

United States Court of Appeals
For the Eighth Circuit

No. 14-3818

United States of America

Plaintiff - Appellee

v.

Ronnell R. Prewitt

Defendant - Appellant

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

Submitted: August 21, 2015

Filed: August 26, 2015

[Unpublished]

Before WOLLMAN, SMITH, and BENTON, Circuit Judges.

PER CURIAM.

The district court¹ revoked Ronnell R. Prewitt's supervised release. On appeal, Prewitt raises several challenges to the revocation judgment and sentence, and to the

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

underlying conviction and sentence. Having jurisdiction under 28 U.S.C. § 1291, this court grants counsel's motion to withdraw, and affirms.

This court rejects as meritless Prewitt's argument that the district court lacked jurisdiction to revoke supervised release. *See* 18 U.S.C. § 3583(e). The district court did not abuse its discretion in revoking supervised release based on the testimony of witnesses at the revocation hearing, as well as the other evidence that was before the court. *See* 18 U.S.C. § 3583(g)(1) (revocation of supervised release is mandatory if defendant unlawfully possesses controlled substance); *United States v. Walker*, 688 F.3d 416, 422 (8th Cir. 2012) (witness credibility is virtually unreviewable on appeal); *United States v. Ralph*, 480 F.3d 888, 890 (8th Cir. 2007) (decision to revoke supervised release is reviewed for abuse of discretion, and factfinding as to whether violation occurred is reviewed for clear error). The statutory maximum revocation sentence is not unreasonable in these circumstances, as the district court properly considered relevant sentencing factors and sufficiently explained its decision. *See United States v. Miller*, 557 F.3d 910, 915-16 (8th Cir. 2009) (standard of review). Finally, this court will not consider Prewitt's untimely challenges to his underlying conviction and sentence.

The judgment is affirmed.
