

United States Court of Appeals
For the Eighth Circuit

No. 13-3081

United States of America

Plaintiff - Appellee

v.

Florence C. Brooks

Defendant - Appellant

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

Submitted: February 13, 2014

Filed: February 27, 2014

[Unpublished]

Before WOLLMAN, MURPHY, and SMITH, Circuit Judges.

PER CURIAM.

Florence Brooks appeals the sentence imposed by the district court¹ after she pleaded guilty to a felon-in-possession offense. On appeal, Brooks's counsel seeks

¹The Honorable Greg Kays, Chief Judge, United States District Court for the Western District of Missouri.

to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the court abused its discretion in varying upward from the Guidelines calculation, and in denying the government's substantial-assistance motion.

Upon careful review, we conclude that the court committed neither procedural nor substantive error at sentencing, because the Guidelines calculation was correct and the court made an individualized assessment of the 18 U.S.C. § 3553(a) factors, specifically taking into account Brooks's cooperation. See United States v. Mangum, 625 F.3d 466, 470 (8th Cir. 2010) (upward variance is reasonable where court makes individualized assessment of § 3553(a) factors); United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (appellate review of sentencing decision). Having independently reviewed the record in accordance with Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Therefore, we grant counsel's motion to withdraw, subject to counsel informing appellant about procedures for seeking rehearing or filing a petition for certiorari. The judgment is affirmed.
