

United States Court of Appeals
For the Eighth Circuit

No. 25-2405

United States of America

Plaintiff - Appellee

v.

Jermaine Hester

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Delta

Submitted: August 18, 2026

Filed: August 21, 2026

[Unpublished]

Before KELLY, KOBES, and JUSTIN D. SMITH, Circuit Judges.

PER CURIAM.

Jermaine Hester appeals the sentence imposed by the district court¹ after he pleaded guilty to a firearm offense. He argues that his sentence is procedurally and substantively unreasonable.

¹The Honorable Lee P. Rudofsky, United States District Judge for the Eastern District of Arkansas.

Upon careful review, we conclude that the district court did not err in sentencing Hester. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (in reviewing imposition of sentence, appellate court first ensures there was no significant procedural error, then considers substantive reasonableness under deferential abuse-of-discretion standard). We reject his claims of procedural error. Any error in the district court's consideration of the testimony of Hester's wife was invited, as Hester agreed with the court's statement as to the scope of allowable testimony. See United States v. Campbell, 764 F.3d 874, 878 (8th Cir. 2014) (erroneous ruling generally does not constitute reversible error when it is invited by same party who seeks on appeal to have ruling overturned). The district court did not err in considering unobjected-to statements in the presentence report (PSR) concerning gun-related charges against Hester and drawing reasonable inferences about the revocation of his probation. See United States v. Harrell, 982 F.3d 1137, 1140 (8th Cir. 2020) (in selecting sentence, district court may rely on undisputed factual allegations in PSR and to some extent on its own judicial experience; district court may not engage in speculation or draw inferences unsupported by record). We reject Hester's argument that the court failed to consider the need to avoid unwarranted sentencing disparities, because it is clear from the record that the court was aware of and considered the relevant factors. See United States v. Clayton, 828 F.3d 654, 657 (8th Cir. 2016) (district court need not categorically rehearse each 18 U.S.C. § 3553(a) factor as long as it is clear they were considered).

Finally, we conclude that the district court did not impose a substantively unreasonable sentence, as the court properly considered the factors listed in section 3553(a) and did not err in weighing the relevant factors. See Feemster, 572 F.3d at 461-62 (abuse of discretion occurs when court fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing appropriate factors). Accordingly, we affirm.