

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-2273

United States of America,

Appellee,

v.

Mario Mandrell Williams,

Appellant.

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* Appeal from the United States
* District Court for the
* Northern District of Iowa.
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* [UNPUBLISHED]

Submitted: March 7, 2008
Filed: March 10, 2008

Before WOLLMAN, RILEY, and GRUENDER, Circuit Judges.

PER CURIAM.

Mario Williams pleaded guilty to one count of distributing about 23.18 grams of cocaine within a protected area after having been convicted of two or more felony drug offenses (Count 3) and conspiring to distribute cocaine and 5 grams of cocaine base after having been convicted of two or more felony drug offenses (Count 9), in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B) & (C), 851, and 860. At sentencing, Williams faced a mandatory life sentence for Count 3. See 21 U.S.C. § 841(b)(1)(A) (if any person violates § 860 after two or more convictions for felony drug offenses, that person shall be sentenced to mandatory term of life imprisonment). Pursuant to the government's substantial-assistance departure motion under 18 U.S.C. § 3553(e)

and U.S.S.G. § 5K1.1, the district court¹ granted a sentencing departure of 15%, using 470 months as the starting point for Williams's life sentence. Accordingly, the court sentenced Williams to concurrent prison terms of 400 months on Count 3 and 262 months on Count 9, to be followed by concurrent terms of 6 and 8 years of supervised release.

Williams argues that the district court erred when it determined that his life sentence was equivalent to 470 months for purposes of calculating his substantial-assistance departure. Based on our prior decisions, however, we cannot say that the court erred. See United States v. Jensen, 493 F.3d 997, 1000 (8th Cir. 2007) (stating that 470 months, derived from updated empirical data of inmate life expectancy, is one acceptable starting point for departure from life sentence), vacated on other grounds, 128 S. Ct. 1069 (2008) (in light of Gall v. United States, 128 S. Ct. 586 (2007)); United States v. Keller, 413 F.3d 706, 711 & n.5 (8th Cir. 2005) (concluding that it was not error for district court to use starting point of 470 months).

Accordingly, we affirm Williams's sentence.

¹The Honorable Linda R. Reade, Chief Judge, United States District Court for the Northern District of Iowa.