

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 08-3557

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United States of America,

Appellee,

v.

Kevin Gerome Leggiton,

Appellant.

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\* Appeal from the United States  
\* District Court for the  
\* Western District of Arkansas.  
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\* [UNPUBLISHED]  
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Submitted: November 5, 2009  
Filed: November 12, 2009

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Before WOLLMAN, RILEY, and SMITH, Circuit Judges.

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PER CURIAM.

Kevin Leggiton (Leggiton) challenges the 235-month sentence the district court<sup>1</sup> imposed after Leggiton pled guilty to production of child pornography, in violation of 18 U.S.C. § 2251(a) and (e). Counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), suggesting that the sentence the district court imposed is excessive.

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<sup>1</sup>The Honorable Harry F. Barnes, United States District Judge for the Western District of Arkansas.

We note that the district court sentenced Leggiton at the bottom of the applicable advisory Guidelines range after properly considering the 18 U.S.C. § 3553(a) factors, and we conclude that the sentence is reasonable. See United States v. Haack, 403 F.3d 997, 1003-04 (8th Cir. 2005) (explaining that the reasonableness of a sentence is reviewed for abuse of discretion, and defining the ways in which an abuse of discretion may occur); see also Rita v. United States, 551 U.S. 338, 347 (2007) (approving an appellate court presumption of reasonableness for within-Guidelines-range sentences); United States v. Lincoln, 413 F.3d 716, 717 (8th Cir. 2005) (applying the presumption).

Having reviewed the record under Penson v. Ohio, 488 U.S. 75, 80 (1988), we have found no nonfrivolous issues. Therefore, we grant counsel's motion to withdraw, and we affirm.

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