

United States Court of Appeals
For the Eighth Circuit

No. 23-2156

United States of America

Plaintiff - Appellee

v.

Cristina Kaye Briones, also known as Cristina Briones

Defendant - Appellant

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

Submitted: November 20, 2023

Filed: November 27, 2023

[Unpublished]

Before LOKEN, ERICKSON, and GRASZ, Circuit Judges.

PER CURIAM.

Cristina Briones appeals the sentence the district court¹ imposed after she pled guilty to drug offenses. Her counsel has moved to withdraw and has filed a brief

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

challenging a portion of the drug weight attributed to her, and arguing that the sentence is substantively unreasonable.

Upon careful review, we conclude that Briones waived any challenge to the drug quantity attributed to her when she conceded in the district court that she was not objecting to the facts presented in the presentence report and that the Guidelines calculations were correct, and instead raised arguments on policy grounds. See United States v. Booker, 576 F.3d 506, 511 (8th Cir. 2009). We also conclude that the district court did not impose an unreasonable sentence. See United States v. Feemster, 572 F.3d 455, 461-62, 464 (8th Cir. 2009) (en banc) (standard of review). The court considered the factors set forth in 18 U.S.C. § 3553(a), and there is no indication that it overlooked a relevant factor, gave significant weight to an improper or irrelevant factor, or committed a clear error of judgment in weighing relevant factors. See id. at 461-62; United States v. Lazarski, 560 F.3d 731, 733 (8th Cir. 2009). We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal.

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