

# United States Court of Appeals for the Fifth Circuit

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No. 23-30083  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**  
November 6, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

ISIAH CHARLES JONES,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 1:20-CR-66-2

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Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Isiah Charles Jones pleaded guilty to possession of ecstasy with intent to distribute. The district court sentenced him to 151 months of imprisonment. On appeal, Jones contends that the district court erred in designating him as a career offender. To be designated a career offender, a defendant must, among other requirements, have “at least two prior felony

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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convictions of either a crime of violence or a controlled substance offense.” U.S. SENT’G GUIDELINES MANUAL § 4B1.1(a)(3) (U.S. SENT’G COMM’N 2021). Jones contends that the district court erred in concluding that his prior conviction for aggravated assault of a family member under sections 22.01(a)(2) and 22.02 of the Texas Penal Code qualified as a conviction for a crime of violence.

We do not reach this contention, because, as the government maintains, any error in Jones’s designation as a career offender would be harmless. “We have repeatedly held that, when a district court entertains arguments as to the proper guidelines range and explicitly states that it would have given the same sentence it did regardless, any error in the range calculation is harmless.” *United States v. Nanda*, 867 F.3d 522, 531 (5th Cir. 2017). The district court did so here, explaining that the government was “correct” that “[t]he sentence is the sentence no matter what” in response to the government’s statement that its “understanding [is] that the sentence that has been imposed today in accordance with the 3553(a) factors would have been imposed even if the guidelines calculation was incorrect” in relation to the career-offender designation. Sentencing Hr’g Tr. at 34:2-11, *United States v. Jones*, No. 1:20-cr-00066 (W.D. La. Mar. 10, 2023), ECF No. 141. This followed the district court’s explanation that the 151-month sentence would be within range regardless of whether Jones was designated as a career offender. *Id.* at 27:16-19. Thus, any error would be harmless. *See Nanda*, 867 F.3d at 531.

We therefore AFFIRM.