915-16 (8th Cir. 2009) (reviewing a revocation sentence for abuse of discretion, first ensuring the court committed no significant procedural error and then considering the substantive reasonableness of sentence). The court stated that it had considered the factors in 18 U.S.C. § 3553, provided appropriate reasons for its decision, and imposed a sentence below the statutory maximum for the original offense. *See* 18 U.S.C. § 924(a)(2) (penalty of not more than 10 years in prison for violation of 18 U.S.C. § 922(g)); *United States v. Decoteau*, 758 F.3d 1014, 1016 (8th Cir. 2014) (stating that when probation is revoked, court begins sentencing process anew, and may impose any sentence within statutory limits for original offense); *United States v. Larison*, 432 F.3d 921, 922, 924 (8th Cir. 2006) (affirming an upward variance from advisory revocation guidelines where the district court justified the decision by giving supporting reasons). Accordingly, we affirm.
