

United States Court of Appeals
For the Eighth Circuit

No. 20-1001

United States of America

Plaintiff - Appellee

v.

Patrick Richmond

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: July 22, 2020

Filed: July 27, 2020

[Unpublished]

Before KELLY, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

Patrick Richmond pleaded guilty to conspiring to distribute various controlled substances within 1,000 feet of a truck stop and a school. *See* 21 U.S.C.

§§ 841(a)(1), 841(b)(1)(C), 846, 849(b), 860(a). The district court¹ gave him a within-Guidelines-range sentence of 78 months in prison. Richmond's counsel requests permission to withdraw and, in an *Anders* brief, suggests that the sentence is substantively unreasonable. *See Anders v. California*, 386 U.S. 738 (1967).

We conclude that Richmond's sentence is substantively reasonable. *See United States v. Callaway*, 762 F.3d 754, 760 (8th Cir. 2014) (stating that a within-Guidelines-range sentence is presumptively reasonable). The record establishes that the district court sufficiently considered the statutory sentencing factors, 18 U.S.C. § 3553(a), and did not rely on an improper factor or commit a clear error of judgment. *See United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc).

Finally, we have independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75, 82–83 (1988), and conclude that there are no other non-frivolous issues for appeal. Accordingly, we affirm the judgment and grant counsel permission to withdraw.

¹The Honorable C.J. Williams, United States District Judge for the Northern District of Iowa.