

United States Court of Appeals
For the Eighth Circuit

No. 17-3623

United States of America

Plaintiff - Appellee

v.

Marcus L. Charleston

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - Cape Girardeau

Submitted: August 21, 2018

Filed: August 31, 2018
[Unpublished]

Before LOKEN, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

Marcus Charleston directly appeals the sentence the district court¹ imposed after he pleaded guilty to drug and firearm offenses. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

Charleston questions the district court's imposition of a consecutive sentence for his conviction for possessing a firearm in furtherance of a drug-trafficking crime. We conclude, however, that the district court was required to impose the consecutive sentence. See 18 U.S.C. § 924(c)(1)(D)(ii); United States v. Gonzales, 520 U.S. 1, 11 (1997) (plain language of § 924(c) forbids district court from directing that term of imprisonment under that statute run concurrently with any other term of imprisonment). Charleston also challenges the reasonableness of his sentence. We reject this challenge, given that the district court imposed the shortest aggregate sentence possible in the absence of a government motion. See 18 U.S.C. § 924(c)(1)(A)(i), (c)(1)(D)(ii); 21 U.S.C. § 841(b)(1)(B); United States v. Woods, 717 F.3d 654, 659 (8th Cir. 2013) (standard of review; statutory mandatory-minimum sentence was shortest sentence possible absent government motion and was not substantively unreasonable).

Having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues for appeal. Accordingly, we grant counsel's motion and affirm.

¹The Honorable Stephen N. Limbaugh, Jr., United States District Judge for the Eastern District of Missouri.