

United States Court of Appeals
For the Eighth Circuit

No. 25-2514

United States of America

Plaintiff - Appellee

v.

Daijon Jarell Stokes

Defendant - Appellant

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

Submitted: September 21, 2026

Filed: October 28, 2026

[Unpublished]

Before GRUENDER, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Daijon Jarell Stokes pleaded guilty to possession of a firearm by a felon. *See* 18 U.S.C. §§ 922(g)(1), 924(a)(8). At sentencing, the district court¹ applied a four-level enhancement for possessing a firearm in connection with another felony

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

offense, finding that Stokes’s possession of a firearm had the potential to facilitate his drug possession. Stokes appeals, arguing the district court committed clear error in applying the enhancement. We affirm.

In 2023, an officer stopped Stokes because the taillights on Stokes’s car did not illuminate. During the stop, the officer detected the odor of marijuana. The officer called for backup and told Stokes to step out of the car so officers could conduct a search. Stokes instead fled, crashed into another vehicle, and continued to flee on foot. He was finally arrested. Officers found two small baggies in Stokes’s right pants pocket, one containing cocaine and the other a synthetic cannabinoid. Officers then searched Stokes’s car. They discovered a loaded pistol on the front dashboard against the windshield, and found marijuana, THC vape cartridges, and synthetic cannabinoid in the car’s glove box and center console. In total, officers recovered 3.73 grams of cocaine, 26.71 grams of marijuana, and 1.67 grams of synthetic cannabinoid from Stokes’s person and vehicle.

The presentence investigation report recommended applying a four-level sentencing enhancement under U.S.S.G. § 2K2.1(b)(6)(B)² for the “use[] or possess[ion of] any firearm or ammunition in connection with another felony offense.” Stokes’s “[l]other felony offense” for purposes of the enhancement is his sixth offense for possession of marijuana under Iowa law. See Iowa Code § 124.401(5).³

²This provision was subsequently moved to § 2K2.1(b)(7)(B). For clarity, we will refer to it using its former guidelines location.

³Stokes had five prior marijuana convictions. So his instant violation for possession of marijuana qualifies as the “[l]other felony offense” for this enhancement. See *United States v. Bullock*, 35 F.4th 666, 669 (8th Cir. 2022) (holding that a third or subsequent violation for possessing marijuana under Iowa Code § 124.401(5) qualifies as a felony offense for a § 2K2.1(b)(6)(B) enhancement).

At sentencing, the district court applied the enhancement over Stokes's objection. The district court reasoned that because Stokes kept the pistol and drugs in close proximity to each other and within his reach, he could use the pistol as protection during drug deals. Therefore, the pistol had the potential to facilitate Stokes's drug possession and was used in connection with his drug offense. The court also noted that the presence of a non-residual amount of drugs supported the enhancement.

Stokes argues that he did not actually use the pistol to protect himself or his drugs because he previously carried drugs without a firearm. Because Stokes challenges the district court's factual finding that he possessed a firearm in connection with another felony offense, we review for clear error. *See United States v. Mitchell*, 963 F.3d 729, 731 (8th Cir. 2020).

We conclude that the district court did not clearly err in finding that Stokes possessed a pistol in connection with his drug offense. A firearm is used "in connection" with a drug possession offense "if the firearm or ammunition facilitated, or had the potential of facilitating, another felony offense." U.S.S.G § 2K2.1 cmt. n.14(A) (2024). We have repeatedly held that a defendant facilitates the crime of drug possession when he carries a non-residual amount of drugs in public along with a firearm within his immediate reach. *See, e.g., United States v. Watkins*, 91 F.4th 955, 962 (8th Cir. 2024) (collecting cases). "[W]hen a defendant concurrently possesses drugs and a firearm while in public, like in a car," *United States v. Swanson*, 610 F.3d 1005, 1008 (8th Cir. 2010), "there are many ways in which the weapon can facilitate the drug offense and dangerously embolden the offender," *United States v. Smith*, 535 F.3d 883, 886 (8th Cir. 2008).

Stokes possessed a loaded pistol on a public road in his car. He kept that pistol on the dashboard, close to a non-residual amount of drugs in the center console and glove box. We have affirmed applying the enhancement in near-identical circumstances, where officers found drugs in the center console and a firearm on the passenger floorboard. *United States v. Bullock*, 35 F.4th 666, 670 (8th Cir. 2022).

Although Stokes argues that he did not need to carry a pistol for protection because he previously possessed drugs while unarmed, he easily could have used his pistol to protect himself or his drugs this time. Therefore, the district court could conclude from the record that Stokes’s possession of a firearm had the potential to facilitate his drug possession. *See id.*; *United States v. Almeida-Perez*, 549 F.3d 1162, 1173 (8th Cir. 2008) (“[W]here there are two permissible views of the evidence, the fact-finder’s choice between them cannot be clearly erroneous.”). The loaded pistol’s close proximity to a non-residual amount of drugs allowed “the district court to determine [that the drugs and the pistol] were purposefully together and not close in proximity as a matter of coincidence.” *Swanson*, 610 F.3d at 1008. A district court’s finding “that the possession of a firearm facilitated or had the potential to facilitate drug possession will rarely be clearly erroneous.” *Id.* (citation modified).

Accordingly, we affirm Stokes’s sentence.
