

United States Court of Appeals
For the Eighth Circuit

No. 22-2778

United States of America

Plaintiff - Appellee

v.

Tammy Longie, also known as Tammy Onebear

Defendant - Appellant

Appeal from United States District Court
for the District of North Dakota - Eastern

Submitted: July 5, 2023

Filed: July 10, 2023

[Unpublished]

Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

PER CURIAM.

Tammy Longie appeals the sentence imposed by the district court¹ after she pleaded guilty to second-degree murder and child abuse offenses. In sentencing

¹The Honorable Peter D. Welte, Chief Judge, United States District Court for the District of North Dakota.

Longie, the district court imposed an upward departure based on physical injury, extreme psychological injury, and extreme conduct, thus establishing a Guidelines range of 360 months to life in prison. See U.S.S.G. §§ 5K2.2, 5K2.3, and 5K2.8. The court imposed a life sentence, which it indicated it would have imposed irrespective of the advisory Guidelines range.

Upon careful review, we find no abuse of discretion in imposing the upward departure on the bases identified by the district court. See United States v. Vasquez, 552 F.3d 734, 738 (8th Cir. 2009) (standard of review). We also reject Longie's suggestion that the district court failed to adequately explain its sentencing decision. See United States v. Walking Eagle, 553 F.3d 654, 656-57 (8th Cir. 2009) (reviewing claim that district court failed to explain sentencing decision for plain error when not objected to below). Finally, we conclude that the sentence was not substantively unreasonable, as the court properly considered the factors set forth in 18 U.S.C. § 3553(a), and there is no indication that the 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. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc); United States v. David, 682 F.3d 1074, 1077 (8th Cir. 2012). Accordingly, we affirm the judgment of the district court.
