

United States Court of Appeals
For the Eighth Circuit

No. 23-1825

United States of America

Plaintiff - Appellee

v.

Ronald Lee Robi

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Eastern

Submitted: September 14, 2023

Filed: September 19, 2023

[Unpublished]

Before COLLOTON, GRUENDER, and ERICKSON, Circuit Judges.

PER CURIAM.

Ronald Robi appeals the above-Guidelines-range sentence imposed by the district court¹ after he pled guilty to a firearms offense. His counsel has moved for

¹The Honorable Stephen H. Locher, United States District Judge for the Southern District of Iowa.

leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the substantive reasonableness of the sentence.

Upon careful review, we conclude that the district court did not impose a substantively unreasonable sentence, as the court properly considered the factors listed in 18 U.S.C. § 3553(a), and did not err in weighing the relevant factors. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (substantive reasonableness of sentence reviewed for abuse of discretion; abuse of discretion occurs when district court fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing appropriate factors).

We have reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. We note, however, that the written judgment's statement that Robi was adjudicated guilty of an offense under 18 U.S.C. § 922(g)(9) conflicts, in part, with the plea colloquy, which indicated Robi pled guilty to violating only 18 U.S.C. § 922(g)(1). We modify the judgment in relevant part to reflect that Robi was not adjudicated guilty under section 922(g)(9). See 28 U.S.C. § 2106 (appellate court may modify any judgment brought before it for review); United States v. Drapeau, 644 F.3d 646, 656 (8th Cir. 2011) (oral pronouncement prevails over contrary judgment).

Accordingly, we affirm the judgment as modified, and we grant counsel's motion to withdraw.
