

United States Court of Appeals
For the Eighth Circuit

No. 15-1024

United States of America

Plaintiff - Appellee

v.

Jacob Lloyd Montgomery

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Council Bluffs

Submitted: May 21, 2015

Filed: June 2, 2015

[Unpublished]

Before SMITH, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Jacob Montgomery directly appeals the sentence that the district court¹ imposed upon his guilty plea to an escape charge. His counsel has moved to withdraw, and has

¹The Honorable John A. Jarvey, Chief Judge, United States District Court for the Southern District of Iowa.

filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the court abused its discretion at sentencing in denying Montgomery a reduction for acceptance of responsibility and imposing an unreasonable sentence.

Upon careful review, see United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (appellate review of sentencing decision), we conclude that the court did not abuse its discretion in sentencing Montgomery. Specifically, we find that the court did not clearly err in denying an acceptance-of-responsibility reduction based on the sentencing testimony presented regarding Montgomery's post-plea conduct, see United States v. William, 681 F.3d 936, 938 (8th Cir. 2012) (standard of review); United States v. Arellano, 291 F.3d 1032, 1034-35 (8th Cir. 2002) (defendant's post-plea behavior is relevant consideration for determining acceptance of responsibility), and the sentence is not unreasonable, see Gall v. United States, 552 U.S. 38, 51 (2007). Further, upon independently reviewing the record in accordance with Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment.
