

United States Court of Appeals
For the Eighth Circuit

No. 16-4510

United States of America

Plaintiff - Appellee

v.

Aaron Lamonte Miles

Defendant - Appellant

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

Submitted: August 29, 2017

Filed: October 19, 2017

[Unpublished]

Before COLLOTON, BOWMAN, and BENTON, Circuit Judges.

PER CURIAM.

Aaron Lamonte Miles pleaded guilty to failing to register as a sex offender. His written plea agreement included an appeal waiver that applied to his conviction but not to his sentence. In this appeal, Miles's counsel has moved for leave to

withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of the sentence imposed by the District Court.¹

We conclude that the District Court acted within its discretion by varying upward from the advisory United States Sentencing Guidelines range. See Gall v. United States, 552 U.S. 38, 51 (2007) (discussing appellate review of sentencing decisions). The court discussed several 18 U.S.C. § 3553(a) sentencing factors, considered Miles’s sentencing arguments, and thoroughly explained its disagreement with the parties’ joint recommendation of a lower sentence. See United States v. Mangum, 625 F.3d 466, 470 (8th Cir. 2010) (explaining that a sentence is not unreasonable if the district court makes “an individualized assessment based on the facts presented” and addresses “the defendant’s proffered information in its consideration of the § 3553(a) factors” (citations to quoted cases omitted)).

We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and we find no nonfrivolous issues for appeal outside the scope of the appeal waiver.

We affirm the judgment and grant counsel’s motion to withdraw.

¹The Honorable Stephanie M. Rose, United States District Judge for the Southern District of Iowa.