

United States Court of Appeals
For the Eighth Circuit

No. 17-1291

United States of America

Plaintiff - Appellee

v.

Gregory M. James

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Sioux Falls

Submitted: December 14, 2017

Filed: December 19, 2017

[Unpublished]

Before WOLLMAN, LOKEN, and COLLOTON, Circuit Judges.

PER CURIAM.

In this direct criminal appeal, Gregory James challenges the sentence the district court¹ imposed following his guilty plea to a child-support offense. His

¹The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

counsel has moved to withdraw and submitted a brief under Anders v. California, 386 U.S. 738 (1967), challenging the denial of acceptance of responsibility points, and a probation condition.

We conclude that the district court did not clearly err in denying acceptance-of-responsibility points, see United States v. Bastian, 603 F.3d 460, 465 (8th Cir. 2010) (standard of review), see United States v. Spurlock, 495 F.3d 1011, 1014 (8th Cir. 2007), and, in any event, any error was harmless, as James was sentenced below the Guidelines range that would have applied had he been granted a 3-point reduction for acceptance of responsibility, see United States v. Strong, 773 F.3d 920, 926 (8th Cir. 2014); and that his challenge to the probation condition is unavailing. Finally, we have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal.

Accordingly, we grant counsel's motion, and affirm.
