

United States Court of Appeals
For the Eighth Circuit

No. 19-1911

United States of America

Plaintiff - Appellee

v.

Mauricio Eduardo Bayardo Chan, also known as Amigo, also known as Friend,
also known as Mexico

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Dubuque

Submitted: January 24, 2020
Filed: February 6, 2020
[Unpublished]

Before SHEPHERD, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

Mauricio Chan appeals after he pled guilty to drug and money-laundering offenses, and the district court¹ imposed a 300-month prison term. His counsel filed a brief under Anders v. California, 386 U.S. 738 (1967), suggesting that the district court erred in applying three Guidelines enhancements.

Even assuming the district court erred in applying the challenged enhancements, we conclude that any such error was harmless, in light of the court's statements at sentencing that Chan's sentence was independent of the court's Guidelines calculations, that the sentence was based on the 18 U.S.C. § 3553(a) factors, and that the court believed the same sentence would have been appropriate even if it had not applied the enhancements. See United States v. LaRoche, 700 F.3d 363, 365 (8th Cir. 2012) (misapplication of Guidelines is harmless if district court would have imposed same sentence had it not relied on invalid factor); see also United States v. Davis, 932 F.3d 1150, 1152 (8th Cir. 2019) (declining to address argument that district court erred in calculating Guidelines, in light of alternative sentencing determination that rendered issue moot).

Finally, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues. Accordingly, we affirm.

¹The Honorable Leonard T. Strand, Chief Judge, United States District Court for the Northern District of Iowa.