

United States Court of Appeals
For the Eighth Circuit

No. 17-3367

United States of America

Plaintiff - Appellee

v.

Venus M. Ford

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - El Dorado

Submitted: June 5, 2018

Filed: June 8, 2018

[Unpublished]

Before LOKEN, COLLOTON, and ERICKSON, Circuit Judges.

PER CURIAM.

In this direct appeal, Venus Ford, who pled guilty to conspiracy to defraud the government and aggravated identity theft, challenges the below-Guidelines sentence

the district court¹ imposed on the conspiracy count, and the consecutive mandatory sentence the court imposed on the identity theft count. See 18 U.S.C. § 1028A(a)(1), (b)(2) (requiring a 2-year prison term for aggravated identity theft, consecutive to any other term of imprisonment imposed). Her counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Ford’s sentence is substantively unreasonable, and that the court should have varied downward further.

Upon careful review, we conclude that the district court did not impose an unreasonable sentence. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (reviewing reasonableness of sentence under deferential abuse-of-discretion standard); see also United States v. McCauley, 715 F.3d 1119, 1127 (8th Cir. 2013) (when district court has varied downward from Guidelines range, it is “nearly inconceivable” that the court abused its discretion in not varying downward further); United States v. Pamperin, 456 F.3d 822, 824 (8th Cir. 2006) (district court lacks discretion to impose sentence below mandatory minimum).

Having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we grant counsel leave to withdraw, and we affirm.

¹The Honorable Susan O. Hickey, United States District Judge for the Western District of Arkansas.