

United States Court of Appeals
For the Eighth Circuit

No. 23-3103

United States of America

Plaintiff - Appellee

v.

Darius Omar Akheen Rhone

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa

Submitted: March 11, 2024

Filed: June 27, 2024

[Unpublished]

Before GRUENDER, SHEPHERD, and GRASZ, Circuit Judges.

PER CURIAM.

Darius Rhone appeals the district court's¹ order sentencing him to 11 months of imprisonment for violating the terms of his supervised release. He argues his sentence is substantively unreasonable. We affirm.

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

In 2015, Rhone pled guilty to one count of unlawfully possessing a firearm and ammunition as a prohibited person. *See* 18 U.S.C. § 922(g)(3). The district court sentenced him to 60 months of imprisonment and three years of supervised release. While on supervised release, the United States Probation Office filed a petition accusing Rhone of failing on six occasions to report for random drug testing, and noting Rhone committed new state law violations by driving while under the influence of alcohol and interfering with official acts. When he was arrested for driving under the influence, Rhone refused to comply with the police officers' commands and to take a preliminary breath test, while also shouting obscenities at the officers.

The district court revoked Rhone's supervised release, sentencing him to 11 months of imprisonment—the top of the range calculated under the United States Sentencing Guidelines Manual—followed by one year of supervised release. Rhone argues this sentence is substantively unreasonable, accusing the district court of failing to properly weigh the 18 U.S.C. § 3553(a) sentencing factors, including his mitigating circumstances.

“We review the substantive reasonableness of a revocation sentence for an abuse of discretion, and generally defer to the district court's judgment.” *United States v. Dennis*, 35 F.4th 1116, 1118 (8th Cir. 2022) (cleaned up) (quoting *United States v. Steele*, 899 F.3d 635, 638 (8th Cir. 2018)). “We apply ‘the same reasonableness standard that applies to initial sentencing proceedings.’” *Id.* (quoting *United States v. Boelter*, 806 F.3d 1134, 1136 (8th Cir. 2015)). A district court abuses its discretion if it “fails to consider a relevant factor that should have received significant weight, gives significant weight to an improper or irrelevant factor, or considers only the appropriate factors but commits a clear error of judgment in weighing those factors.” *United States v. Miller*, 34 F.4th 663, 665 (8th Cir. 2022) (per curiam) (quoting *United States v. Ceballos-Santa Cruz*, 756 F.3d 635, 637 (8th Cir. 2014) (per curiam)). No such abuse of discretion occurred here.

The district court expressly stated it imposed the sentence in light of the applicable factors under 18 U.S.C. § 3553(a). *See* 18 U.S.C. § 3583(e) (listing the factors a district court is to consider when revoking a term of supervised release). The district court discussed several of those factors in detail, opining on Rhone's history and characteristics, the nature of his prior convictions, his poor behavior while in prison, and his history of noncompliance while on supervision. *See id.* § 3553(a). Contrary to Rhone's assertions, the district court considered and weighed his proffered mitigating circumstances, such as his employment, his history of drug addiction, and the recent death of his brother. In evaluating the sentencing factors, the district court thought the nature of Rhone's offense and his numerous violations outweighed his mitigating circumstances, so it sentenced Rhone to the top of the Guidelines' range. This was not an abuse of discretion.

Accordingly, we affirm the district court.
