

United States Court of Appeals
For the Eighth Circuit

No. 19-3240

United States of America

Plaintiff - Appellee

v.

Richard W. Whitsitt

Defendant - Appellant

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

Submitted: March 23, 2020

Filed: March 26, 2020

[Unpublished]

Before ERICKSON, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Richard Whitsitt appeals the sentence the district court¹ imposed upon revoking his supervised release. Pursuant to Anders v. California, 386 U.S. 738 (1967), his

¹The Honorable Beth Phillips, Chief Judge, United States District Court for the Western District of Missouri.

counsel moved for leave to withdraw and filed a brief arguing that the sentence is substantively unreasonable.

On review, we conclude that the district court did not impose an unreasonable sentence. See United States v. Miller, 557 F.3d 910, 915–18 (8th Cir. 2009) (appellate court first ensures no significant procedural error occurred, then considers substantive reasonableness of sentence under deferential abuse-of-discretion standard). The court considered the 18 U.S.C. § 3553(a) factors, provided appropriate reasons for its decision, and imposed a sentence below the statutory maximum. United States v. Larison, 432 F.3d 921, 922–24 (8th Cir. 2006) (revocation sentence may be unreasonable if district court fails to consider relevant § 3553(a) factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment); 18 U.S.C. § 3583(e)(3) (maximum prison term upon revocation is 2 years for Class C felony). Accordingly, we grant counsel’s motion to withdraw and affirm.
