

United States Court of Appeals
For the Eighth Circuit

No. 23-2721

United States of America

Plaintiff - Appellee

v.

Rico Marquez Willis

Defendant - Appellant

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

Submitted: April 4, 2024

Filed: April 15, 2024

[Unpublished]

Before SHEPHERD, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Rico Willis appeals the sentence imposed by the district court¹ after he pleaded guilty to a firearm offense. His counsel has moved for leave to withdraw, and has

¹The Honorable Leonard T. Strand, then Chief Judge, now United States District Judge for the Northern District of Iowa.

filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court erred in its Guidelines calculations by applying an enhancement under USSG § 2K2.1(b)(6)(B) for possessing the firearm in connection with another felony offense.

Upon careful review, we conclude that the district court properly calculated the Guidelines range. See United States v. Turner, 781 F.3d 374, 393 (8th Cir. 2015) (reviewing district court's application of Guidelines de novo, and its factual findings for clear error). Specifically, the record supported the district court's finding that Willis used the firearm in connection with other felony offenses, despite the fact that the charges for these offenses were dismissed. See United States v. Dixon, 822 F.3d 464, 465 (8th Cir. 2016) (in applying § 2K2.1(b)(6)(B) when defendant has not been convicted of another felony offense, district court must find by preponderance of evidence that another felony offense was committed, and that use or possession of firearm facilitated that other felony); United States v. Turpin, 920 F.2d 1377, 1388 (8th Cir. 1990) (due process does not require right to trial by jury on each fact that results in increase in sentence).

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 affirm, and we grant counsel leave to withdraw.
