

**United States Court of Appeals  
FOR THE EIGHTH CIRCUIT**

---

No. 07-1314

---

|                                     |                                 |
|-------------------------------------|---------------------------------|
| United States,                      | *                               |
|                                     | *                               |
| Appellee,                           | *                               |
|                                     | * Appeal from the United States |
| v.                                  | * District Court for the        |
|                                     | * District of South Dakota.     |
| Christopher Alan Becker, also known | *                               |
| as Christopher Stranger Horse,      | * [UNPUBLISHED]                 |
|                                     | *                               |
| Appellant.                          | *                               |

---

Submitted: November 7, 2007  
Filed: November 14, 2007

---

Before BYE, RILEY, and MELLOY, Circuit Judges.

---

PER CURIAM.

Christopher Becker challenges the 135-month within-Guidelines sentence the district court<sup>1</sup> imposed following his guilty plea to conspiring to distribute and possess with the intent to distribute a substance containing 50 grams or more of a detectable amount of methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846.

---

<sup>1</sup>The Honorable Charles B. Kornmann, United States District Judge for the District of South Dakota.

On appeal, Becker argues that the district court believed the applicable Guidelines range was unreasonably high due to the inclusion of juvenile convictions in the criminal history computation, but declined to reduce his sentence because it mistakenly thought the Guidelines were mandatory, thus resulting in an unreasonable sentence.

Contrary to Becker's assertion, the record shows that the district court was aware of the advisory nature of the Guidelines. At the change-of-plea hearing, the court specifically informed Becker that the Guidelines were advisory and no longer mandatory.

Further, upon careful review, we conclude that the court did not abuse its discretion in sentencing Becker to the bottom of his Guidelines range, even if the court disagreed with the policy of using juvenile convictions in determining a defendant's criminal history category. See Rita v. United States, 127 S. Ct. 2456, 2462 (2007) (presumption of reasonableness for sentence within advisory Guidelines range); United States v. Garlewicz, 493 F.3d 933, 938 (8th Cir. 2007) (same); United States v. Lee, 454 F.3d 836, 838 (8th Cir. 2006) (sentence is reviewed for abuse of discretion, which occurs if court fails to consider relevant factor that should have received significant weight, gives significant weight to improper or irrelevant factor, or considers only appropriate factors but commits clear error of judgment); see also United States v. Gentile, 473 F.3d 888, 892 (8th Cir. 2007) ("Although the sentencing guidelines are advisory and district courts are free to fashion sentences that fall outside the guideline range where individual circumstances warrant, disagreement with a policy enunciated by the Sentencing Commission is not a proper factor upon which to base a variance."), petitions for cert. filed, (U.S. Jul. 18, 2007 & Jul. 30, 2007) (Nos. 07-5589, 07-5761).

Accordingly, the judgment is affirmed.