

United States Court of Appeals
For the Eighth Circuit

No. 13-3006

United States of America,

Plaintiff - Appellee,

v.

James Thomas Trice, also known as Jay,

Defendant - Appellant.

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

Submitted: March 26, 2014

Filed: April 29, 2014

[Unpublished]

Before MURPHY, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

James Trice directly appeals after he pleaded guilty to a drug-conspiracy charge and the district court¹ varied downward to impose a sentence below the calculated

¹The Honorable D.P. Marshall Jr., United States District Judge for the Eastern District of Arkansas.

Guidelines range. Counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is substantively unreasonable.

Upon careful review, we conclude that the district court did not abuse its discretion in sentencing Trice. See United States v. Franik, 687 F.3d 988, 990 (8th Cir. 2012) (where defendant does not raise procedural error, court bypasses review and only reviews substantive reasonableness of sentence for abuse of discretion); see also United States v. Lazarski, 560 F.3d 731, 733 (8th Cir. 2009) (where district court varied downward from Guidelines range, it was “nearly inconceivable” that court abused its discretion in not varying downward further).

Having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we affirm the judgment of the district court, and we grant counsel’s motion to withdraw, subject to counsel informing Trice about procedures for seeking rehearing or filing a petition for certiorari.
