

United States Court of Appeals
For the Eighth Circuit

No. 21-2230

United States of America

Plaintiff - Appellee

v.

Darius Antwone Sims

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Eastern

Submitted: April 13, 2022

Filed: July 22, 2022

[Unpublished]

Before SHEPHERD, ERICKSON, and STRAS, Circuit Judges.

PER CURIAM.

The district court¹ enhanced Darius Sims’s sentence for “maintain[ing] a premises for the purpose of manufacturing or distributing a controlled substance.”

¹The Honorable John A. Jarvey, then Chief Judge, United States District Court for the Southern District of Iowa, now retired.

U.S.S.G § 2D1.1(b)(12). Although he argues that the enhancement does not apply, we affirm.

There was no error, procedural or otherwise, because the evidence supported the enhancement. *See United States v. Miller*, 698 F.3d 699, 705 (8th Cir. 2012) (reviewing this finding for clear error). Sims stored large amounts of methamphetamine in his backyard and “distributed [it] from the residence.” Officers also found drug-related items too, including a gun inside and a digital scale located near the stash of methamphetamine outside. On these facts, the district court did not clearly err in finding that distributing drugs was a “primary or principal use[] for the premises,” *id.* at 706 (quoting U.S.S.G. § 2D1.1 cmt. n.17) (involving similar facts), “even if the premises also served other, legitimate functions,” *United States v. Anwar*, 880 F.3d 958, 971 (8th Cir. 2018) (quotation marks omitted).

We accordingly affirm the judgment of the district court.
