

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 09-1348

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United States of America,

Appellee,

v.

Edward Thomas Koch,

Appellant.

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Appeal from the United States  
District Court for the  
Northern District of Iowa.

[UNPUBLISHED]

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Submitted: May 19, 2009

Filed: June 10, 2009

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Before BYE, COLLOTON, and GRUENDER, Circuit Judges.

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PER CURIAM.

Edward Thomas Koch appeals the sentence the district court<sup>1</sup> imposed after revoking his supervised release. Upon review, we conclude that Koch's revocation sentence of 5 months in prison and 24 months of supervised release is not unreasonable. See United States v. Tyson, 413 F.3d 824, 825 (8th Cir. 2005) (per curiam) (revocation sentences are reviewed for unreasonableness). First, the 5-month prison term did not exceed the statutory maximum authorized for Koch's underlying Class C felony, see 18 U.S.C. § 3583(e)(3) (maximum prison term upon revocation

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

of supervised release is 2 years for Class C felony), and the total revocation sentence, including the supervised-release term, did not exceed the statutory maximum of 3 years, see 18 U.S.C. § 3583(b)(2) (maximum term of supervised release for Class C felony is 3 years), 3583(h) (length of supervised-release term imposed upon revocation may not exceed term of supervised release authorized for underlying offense, less any term of imprisonment imposed upon revocation). Second, the revocation sentence resulted from the district court's consideration of proper 18 U.S.C. § 3553(a) factors. See 18 U.S.C. § 3583(e) (specifying § 3553(a) factors courts must consider in revocation decision); United States v. Nelson, 453 F.3d 1004, 1006 (8th Cir. 2006) (appellate court reviews revocation sentence to determine whether it is unreasonable in relation to, inter alia, advisory Guidelines range and § 3553(a) factors).

Accordingly, we affirm the judgment. We also grant counsel's motion to withdraw.

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