

United States Court of Appeals
For the Eighth Circuit

No. 24-2816

United States of America

Plaintiff - Appellee

v.

Jeremy Martin

Defendant - Appellant

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

Submitted: December 15, 2025

Filed: September 10, 2026

Before LOKEN, L.R. SMITH, and KOBES, Circuit Judges.

LOKEN, Circuit Judge.

On January 26, 2023, law enforcement attempted to stop Jeremy Martin's vehicle for speeding. He attempted to flee in the car and then on foot after it became stuck in the snow. Law enforcement apprehended Martin. A search of his person revealed a pistol, 100 rounds of ammunition, a magazine, and methamphetamine. A convicted felon, Martin was charged with and pleaded guilty to one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). At

sentencing, the district court¹ imposed a sentence of 126 months imprisonment to be served consecutive to three state court convictions. Martin appeals the sentence, arguing the district court committed procedural error in finding his offense conduct aggravating for sentencing purposes based in part on a prior state court conviction for unlawful betting. We affirm.

I.

Martin's Presentence Investigation Report (PSR) calculated his total offense level as twenty-five and his criminal history category as six, resulting in an advisory guidelines sentencing range of 110-137 months imprisonment. His criminal history included three recent state court convictions for possession of methamphetamine, one which arose out of the instant offense and one from a year prior, and the unlawful betting conviction. The PSR described the unlawful betting conviction:

The [state court] Complaint reflects that, on August 18, 2022, the defendant won a jackpot on a slot machine at a casino in Sioux City, Iowa. When he attempted to collect the jackpot, the defendant provided identification belonging to [someone else] and stated that he was [that person]. Casino security confronted the defendant about the veracity of his identification and he left the casino without collecting the jackpot. The defendant attempted to use a false identity to collect the jackpot because he owed \$44,000 to the State of Iowa.

The PSR determined the first drug conviction was relevant conduct to this offense but not the other two. It also detailed Martin's delinquent child support obligations, noting that, as of May 16, 2024, "the defendant owes \$1,011 per month in child support and that the defendant's total balance owed is \$60,855.94." Martin reported no net worth and no monthly cash flow.

¹The Honorable Leonard T. Strand, United States District Judge for the Northern District of Iowa.

Martin did not object to the PSR, and the district court adopted its guidelines calculations. The guidelines issues at sentencing were the PSR's relevant conduct determinations and whether to afford Martin credit for the time served and remaining to be served in state prison for the three state court convictions. The district court determined that all three are relevant conduct warranting Martin's possession-in-connection-with-another-felony-offense enhancement. The court also determined, applying USSG § 5G1.3, comment. (n.4(D)), that Martin's federal sentence would be consecutive to any state sentence for all three, including the unlawful betting conviction. The court imposed a 126-month within-range sentence, explaining:

Mr. Martin was in possession of a firearm, a magazine, and a small amount of methamphetamine. There was a traffic stop, and he tried to get away but got stuck in the snow, so he got out of the car and fled on foot. . . . [I]t's aggravating to be fleeing from law enforcement while armed and, of course, while being a felon and not being permitted to possess firearms to begin with. So this is a concerning offense

I have to consider the history and characteristics of the defendant. [T]here were some issues involving the childhood situation . . . referenced, and I agree in reading the presentence report those are mitigating factors that I will keep in mind.

* * *

He obtained a high school diploma and some -- has also had some college course work, seemed to have had some relatively stable earnings and employment up until about 2018, has not really had gainful employment of any kind since 2019.

* * *

The criminal history no matter how you slice it is aggravating in this case. I acknowledge that after serving his first federal sentence and

being discharged . . . in 2014 from supervised release Mr. Martin went several years without committing crimes. Unfortunately, he showed that even . . . go[ing] that long without committing crimes is no guarantee that he wasn't going to relapse into both drugs and committing crimes.

Starting in about 2020 the criminal conduct escalated and became basically relentless. And he now has 19 criminal history category points, well above what it takes to be a criminal history category six and, frankly, is one of the factors I have to consider is the need to protect the public from further crimes. . . . His track record is not promising, and I just can't assume that he's not going to commit crimes in the future.

The court specifically addressed the 2023 unlawful betting conviction:

[W]hat I consider to be particularly aggravating for someone who doesn't seem to want to work is that he owes about \$60,000 in child support. And it appears that that child support obligation was a motivating factor . . . when Mr. Martin tried to collect gambling winnings but [he] owed a significant amount of money to the state and so committed an offense by using a fake name to try to collect those earnings. So he was basically trying to divert money from his own children for whom he owes a serious amount of child support. I believe it's \$60,000. That's pretty aggravating and says something not particularly positive about an individual.

Martin did not object to the court's explanation at the sentencing hearing. He now argues on appeal that the district court committed procedural error by selecting a sentence based on clearly erroneous facts:

The district court appeared to assume that the \$44,000 owed to the State of Iowa and the \$60,855.94 owed for child support are the same. Nothing in the record states that the money he owed to the State of Iowa was the same as his child support debt.

Martin argues the PSR -- the sole evidence in the record on this issue -- did not equate Martin's \$60,855.94 in child support obligations with the \$44,000 he owed to Iowa at the time of this conviction. Therefore, the record does not support the district court's statement that he took a false name to avoid paying child support. Rather, his use of a fake name may have been to avoid paying an entirely separate \$44,000 debt obligation to Iowa, not to avoid his child support obligations.

II.

Procedural errors include "selecting a sentence based on clearly erroneous facts." United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (quotation omitted). When the defendant fails to object to a procedural error, we review for plain error. See, e.g., United States v. Tumea, 103 F.4th 1349, 1352 (8th Cir. 2024). To establish plain error, Martin must show: "(1) error; (2) that is plain, (3) that affects his substantial rights, and (4) that seriously affects the fairness, integrity, or public reputation of judicial proceedings." United States v. Soto, 62 F.4th 430, 434 (8th Cir. 2023) (cleaned up). In conducting this analysis, "the district court [is] entitled to draw reasonable inferences from the record." United States v. Hillburn, 139 F.4th 647, 648 (8th Cir. 2025) (cleaned up). "[U]nless a defendant objects to a specific factual allegation contained in the PSR, the court may accept that fact as true for sentencing purposes." United States v. Nelson, 106 F.4th 719, 724 (8th Cir. 2024).

Martin argues the district court "appeared to assume that the \$44,000 owed to the State of Iowa and the \$60,855.94 owed for child support are the same." But that does not accurately describe the district court's assumption. The issues at sentencing were relevant conduct, the § 5G1.3 credit issue, and, of course, whether Martin should be sentenced within, above, or below the determined advisory guidelines range. Regarding the unlawful betting conviction, the court explained that it assumed Martin's "child support obligation was a motivating factor" behind his use of a false

name because he “owed a significant amount of money to the state” and “was basically trying to divert money from his own children.” The evidence relevant to this assumption, established by the unobjected-to PSR fact allegations, were that Martin, when he committed the unlawful betting offense, in fact owed over \$60,000 in child support, and that he used a false identity to collect the \$44,000 jackpot winnings. The assumption the court made was Martin’s “motivation” in committing the crime, not whether the two debt obligations were identical or even related. The district court’s assumption as to the reason why Martin committed a crime by using a false name to collect jackpot winnings “was a permissible and reasonable inference from the undisputed facts, and it is not clearly erroneous.” United States v. Cullar, 104 F.4th 686, 690 (8th Cir. 2024).

Moreover, even if we agreed with Martin that the district court’s statement indicates he believed that his Iowa and child support obligations “are the same,” this was a “reasonable inference” that does not constitute clear error. Martin does not dispute that he used a false name to try and avoid paying a debt. The record shows that he currently owes over \$60,000 in child support with a monthly payment obligation, so he obviously owed a significant amount of child support when he won the jackpot in 2023. The PSR states that he also then owed the State of Iowa \$44,000 which the unlawful betting Complaint alleged was the reason he used a false identity to collect the casino jackpot winnings. These PSR recitations make it a “permissible and reasonable inference from the undisputed facts” that Iowa was charging him for past-due child support obligations. Thus, the district court did not commit clear error in inferring that Martin’s “motivation” for using a false name to collect the winnings was based on two debts that were distinct but likely related.

Moreover, even assuming the district court’s statements about Martin’s motivation were not sufficiently supported by the sentencing record, we have little difficulty concluding there was no plain error. To establish plain error requires a showing that the error affected his substantial rights, that is, “a reasonable probability

that but for the error he would have received a more favorable sentence.” United States v. Bonnell, 932 F.3d 1080, 1082 (8th Cir. 2019) (cleaned up). If the court “relies on speculation or facts not in the record, we consider whether such reliance was a ‘principal basis’ for the sentence.” United States v. Harrell, 982 F.3d 1137, 1140 (8th Cir. 2020) (quotation omitted).

Here, at sentencing, the district court thoroughly examined the 18 U.S.C. § 3553(a) factors, noting some mitigating circumstances but several aggravating factors, including Martin’s armed flight from law enforcement and his criminal history. The court described his offense conduct as “concerning” and his “criminal conduct . . . basically relentless” to the point where the court “just can’t assume that [Martin] is not going to commit crimes in the future.” By not objecting to this explanation, Martin did not give the court an “opportunity to clarify its comments or . . . to explain whether the comments had any effect on the ultimate disposition of the case.” Thus, the record does not support a conclusion that the motivation remarks were a “principal basis” for the court’s sentence. United States v. Eagle Pipe, 911 F.3d 1245, 1248 (8th Cir. 2019) (quotation omitted). Martin has failed to show plain error.

The judgment of the district court is affirmed.
