

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 09-3459

United States of America,	*	
	*	
Appellee,	*	Appeal from the United States
	*	District Court for the
v.	*	Northern District of Iowa.
	*	
Crystal Davis, also known as Nay Nay,	*	[UNPUBLISHED]
	*	
Appellant.	*	

Submitted: February 17, 2010
Filed: March 2, 2010

Before BYE, RILEY, and SHEPHERD, Circuit Judges.

PER CURIAM.

Crystal Davis pleaded guilty to conspiring to distribute 50 grams or more of a mixture or substance containing cocaine base after having been previously convicted of a felony drug offense, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A), 846, and 851. After granting Davis safety-valve relief from the 20-year mandatory minimum sentence, the district court¹ also granted the government's motion under U.S.S.G. § 5K1.1 for a substantial-assistance departure and sentenced Davis to 81 months in prison and 5 years of supervised release. On appeal, counsel has moved to

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.

withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is unreasonable. We affirm, and we grant counsel's motion to withdraw.

The district court did not abuse its discretion in sentencing Davis. After calculating the advisory Guidelines range, the court granted the government's departure motion and then entertained arguments for a variance and discussed relevant factors under 18 U.S.C. § 3553(a) in declining to vary below a sentence of 81 months in prison. See United States v. Berni, 439 F.3d 990, 992-93 (8th Cir. 2006) (per curiam) (reviewing sentence involving § 5K1.1 downward departure for reasonableness using abuse-of-discretion standard; sentence was reasonable where court correctly calculated Guidelines range, permissibly applied § 5K1.1 departure, and considered resulting adjusted range and § 3553(a) factors).

Finally, having reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues. Accordingly, we affirm the district court's judgment, and we grant counsel leave to withdraw.
