

United States Court of Appeals
For the Eighth Circuit

No. 25-2631

United States of America

Plaintiff - Appellee

v.

Christopher Jermaine Grays

Defendant - Appellant

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

Submitted: September 21, 2026

Filed: October 8, 2026

[Unpublished]

Before LOKEN, ARNOLD, and ERICKSON, Circuit Judges.

PER CURIAM.

Christopher Jermaine Grays pled guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). The district court¹ imposed an above-Guidelines sentence of 120 months to be followed by three years of supervised

¹The Honorable James M. Moody Jr., United States District Judge for the Eastern District of Arkansas.

release. Grays appeals his sentence, asserting it is substantively unreasonable. We affirm.

On February 28, 2024, West Memphis, Arkansas, police officers were dispatched to Room 237 at a Motel 6 located on S. Service Road on a report that a male subject was armed with a handgun and holding a woman against her will. When officers arrived, they knocked and were greeted by Grays who had a loaded extended magazine protruding from his back pocket. Grays resisted the officers' attempt to detain him, kicking them and threatening to kill them. After subduing him, the officers searched the hotel room and found two loaded handguns and additional ammunition.

At sentencing, the district court found Grays's total offense level was 19 and placed him in criminal history category III, which yielded an advisory Sentencing Guidelines range of 37 to 46 months' imprisonment. Grays requested a sentence at the low end of the Sentencing Guidelines range, while the prosecutor recommended a sentence ranging from 120 to 144 months. The district court exercised its broad sentencing discretion and varied upward. In deciding to do so, the court noted that it had previously sentenced Grays to a within-Guidelines sentence on a federal firearm offense and within six months of Grays's release from custody, and while on supervised release, Grays committed the instant offense. Grays's previous sentence, the court concluded, had failed to deter him, and, unless incarcerated, the court was concerned that Grays would continue carrying firearms and threatening others. The court told Grays he "may be the most dangerous person" who had appeared before it. After considering the sentencing factors set forth in 18 U.S.C. § 3553(a), the district court concluded a 120-month term of imprisonment was a sufficient but not greater than necessary sentence.

"We review the substantive reasonableness of a sentence for abuse of discretion." United States v. Maluoth, 121 F.4th 1158, 1163 (8th Cir. 2024). Grays contends his sentence is substantively unreasonable because the court gave undue weight to factors already accounted for in the Guidelines calculation. See United

States v. Martinez, 821 F.3d 984 (8th Cir. 2016) (reversing an upward variance based heavily on prior convictions already reflected in the defendant’s criminal history score). A district court may rely on factors already accounted for in the Guidelines when imposing an upward variance. See United States v. Manuel, 73 F.4th 989, 993 (8th Cir. 2023). Unlike in Martinez, the district court did not rely on Grays’s criminal history alone. It emphasized sentencing considerations related to deterrence and the need to protect the public.

Grays also asserts that his sentence creates an unwarranted disparity because similarly classified defendants received an average sentence of approximately 36 months. But those statistics do not account for the considerations that drove the variance here, namely reoffending within six months of release from custody, the need for deterrence, and public safety.

Finally, Grays contends the written judgment contains a clerical error because it describes his offense of conviction as “Felon in Possession of Firearms and Ammunition,” while his plea agreement identifies the offense as possession of a firearm by a felon. We disagree. Grays agreed to plead guilty to § 922(g)(1) “as set forth in Count One of the Indictment.” Count One charged Grays with possessing both firearms and “[o]ne or more rounds” of ammunition, and Grays pled guilty to that count without qualification. The judgment accurately reflects Grays’s offense of conviction.

For the foregoing reasons, we affirm.
