

United States Court of Appeals
For the Eighth Circuit

No. 14-2812

Sara Jarrett

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: May 20, 2015

Filed: June 2, 2015

[Unpublished]

Before SMITH, BOWMAN, and COLLOTON, Circuit Judges.

PER CURIAM.

Sara Jarrett is serving a 120-month prison term imposed after a jury found her guilty of conspiracy to distribute 1,000 kilograms or more of marijuana and conspiracy to launder money. United States v. Jarrett, 684 F.3d 800 (8th Cir. 2012). In a 28 U.S.C. § 2255 motion, Jarrett raised several claims of ineffective assistance

of counsel, and the District Court¹ denied relief without an evidentiary hearing but granted a certificate of appealability.

Jarrett's claims that she would have agreed to plead guilty if her attorney had fully explained her potential sentence under the terms of the plea offer that she was shown. That contention, however, is contradicted by evidence that Jarrett maintained her innocence at every stage of the proceedings. See Sanders v. United States, 341 F.3d 720, 723 (8th Cir. 2003), cert. denied, 540 U.S. 1199 (2004). In addition, we agree with the District Court that no prejudice resulted from counsel's decision not to appeal from the denial of her motion for judgment of acquittal, counsel's decision not to move for a severance or a mistrial after one codefendant testified about another codefendant's abusiveness, counsel's failure to move for a mistrial based on missing recordings that were essentially consistent with the trial evidence, or counsel's failure to anticipate or object to a question posed to one witness about his relationship with Jarrett. See Hyles v. United States, 754 F.3d 530, 533 (8th Cir.), cert. denied, 135 S. Ct. 392 (2014). We further conclude that the court did not abuse its discretion when it denied an evidentiary hearing. See id. at 534.

The judgment is affirmed, and counsel's motion to withdraw is granted.

¹The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.