

United States Court of Appeals
For the Eighth Circuit

No. 23-1358

United States of America

Plaintiff - Appellee

v.

Rodney D. Price

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: October 27, 2023

Filed: November 1, 2023

[Unpublished]

Before LOKEN, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Rodney Price appeals after a jury convicted him of child pornography offenses and the district court¹ sentenced him to 84 months in prison. His counsel has moved

¹The Honorable Audrey G. Fleissig, United States District Judge for the Eastern District of Missouri.

for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging a pretrial evidentiary ruling. Price has filed a pro se brief additionally challenging the sufficiency of the evidence and arguing that counsel was ineffective.

Upon careful review, we conclude that the district court did not err by refusing to admit evidence of an alternative perpetrator, as the evidence was speculative and remote. See United States v. Emmert, 825 F.3d 906, 909 (8th Cir. 2016) (standard of review); United States v. Thibeaux, 784 F.3d 1221, 1226 (8th Cir. 2015).

As to the arguments in Price's pro se brief, we conclude that there was sufficient evidence to support his conviction. See United States v. Timlick, 481 F.3d 1080, 1082 (8th Cir. 2007) (standard of review); United States v. Spears, 454 F.3d 830, 832 (8th Cir. 2006). We decline to address his ineffective-assistance claim in this direct appeal. See United States v. Hernandez, 281 F.3d 746, 749 (8th Cir. 2002).

We have also independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and we find no non-frivolous issues for appeal. Accordingly, we affirm the judgment, and we grant counsel's motion to withdraw.
