

United States Court of Appeals
For the Eighth Circuit

No. 17-1232

United States of America

Plaintiff - Appellee

v.

Terrence Lamar Hawkins

Defendant - Appellant

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

Submitted: July 24, 2017

Filed: August 4, 2017

[Unpublished]

Before COLLOTON, MURPHY, and KELLY, Circuit Judges.

PER CURIAM.

Terrence Hawkins brings this appeal after the district court¹ revoked his supervised release on concurrent federal sentences that he was serving, and imposed

¹The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

concurrent revocation sentences of 10 months in prison and no additional supervised release.

For reversal, Hawkins challenges as unlawful a search during which a police officer found drugs in his pocket. This argument fails because Hawkins did not raise it below, and in any event, he did not allege harassment. See United States v. Charles, 531 F.3d 637, 640 (8th Cir. 2008) (assuming defendant did not waive Fourth Amendment argument by failing to raise it before district court, and holding that exclusionary rule does not apply in revocation of supervised release proceedings absent showing of harassment). Hawkins also argues that his sentence is substantively unreasonable, but this argument fails as well. Reviewing for an abuse of discretion, see United States v. Growden, 663 F.3d 982, 984 (8th Cir. 2011) (per curiam) (standard of review), we conclude that the sentence, which is within the advisory Guidelines revocation range, is not unreasonable, see United States v. Petreikis, 551 F.3d 822, 824 (8th Cir. 2009) (applying presumption of substantive reasonableness to revocation sentence within Guidelines range).

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