

United States Court of Appeals
For the Eighth Circuit

No. 23-2928

United States of America

Plaintiff - Appellee

v.

Gary Heckel

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Western

Submitted: May 6, 2024

Filed: June 4, 2024

[Unpublished]

Before COLLOTON, Chief Judge, SHEPHERD and STRAS, Circuit Judges.

PER CURIAM.

The district court¹ sentenced Gary Heckel to 20 years in prison after he pleaded guilty to receiving child pornography. *See* 18 U.S.C. § 2252A(a)(2)(A). He argues that his sentence is substantively unreasonable.

¹The Honorable Jeffrey L. Viken, United States District Judge for the District of South Dakota, now retired.

We conclude otherwise. *See United States v. Harris*, 960 F.3d 1103, 1106 (8th Cir. 2020) (reviewing for an abuse of discretion). The record establishes that the district court sufficiently considered the statutory sentencing factors, 18 U.S.C. § 3553(a), and did not rely on an improper factor or commit a clear error of judgment. *See United States v. Feemster*, 572 F.3d 455, 461–62 (8th Cir. 2009) (en banc). It emphasized the “seriousness of the offense,” 18 U.S.C. § 3553(a)(2)(A), including the sheer number of images he received, some of which were violent. Just because it did not give greater credit to the mitigating factors he identified—like his old age and otherwise clean criminal history—does not mean it abused its discretion. *See United States v. Townsend*, 617 F.3d 991, 994 (8th Cir. 2010) (per curiam). We accordingly affirm the judgment of the district court.
