

United States Court of Appeals
For the Eighth Circuit

No. 14-3168

United States of America

Plaintiff - Appellee

v.

David Charles Schaer

Defendant - Appellant

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

Submitted: May 26, 2015

Filed: June 1, 2015

[Unpublished]

Before WOLLMAN, LOKEN, and BENTON, Circuit Judges.

PER CURIAM.

A jury found David Charles Schaer guilty of conspiring to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and 846. The

district court¹ sentenced him to 110 months in prison, followed by 5 years of supervised release. Counsel has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), raising several issues, which Schaer repeats in a pro se supplemental brief. Having jurisdiction under 28 U.S.C. § 1291, this court affirms.

This court rejects each of the arguments raised, because (1) the evidence was sufficient to sustain Schaer's conviction, *see United States v. Ortega*, 750 F.3d 1020, 1023-24 (8th Cir. 2014); (2) the district court did not abuse its discretion in overruling Schaer's objection to the admission of evidence, *see United States v. Augustine*, 663 F.3d 367, 372 (8th Cir. 2011); (3) the parties stipulated to Schaer's base offense level, and therefore this court will not review the issue of drug quantity, *see United States v. Olano*, 507 U.S. 725, 733 (1993); (4) the district court did not plainly err in failing to apply, sua sponte, a mitigating-role reduction, *see United States v. Marquez*, 605 F.3d 604, 611 (8th Cir. 2010); and (5) nothing in the record suggests that the 110-month prison sentence, at the bottom of the Guidelines range, was unreasonable, *see United States v. Feemster*, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). An independent review under *Penson v. Ohio*, 488 U.S. 75 (1988), reveals no nonfrivolous issues.

The judgment is affirmed.

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