

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 22-2336

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United States of America

*Plaintiff - Appellee*

v.

Qunshaundes Davion McNealy

*Defendant - Appellant*

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Appeal from United States District Court  
for the Northern District of Iowa - Western

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Submitted: April 11, 2023

Filed: August 16, 2023

[Unpublished]

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Before SMITH, Chief Judge, MELLOY and ERICKSON, Circuit Judges.

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PER CURIAM.

Qunshaundes Davion McNealy pleaded guilty to one count of possession of a firearm by a felon in violation of 18 U.S.C. § 922(g)(1). Based on a reduction for acceptance of responsibility and enhancements for the number and type of firearms, and for the fact that he possessed a stolen firearm, McNealy's resulting offense level was 27. With a criminal history of Category VI, his resulting advisory Guidelines

range would have been 130–162 months. The statutory maximum sentence for his offense, however, was 120 months, resulting in a Guidelines term of 120 months. USSG § 5G1.1(a).

McNealy moved unsuccessfully for a downward departure, emphasizing that there was no evidence he had fired the firearms or used them in a violent way. The district court<sup>1</sup> rejected his arguments and imposed a sentence of 120 months. McNealy appeals, challenging the substantive reasonableness of his sentence.

We review the substantive reasonableness of McNealy’s sentence, including the denial of his motion for a downward variance, for abuse of discretion. United States v. Ford, 987 F.3d 1210, 1215 (8th Cir. 2021). Within-range sentences are presumptively reasonable on appeal, and only in an unusual case will we find such a sentence to be unreasonable. United States v. Jones, 990 F.3d 1141, 1144–45 (8th Cir. 2021). This is not such a case. The district court expressly addressed the arguments McNealy raises in the present appeal and described his arguments as demonstrating “a lack of aggravating evidence as opposed to mitigating factors.” The district court considered only relevant factors and did not abuse its substantial discretion. It simply weighed the relevant factors differently than urged by McNealy.

We affirm the judgment of the district court.

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<sup>1</sup>The Honorable C.J. Williams, United State District Judge for the Northern District of Iowa.