

United States Court of Appeals
For the Eighth Circuit

No. 22-3263

United States of America

Plaintiff - Appellee

v.

Anthony Lee Sims

Defendant - Appellant

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

Submitted: January 31, 2023

Filed: February 6, 2023
[Unpublished]

Before SHEPHERD, GRASZ, and KOBES, Circuit Judges.

PER CURIAM.

Anthony Sims appeals after the district court¹ revoked his supervised release and sentenced him to 14 months in prison. His counsel has moved to withdraw, and

¹The Honorable Rebecca Goodgame Ebinger, United States District Judge for the Southern District of Iowa.

has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court erred in finding that the violations occurred, and that the sentence is unreasonable.

Upon careful review, we conclude that the district court did not clearly err in finding by a preponderance of the evidence that Sims violated the conditions of his supervised release. See 18 U.S.C. § 3583(e)(3) (court may revoke supervised release on finding by preponderance of evidence that defendant violated release condition); United States v. Carothers, 337 F.3d 1017, 1019 (8th Cir. 2003) (district court's decision to revoke supervised release based on its finding of violation is reviewed for abuse of discretion, and finding that violation occurred is reviewed for clear error; credibility determinations at revocation hearing are virtually unreviewable on appeal).

We also conclude that Sims's sentence was not unreasonable, as there is no indication that the district court overlooked a relevant factor, gave significant weight to an improper or irrelevant factor, or committed a clear error of judgment in weighing the relevant factors. See United States v. Larison, 432 F.3d 921, 922-23 (8th Cir. 2006); see also United States v. Callaway, 762 F.3d 754, 760 (8th Cir. 2014) (on appeal, within-Guidelines sentence may be presumed reasonable). The revocation sentence and term of supervised release are within the statutory maximum, see 18 U.S.C. § 3583(e)(3) (maximum revocation prison term is 5 years if underlying offense is Class A felony); 21 U.S.C. § 841(b)(1)(A) (maximum supervised release term is life); and the district court noted that it had considered the 18 U.S.C. § 3553(a) factors, see United States v. White Face, 383 F.3d 733, 740 (8th Cir. 2004).

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