

United States Court of Appeals
For the Eighth Circuit

No. 19-3459

United States of America

Plaintiff - Appellee

v.

Todd Allen Tuttle

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Sioux Falls

Submitted: April 27, 2020

Filed: April 30, 2020

[Unpublished]

Before LOKEN, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

Todd Tuttle appeals a within-Guidelines-range sentence of 10 months in prison for violating the conditions of supervised release. He challenges both the decision to revoke supervised release and the substantive reasonableness of the resulting sentence. His attorney also seeks permission to withdraw.

We conclude that the district court¹ did not abuse its discretion when it revoked supervised release. *See United States v. Edwards*, 400 F.3d 591, 592 (8th Cir. 2005) (per curiam) (holding that there was no abuse of discretion when the defendant admitted to violating a supervised-release condition). Nor is Tuttle's sentence substantively unreasonable. *See United States v. Miller*, 557 F.3d 910, 917 (8th Cir. 2009) (applying an abuse-of-discretion standard); *United States v. Perkins*, 526 F.3d 1107, 1110 (8th Cir. 2008) (stating that a within-Guidelines-range sentence is presumptively reasonable). The record establishes that the district court sufficiently considered the statutory sentencing factors, 18 U.S.C. §§ 3553(a), 3583(e)(3), and did not rely on an improper factor or commit a clear error of judgment. *See United States v. Larison*, 432 F.3d 921, 923–24 (8th Cir. 2006). Accordingly, we affirm the judgment and grant counsel permission to withdraw.

¹The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota.