

United States Court of Appeals
For the Eighth Circuit

No. 18-1047

United States of America

Plaintiff - Appellee

v.

Shawn Jerome Vaassen

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Dubuque

Submitted: July 30, 2018

Filed: August 2, 2018

(Unpublished)

Before WOLLMAN, BOWMAN, and ERICKSON, Circuit Judges.

PER CURIAM.

After Shawn Vaassen pled guilty to wire fraud and firearms offenses, the parties stipulated to an upward departure under U.S.S.G. §§ 5K2.0(a)(3) (departure based on circumstances not otherwise adequately taken into consideration), 5K2.2 (physical injury), and 5K2.6 (weapon possessed or used in commission of offense); and the government moved for a downward departure under U.S.S.G. § 5K1.1

(substantial assistance to authorities). After accepting the departures, the district court¹ sentenced Vassen to a prison term within the resulting Guidelines range. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence was substantively unreasonable.

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) (discussing appellate review of sentencing decisions); United States v. Dalton, 478 F.3d 879, 881 (8th Cir. 2007) (extent of downward departure for substantial assistance lies within district court's discretion and is virtually unreviewable on appeal). Additionally, having independently reviewed the record pursuant to Penon 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 Linda R. Reade, United States District Judge for the Northern District of Iowa.