

United States Court of Appeals
For the Eighth Circuit

No. 16-2010

United States of America

Plaintiff - Appellee

v.

York Omar Wilson

Defendant - Appellant

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

Submitted: November 29, 2016

Filed: December 1, 2016

[Unpublished]

Before SHEPHERD, ARNOLD, and KELLY, Circuit Judges.

PER CURIAM.

York Wilson appeals the district court's¹ order revoking his supervised release and imposing a 24-month sentence. His counsel has moved to withdraw and has filed

¹The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.

a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the alleged violation was not established by a preponderance of the evidence, and that the district court imposed a substantively unreasonable sentence.

We conclude the district court did not clearly err in finding that Wilson violated his supervised release. See 18 U.S.C. § 3583(e)(3) (court may revoke supervised release if it finds by preponderance of evidence that defendant violated conditions of supervised release); United States v. Perkins, 526 F.3d 1107, 1109 (8th Cir. 2008) (fact-finding as to whether violation occurred is reviewed for clear error); United States v. Carothers, 337 F.3d 1017, 1019 (8th Cir. 2003) (credibility determinations are exclusive domain of the sentencing judge, and are virtually unreviewable on appeal). We also conclude the district court did not abuse its discretion in sentencing Wilson, as it imposed the sentence after properly considering the 18 U.S.C. § 3553(a) factors. See United States v. Miller, 557 F.3d 910, 917 (8th Cir. 2009) (under substantive-reasonableness test, district court abuses its discretion if it fails to consider relevant § 3553(a) factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing factors); United States v. Merrival, 521 F.3d 889, 890 (8th Cir. 2008) (substantive reasonableness of revocation sentence is reviewed under deferential abuse-of-discretion standard).

Accordingly, we affirm the judgment and grant counsel's motion to withdraw.
