

United States Court of Appeals
For the Eighth Circuit

No. 24-1112

United States of America

Plaintiff - Appellee

v.

Timothy D. Sletten

Defendant - Appellant

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

Submitted: May 24, 2024

Filed: June 21, 2024

[Unpublished]

Before LOKEN, SHEPHERD, and KOBES, Circuit Judges.

PER CURIAM.

Timothy Sletten appeals the sentence imposed by the district court¹ after he pleaded guilty to mail fraud. His counsel has moved for leave to withdraw, and has

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.

filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of the sentence. Sletten has filed a pro se brief challenging the calculation of the Guidelines range.

Upon careful review, as to Sletten's pro se arguments, we conclude that the district court correctly calculated his Guidelines range. We also conclude that the district court correctly assessed a criminal history point for his Iowa driving-while-barred conviction, as it qualified as a felony. See U.S.S.G. § 4A1.2(c) (sentences for all felony offenses are counted); United States v. Holm, 745 F.3d 938, 941 (8th Cir. 2014) (aggravated misdemeanor under Iowa law falls within Guidelines definition of felony offense).

As to the argument in the Anders brief, we conclude that the district court did not impose a substantively unreasonable sentence. See United States v. Feemster, 572 F.3d 455, 461-62 (8th Cir. 2009) (en banc) (sentences are reviewed for substantive reasonableness under deferential abuse-of-discretion standard; abuse of discretion occurs when court fails to consider relevant factor, gives significant weight to improper or irrelevant factor, or commits clear error of judgment in weighing appropriate factors). The record establishes that the district court adequately considered the sentencing factors listed in 18 U.S.C. § 3553(a). See United States v. Callaway, 762 F.3d 754, 760 (8th Cir. 2014) (on appeal, within-Guidelines-range sentence may be presumed reasonable).

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