

United States Court of Appeals
For the Eighth Circuit

No. 24-1116

United States of America

Plaintiff - Appellee

v.

Kevin F. Thomas, Jr.

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Cedar Rapids

Submitted: January 13, 2025

Filed: June 3, 2025

[Unpublished]

Before GRASZ, STRAS, and KOBES, Circuit Judges.

PER CURIAM.

The district court¹ sentenced Kevin Thomas to 24 months in prison after finding that he violated the conditions of supervised release, including by assaulting

¹The Honorable C.J. Williams, then District Judge, now Chief Judge, United States District Court for the Northern District of Iowa.

an ex-girlfriend. He argues that the assault never happened and his sentence is substantively unreasonable.

We conclude otherwise. On this record, there was nothing clearly erroneous about finding that Thomas violated the no-new-crimes condition by committing an assault. *See* 18 U.S.C. § 3583(e)(3) (allowing the district court to revoke supervised release if it finds a violation “by a preponderance of the evidence”); *United States v. Petersen*, 848 F.3d 1153, 1156 (8th Cir. 2017) (reviewing for clear error). Look no further than his ex-girlfriend’s testimony, which described how he put his hands around her neck and squeezed. *See United States v. Cates*, 613 F.3d 856, 858 (8th Cir. 2010) (deciding who to believe is “quintessentially a judgment call and virtually unassailable on appeal” (citation omitted)). Under Iowa law, those actions qualify as domestic-abuse assault. *See* Iowa Code § 708.2A(5); *see also United States v. Sistrunk*, 612 F.3d 988, 991 (8th Cir. 2010) (explaining that we will reverse only if we are left with a “definite and firm conviction” that the district court made a mistake (citation omitted)).

Thomas’s substantive-reasonableness challenge fares no better. *See United States v. Clark*, 998 F.3d 363, 367 (8th Cir. 2021) (reviewing for an abuse of discretion); *see also United States v. Williams*, 913 F.3d 1115, 1116 (8th Cir. 2019) (noting that a “within-Guidelines sentence is presumed reasonable”). The record shows that the district court sufficiently considered the statutory sentencing factors, *see* 18 U.S.C. §§ 3553(a), 3583(e)(3), and did not rely on an improper factor or commit a clear error of judgment. *See Clark*, 998 F.3d at 369–70. Among other things, it explained that Thomas received a longer sentence because he was dangerous, missed numerous drug tests, and left the district without permission. We accordingly affirm the judgment of the district court.