

United States Court of Appeals
For the Eighth Circuit

No. 18-3284

United States of America

Plaintiff - Appellee

v.

Gerald A. Jones

Defendant - Appellant

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

Submitted: July 19, 2019

Filed: July 24, 2019

[Unpublished]

Before COLLOTON, WOLLMAN, and ERICKSON, Circuit Judges.

PER CURIAM.

Gerald A. Jones directly appeals the sentence the district court¹ imposed after he pleaded guilty to conspiring to distribute heroin, pursuant to a written plea

¹The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

agreement. Counsel seeks permission to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), asserting that Jones's due process rights were violated at sentencing.

After careful review of the record, we conclude that the due process argument fails on the merits. Specifically, the district court properly relied on testimony and evidence presented at sentencing in resolving disputed portions of the PSR. See United States v. Kozohorsky, 708 F.3d 1028, 1033 (8th Cir. 2013) (per curiam); United States v. Pratt, 553 F.3d 1165, 1170-71 (8th Cir. 2009).

Having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal. Accordingly, we grant counsel's motion, and affirm.
