

Appendix

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Appendix B- Eighth Circuit Court of Appeals
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United States Court of Appeals
For the Eighth Circuit

No. 20-2479

United States of America

Plaintiff - Appellee

v.

Brunson Roberts

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Arkansas - Central

Submitted: March 25, 2021

Filed: March 31, 2021

[Unpublished]

Before GRUENDER, WOLLMAN, and GRASZ, Circuit Judges.

PER CURIAM.

Appendix B

~~Brunson Roberts appeals after the district court¹ revoked his supervised release~~
and imposed a 30-month prison sentence. His counsel has moved to withdraw, and has filed a brief arguing that the court abused its discretion in sentencing Roberts.

At the revocation hearing, the district court found that Roberts had committed a Grade A violation, and the court imposed a sentence below the applicable advisory Guidelines range. After careful review of the record, we conclude that the district court did not abuse its discretion in sentencing Roberts. *See United States v. Miller*, 557 F.3d 910, 915-16 (8th Cir. 2009) (abuse-of-discretion review); *United States v. Perkins*, 526 F.3d 1107, 1110-11 (8th Cir. 2008) (stating that in determining whether the district court has considered relevant sentencing factors, this court reviews the entire sentencing record); *see also United States v. Lazarski*, 560 F.3d 731, 733 (8th Cir. 2009) (noting that when the court imposed a below-Guidelines-range sentence, it was “nearly inconceivable” that the court abused its discretion in not varying downward still further). Accordingly, we affirm, and we grant counsel’s motion to withdraw.

¹The Honorable Billy Roy Wilson, United States District Judge for the Eastern District of Arkansas.

JUL 07 2020

UNITED STATES DISTRICT COURT

By: JAMES W. MCCORMACK, CLERK
DEP CLERK

Eastern District of Arkansas *AMENDED

UNITED STATES OF AMERICA

v.

BRUNSON LAVALA ROBERTS

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

Case No. 4:02CR00213-02 BRW

USM No. 22831-009

Cara Boyd Connors

Defendant's Attorney

THE DEFENDANT:

- ☒ admitted guilty to violation of condition(s) Mandatory of the term of supervision.
- ☐ was found in violation of condition(s) count(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
Mandatory (2)	Commission of another federal, state or local crime.	02/03/2020
Mandatory (3)	Commission of another federal, state or local crime.	08/23/2019
Mandatory (4)	Commission of another federal, state or local crime.	08/23/2019

The defendant is sentenced as provided in pages 2 through 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 0714Defendant's Year of Birth: 1981

City and State of Defendant's Residence: _____

06/18/2020

Date of Imposition of Judgment

Signature of Judge

BILLY ROY WILSON, U.S. District Judge

Name and Title of Judge

07-07-2020

Date

Appendix C

4a

DEFENDANT: BRUNSON LAVALE ROBERTS
CASE NUMBER: 4:02CR00213-02 BRW

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

*30 months to run concurrently with the state sentence he is currently serving, with no term of Supervised Release to follow. Defendant to be given credit for time served.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

UNITED STATES OF AMERICA

APPELLEE

v.

No. 20-2479

BRUNSON ROBERTS

APPELLANT

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL
IN ACCORDANCE WITH *ANDERS V. CALIFORNIA*

COMES NOW, Cara Boyd Connors, attorney for Appellant Brunson Roberts and moves this Court for an Order permitting counsel to withdraw in this case pursuant to *Anders v. California*, 386 U.S. 738 (1967). In support of this motion, counsel states as follows:

1. On August 11, 2003, Appellant Brunson plead guilty to aiding and abetting the possession with intent to distribute more than 50 grams of cocaine, in violation of 21 U.S.C. § 841(a)(1). The district court sentenced him to 150 months' imprisonment, followed by five years of supervised release, and on November 1, 2011, the defendant's sentence was reduced to 120 months with all other conditions to remain in effect.

2. While serving his term of supervised release, Appellant Brunson's probation officer filed a petition to revoke his supervised release, alleging that Appellant Brunson violated numerous conditions of his supervised release. After

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Appellant Brunson admitted in part and denied in part violations, the district court revoked his supervised release on June 18, 2020, and sentenced him to 30 months' imprisonment with no term of supervised release to follow. The final amended judgment was entered on July 7, 2020, and a timely notice of appeal was filed on July 21, 2020.

3. After reviewing the record in this case and researching the relevant law, appointed counsel is of the opinion that no non-frivolous issues exist for appeal.

4. This motion accompanies an *Anders* Brief submitted on September 15, 2020, "referring to anything in the record that might arguably support the appeal." *Anders v. California*, 386 U.S. 738, 744 (1967).

WHEREFORE, appointed counsel requests that the Court grant this motion for leave to withdraw.

Respectfully submitted,

By: /s/ Cara Boyd Connors
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