

United States Court of Appeals
For the Eighth Circuit

No. 16-1590

United States of America

Plaintiff - Appellee

v.

Christopher Sutphin

Defendant - Appellant

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: September 7, 2016

Filed: September 16, 2016

[Unpublished]

Before WOLLMAN, ARNOLD, and MURPHY, Circuit Judges.

PER CURIAM.

Christopher Sutphin directly appeals after he pleaded guilty to being a felon in possession of a firearm, and the district court¹ sentenced him to an

¹The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.

above-Guidelines-range prison term of 96 months. His counsel has moved for leave to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), asserting that the court imposed a substantively unreasonable sentence.

Having reviewed the district court's sentencing decision, we conclude that no abuse of discretion occurred and that Sutphin's 96-month prison term is not substantively unreasonable. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (describing appellate review of sentencing decisions); see also United States v. Franik, 687 F.3d 988, 991 (8th Cir. 2012) (factors that have already been taken into account in calculating advisory Guidelines range can nevertheless form basis of variance; concluding that no abuse of discretion occurred where district court found Guidelines would not accomplish objectives of 18 U.S.C. § 3553(a) without upward variance); United States v. Mangum, 625 F.3d 466, 469-70 (8th Cir. 2010) (upward variance is reasonable where court makes individualized assessment of § 3553(a) factors based on facts presented, and considers defendant's proffered information). Having independently reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), we have found no nonfrivolous issues for appeal.

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