

United States Court of Appeals
For the Eighth Circuit

No. 23-3271

United States of America

Plaintiff - Appellee

v.

Andre Darrell Jones, Jr.

Defendant - Appellant

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

Submitted: February 14, 2024

Filed: February 20, 2024

[Unpublished]

Before SHEPHERD, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

After violating the conditions of supervised release, Andre Jones, Jr. received a 14-month prison sentence. His counsel, who seeks permission to withdraw, suggests the sentence is procedurally and substantively flawed. In a pro se filing, Jones argues it is also illegal.

We conclude otherwise. There was no procedural error because the record establishes that the district court¹ relied on only the stipulated violations, correctly calculated the advisory range, and explained the upward variance. *See United States v. Krzyzaniak*, 702 F.3d 1082, 1085 (8th Cir. 2013) (reviewing for plain error when the defendant did not object and considering the whole sentencing record). It also shows that Jones waived any challenge to the length of the sentence by expressly “agree[ing] to the 14 months.” *See United States v. Campbell*, 764 F.3d 874, 878 (8th Cir. 2014) (explaining that a “defendant cannot complain that the district court gave him exactly what his lawyer asked” (citation omitted)).

Finally, the sentence is legal because it falls below the statutory maximum. *See* 18 U.S.C. § 3583(e)(3) (setting a two-year limit for class C felonies). We accordingly affirm the judgment of the district court and grant counsel permission to withdraw.

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.