

United States Court of Appeals
For the Eighth Circuit

No. 19-2372

United States of America,

Plaintiff - Appellee,

v.

Jack Eugene Beadle,

Defendant - Appellant.

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

Submitted: April 14, 2020

Filed: July 31, 2020

[Unpublished]

Before COLLOTON, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Jack Beadle pleaded guilty to one count of possession with intent to distribute methamphetamine and marijuana, *see* 21 U.S.C. § 841(a)(1), and one count of possession of a firearm in furtherance of a drug trafficking crime. *See* 18 U.S.C. § 924(c)(1)(A)(i). Because the drug trafficking offense involved 50 grams or more

of actual methamphetamine, the offense was punishable by a minimum of ten years' imprisonment and a maximum of life imprisonment. 21 U.S.C. § 841(b)(1)(A).

The district court¹ determined an advisory sentencing guideline range of 120 to 150 months' imprisonment for the drug trafficking offense, plus a mandatory consecutive term of 60 months' imprisonment for the firearms offense. Beadle argued for a downward variance from the advisory range based on the difference in recommended punishment for actual methamphetamine versus mixtures that contain methamphetamine. The court, however, recognized that the drug offense carried a statutory minimum sentence of 120 months, so no downward variance was possible even if warranted. Counsel for Beadle acknowledged the point. The court then imposed a sentence of 120 months' imprisonment for the drug offense and a consecutive term of 60 months' imprisonment for the firearm offense.

On appeal, Beadle argues that the district court abused its discretion by failing to recognize its authority to vary downward based on a policy disagreement with the sentencing guidelines. There was no error, because the court imposed the shortest term of imprisonment allowed by law. While 18 U.S.C. § 3553(a) allows the court to vary from the advisory guidelines, it does not permit a sentence below a statutory minimum. Beadle's sentence is the statutory minimum term.

The judgment of the district court is affirmed.

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.