

United States Court of Appeals
For the Eighth Circuit

No. 26-1189

United States of America

Plaintiff - Appellee

v.

Anthony Isiah Pennell

Defendant - Appellant

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

Submitted: September 25, 2026

Filed: October 8, 2026

[Unpublished]

Before LOKEN, BENTON, and ERICKSON, Circuit Judges.

PER CURIAM.

Anthony Isiah Pennell pled guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(8). The district court¹ sentenced him to 180 months' imprisonment. Pennell appeals, claiming the district court erred

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

in calculating his Sentencing Guidelines range when it (1) applied a two-level enhancement for reckless endangerment during flight under U.S.S.G. § 3C1.2, and (2) denied him a two-level reduction for acceptance of responsibility under U.S.S.G. § 3E1.1. We affirm.

Shortly after noon on October 9, 2024, J.B. drove into a parking lot at the Westdale Town Center in Cedar Rapids, Iowa, exited his car, and confronted Pennell and two of his acquaintances for walking across the middle of the roadway. In response, Pennell grabbed a loaded 9mm handgun from his acquaintance's purse. Seeing the firearm, J.B. retreated to his vehicle and began to drive away. Pennell fired several rounds at J.B.'s vehicle, striking it and another vehicle parked nearby.

A responding officer observed Pennell running from the scene and pursued him on foot. Pennell threw the gun into a storm drain and continued to flee on foot across a six-lane road without hesitating to let traffic pass. The officer continued pursuing Pennell. Body camera footage shows the officer holding out his hand signaling for approaching drivers to either stop or slow down. Once across the thoroughfare, the officer apprehended Pennell.

Pennell entered an open plea of guilty to the charge of possession of a firearm by a prohibited person and proceeded to sentencing. He unsuccessfully objected to application of a two-level increase to his advisory Sentencing Guidelines range for reckless endangerment during flight under U.S.S.G. § 3C1.2 and non-application of a two-level reduction for acceptance of responsibility under U.S.S.G. § 3E1.1. The district court sentenced Pennell to a within-Guidelines sentence of a 180-month term of imprisonment, which was also the statutory maximum. Given Pennell's criminal history and the nature and circumstances of the instant offense, the district court explained it would have imposed the same sentence even if it had erred in overruling Pennell's objections to his Sentencing Guidelines calculation.

Pennell contends the district court improperly calculated his advisory Sentencing Guidelines range. We may review a properly preserved challenge to a

Sentencing Guidelines calculation for harmless error. See United States v. Dace, 842 F.3d 1067, 1069 (8th Cir. 2016) (per curiam). It is well established that “any error resulting from an incorrect calculation of the Guidelines is harmless ‘when the district court indicates it would have alternatively imposed the same sentence even if a lower guideline range applied.’” United States v. Holmes, 87 F.4th 910, 914 (8th Cir. 2023) (quoting United States v. Hamilton, 929 F.3d 943, 948 (8th Cir. 2019)). A Sentencing Guidelines error is also harmless when a “court’s detailed explanation for the sentence imposed makes ‘clear that the judge based the sentence he or she selected on factors independent of the Guidelines.’” Dace, 842 F.3d at 1069 (quoting Molina-Martinez v. United States, 578 U.S. 189, 200 (2016)).

Here, any error in calculating Pennell’s advisory Sentencing Guidelines range is harmless, as the district court explicitly stated it would have imposed the same sentence regardless of the applicable Guidelines range. See Holmes, 87 F.4th at 914. Even if Pennell is correct on his calculation of the applicable Sentencing Guidelines range, the district court did not abuse its discretion by imposing the statutory maximum sentence. See United States v. McGrew, 846 F.3d 277, 281 (8th Cir. 2017) (stating that where a district court “applies the maximum statutory penalty for an offense irrespective of the Guidelines and explains its reasoning for doing so, any possible sentencing range miscalculation is harmless”). Here, the district court considered the sentencing factors set forth in 18 U.S.C. § 3553(a), including Pennell’s “highly aggravating” offense conduct, extensive criminal history, and mitigating factors. The sentence imposed was not substantively unreasonable merely because Pennell would have liked the district court to weigh certain factors differently. See United States v. Johnson, 151 F.4th 978, 985 (8th Cir. 2025) (“Mere disagreement with how the district court weighed the relevant sentencing factors does not justify reversal.” (cleaned up)); United States v. Jones, 71 F.4th 1083, 1087 (8th Cir. 2023) (A district court “has wide latitude to weigh the relevant sentencing criteria.” (cleaned up)).

For the foregoing reasons, we affirm the judgment of the district court.