

United States Court of Appeals
For the Eighth Circuit

No. 23-3720

United States of America

Plaintiff - Appellee

v.

Elijah West

Defendant - Appellant

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

Submitted: August 30, 2024

Filed: September 5, 2024

[Unpublished]

Before GRUENDER, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

Elijah West appeals after a jury convicted him of murder and related firearm offenses and the district court¹ sentenced him to life in prison. His counsel has

¹The Honorable Roberto Lange, Chief Judge, United States District Court for the District of South Dakota.

moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that his speedy trial rights were violated.

Upon careful review, we conclude that West waived any argument that his rights under the Speedy Trial Act were violated by failing to assert those rights prior to trial. See United States v. Jones, 795 F.3d 791, 798 (8th Cir. 2015). We also conclude that there was no violation of his Sixth Amendment rights. See United States v. Thornberg, 676 F.3d 703, 706 (8th Cir. 2012) (error, even one affecting constitutional right, is forfeited if not timely asserted, and will be reviewed for plain error); United States v. Summage, 575 F.3d 864, 875-76 (8th Cir. 2009) (Sixth Amendment right to speedy trial was not violated where government was not primary cause of delay, defendant did not promptly assert right to speedy trial, and he failed to establish prejudice).

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