

United States Court of Appeals
For the Eighth Circuit

No. 14-3430

United States of America

Plaintiff - Appellee

v.

Joseph Tyler McDonald

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Ft. Dodge

Submitted: July 7, 2015

Filed: July 22, 2015

[Unpublished]

Before SMITH, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

After a jury found Joseph McDonald guilty of conspiracy to distribute 50 grams or more of actual methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846, and possession with intent to distribute 50 grams or more of actual

methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), the district court¹ sentenced him as a career offender to concurrent terms of 360 months in prison, to be followed by 10 years of supervised release. Following careful review, we reject the arguments raised by both counsel in a brief filed under Anders v. California, 386 U.S. 738 (1967), and by McDonald in a pro se supplemental brief.

The first argument before us is that the district court refused to give a requested jury instruction on determining drug quantity in the possession-with-intent-to-distribute offense. This argument fails, because district courts are entitled to broad discretion in formulating jury instructions, see United States v. Robinson, 781 F.3d 453, 462-63 (8th Cir. 2015), and McDonald cannot show that he suffered any prejudice as a result of the court's refusal to give his requested instruction, see United States v. Gutierrez, 367 F.3d 733, 736 (8th Cir. 2004) (errors regarding jury instructions do not require reversal unless they result in prejudice). Second, we conclude that the sentence was not substantively unreasonable. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc). Third, we reject the remaining arguments, all raised in the pro se brief, because the arguments either were not raised below, or do not constitute grounds for reversal and do not warrant extended discussion.

Finally, having independently reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we affirm the judgment of the district court. We also deny McDonald's motion for new counsel, and we grant counsel's motion to withdraw.

¹The Honorable Mark W. Bennett, United States District Judge for the Northern District of Iowa.