

United States Court of Appeals
For the Eighth Circuit

No. 24-1515

United States of America

Plaintiff - Appellee

v.

Tyrae Ronzell McDonald

Defendant - Appellant

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

Submitted: October 15, 2024

Filed: October 18, 2024

[Unpublished]

Before GRUENDER, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Tyrae McDonald appeals the sentence the district court¹ imposed after he pled guilty to a firearm charge. His counsel has moved for leave to withdraw and has filed

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

a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging an enhancement included in the calculation of the imprisonment range under the United States Sentencing Guidelines Manual.

Upon careful review, we conclude the district court did not err by imposing the enhancement based on grand jury testimony admitted at sentencing. *See United States v. Still*, 6 F.4th 812, 817-19 (8th Cir. 2021) (noting consideration of grand jury testimony at sentencing has been “repeatedly upheld” given its indicia of reliability); *United States v. Asalati*, 615 F.3d 1001, 1006 (8th Cir. 2010) (noting “credibility findings are ‘virtually unreviewable on appeal’”).

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