

United States Court of Appeals
For the Eighth Circuit

No. 18-1868

United States of America

Plaintiff - Appellee

v.

Desmond Williams

Defendant - Appellant

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

Submitted: April 16, 2019

Filed: April 23, 2019

[Unpublished]

Before ERICKSON, BOWMAN, and GRASZ, Circuit Judges.

PER CURIAM.

Desmond Williams directly appeals the sentence the district court¹ imposed after he pleaded guilty to a drug offense. His counsel has moved to withdraw and has

¹The Honorable Linda R. Reade, United States District Judge for the Northern District of Iowa.

filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that Williams should not have been sentenced as a career offender. Williams has filed a pro se brief also challenging the career-offender enhancement.

Because the record reflects that Williams had qualifying predicate convictions for a Wisconsin drug offense and an Iowa domestic abuse assault by strangulation, we conclude the district court properly sentenced him as a career offender. See U.S.S.G. § 4B1.1(a) (defining career offender); United States v. Bearden, 780 F.3d 887, 895 (8th Cir. 2015) (de novo review); see also United States v. Harper, 756 Fed. Appx. 656 (7th Cir. 2019) (unpublished order) (concluding it would be frivolous to argue conviction for delivering cocaine under Wis. Stat. § 961.41(1)(cm) did not qualify as controlled substance offense); United States v. Parrow, 844 F.3d 801, 803 (8th Cir. 2016) (Iowa conviction for domestic abuse-strangulation under Iowa Code § 708.2A is crime of violence). Further, the district court made clear it would have imposed the same sentence regardless of whether Williams was a career offender. See United States v. Davis, 583 F.3d 1081, 1095 (8th Cir. 2009) (where district court explicitly stated it would have imposed same sentence regardless of whether defendant was career offender, any error in imposing career-offender enhancement would be harmless).

Having independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), we have found no non-frivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw and affirm.
