

United States Court of Appeals
For the Eighth Circuit

No. 22-3311

United States of America

Plaintiff - Appellee

v.

Robert Fount Mahan, Jr.

Defendant - Appellant

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

Submitted: April 11, 2023

Filed: May 9, 2023

[Unpublished]

Before GRUENDER, WOLLMAN, and ARNOLD, Circuit Judges.

PER CURIAM.

Robert Mahan pleaded guilty to possession of a firearm by a felon and was sentenced to the statutory maximum of 10 years' imprisonment, followed by 3 years of supervised release. While on supervised release, Mahan harassed and threatened to kill his girlfriend. The Government petitioned for revocation, and the district

court¹ found by a preponderance of the evidence that Mahan's harassment constituted a crime under Missouri law. The court then sentenced Mahan to 21 months' imprisonment—within the advisory sentencing guidelines range.

Mahan makes two arguments on appeal. First, he argues that the additional prison time is unlawful because his total prison sentence now exceeds the 10-year statutory maximum for his underlying offense. *See* 18 U.S.C. § 924(a)(2). Second, Mahan argues that his Fifth and Sixth Amendment rights were violated because the district court, rather than a jury, made factual findings at his revocation hearing. Reviewing *de novo*, we conclude that both challenges are squarely foreclosed by precedent. *See United States v. Childs*, 17 F.4th 790, 791-92 (8th Cir. 2021); *United States v. Eagle Chasing*, 965 F.3d 647, 650-51 (8th Cir. 2020). We affirm.

¹The Honorable Beth Phillips, Chief Judge, United States District Court for the Western District of Missouri.