

United States Court of Appeals
For the Eighth Circuit

No. 25-1724

United States of America

Plaintiff - Appellee

v.

Gatbel Thouk Chany

Defendant - Appellant

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

Submitted: May 15, 2026

Filed: August 27, 2026

[Unpublished]

Before L.R. SMITH, BENTON, and STRAS, Circuit Judges.

PER CURIAM.

Gatbel Chany thinks his criminal-history score was too high. Regardless of whether it was, we affirm because any error was harmless.

When it came time to sentence Chany for illegally possessing a firearm, *see* 18 U.S.C. § 922(g)(1), (3), there was a disagreement about how to count his prior

juvenile offenses. The district court¹ thought they added up to a criminal-history score of five: three points for his first conviction and one each for two robberies he committed. See U.S.S.G. § 4A1.2(d)(1) (instructing courts to “add 3 points under § 4A1.1(a)” for a juvenile offense if the defendant had been “convicted as an adult and received a sentence” of over 13 months); *id.* § 4A1.1(d) (“[a]dd[ing] 1 point for each prior sentence resulting from a conviction of a crime of violence that did not receive any points under subsection (a) . . . because such sentence was treated as a single sentence”). Five points placed him in criminal-history category III with an advisory range of 70 to 87 months. Chany, on the other hand, thought he belonged in criminal-history category II with a total of three points, which would have made the range 63 to 78 months.

The calculation, however, “ultimately did not matter” because the district court made clear that Chany would receive the same 60-month sentence either way. *United States v. Mejia*, 172 F.4th 601, 606 (8th Cir. 2026). Once it did, “[a]ny error” in calculating his criminal-history score “became harmless.” *Id.* Provided that it considered why the “sentence was ‘sufficient, but not greater than necessary,’ to serve ‘the purposes’ of the federal sentencing statute” and connected the statutory factors to the sentence imposed. *Id.* (quoting 18 U.S.C. § 3553(a)); see *United States v. Richart*, 662 F.3d 1037, 1046 (8th Cir. 2011) (“[W]e need not definitively decide whether the district court erred in its application of the Guidelines to the facts . . . [when] any error was harmless.”).

At the first step, the district court discussed Chany’s “adverse childhood experiences, the trauma [he] suffered as a child, . . . [and] the challenges associated with his immigrant experience as a refugee in this country” to justify a downward variance. See 18 U.S.C. § 3553(a)(1) (listing “the history and characteristics of the defendant” as a factor). And to explain why it decided not to go any lower, it

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

emphasized “the need for the sentence to reflect the seriousness of the offense and to protect the public.” *See id.* § 3553(a)(2)(A), (C) (mentioning those factors).

At “[t]he next step,” the district court “explain[ed] why the statutory analysis mattered.” *Mejia*, 172 F.4th at 606. Any other sentence would, in its view, either be “[in]sufficient” or “greater than necessary” to fulfill the purposes of sentencing. *See* 18 U.S.C. § 3553(a) (providing that the sentence shall be “sufficient, but not greater than necessary,” to meet those goals). As in *Mejia*, “[t]he point was to make clear that [Chany] would receive a [60-month] sentence no matter what.” 172 F.4th at 606.

We accordingly affirm the judgment of the district court.
