

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 08-3557

United States of America,

Appellee,

v.

Kevin Jerome Leggiton,

Appellant.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: November 5, 2009
Filed: November 12, 2009

Before WOLLMAN, RILEY, and SMITH, Circuit Judges.

PER CURIAM.

Kevin Leggiton (Leggiton) challenges the 235-month sentence the district court¹ imposed after Leggiton pled guilty to production of child pornography, in violation of 18 U.S.C. § 2251(a) and (e). Counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), suggesting that the sentence the district court imposed is excessive.

¹The Honorable Harry F. Barnes, United States District Judge for the Western District of Arkansas.

We note that the district court sentenced Leggiton at the bottom of the applicable advisory Guidelines range after properly considering the 18 U.S.C. § 3553(a) factors, and we conclude that the sentence is reasonable. See United States v. Haack, 403 F.3d 997, 1003-04 (8th Cir. 2005) (explaining that the reasonableness of a sentence is reviewed for abuse of discretion, and defining the ways in which an abuse of discretion may occur); see also Rita v. United States, 551 U.S. 338, 347 (2007) (approving an appellate court presumption of reasonableness for within-Guidelines-range sentences); United States v. Lincoln, 413 F.3d 716, 717 (8th Cir. 2005) (applying the presumption).

Having reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues. Therefore, we grant counsel's motion to withdraw, and we affirm.
