United States Court of Appeals
For the Eighth Circuit

No. 25-2651

United States of America

Plaintiff - Appellee

v.

Javoni Marcelius Butler, also known as G-Man

Defendant - Appellant

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

Submitted: September 21, 2026
Filed: November 12, 2026
[Unpublished]

Before GRUENDER, KELLY, and KOBES, Circuit Judges.

PER CURIAM.

Throughout 2022 and 2023, Javoni Butler bought thousands of fentanyl pills in Mexico for distribution in Iowa. Most of his drug transactions were in cash, but Butler sent at least one wire transfer to his supplier in Mexico. Officers later found a gun under the hood of his car and fentanyl and cash stored at his girlfriend's mother's house, among other incriminating evidence. Wiretap messages revealed

that when he received requests for fentanyl, he sent distributors to her house to pick up the drugs.

Butler was charged with conspiracy to distribute a controlled substance, 21 U.S.C. § 846; possession with intent to distribute a controlled substance, 21 U.S.C. §§ 841(a)(1), (b)(1)(B), and (b)(1)(C); and international money laundering, 18 U.S.C. § 1956(a)(2)(B)(i). The jury convicted him after hearing from sixteen witnesses and reviewing extensive physical evidence. The district court[1] sentenced him to 444 months in prison. Butler raises several issues on appeal relating to the trial and his sentence.

Butler's trial arguments focus on a cooperating Government witness who testified that he had purchased fentanyl from Butler. When defense counsel asked how he was able to buy more than $100,000 worth of pills in ten months when his take-home pay was only $30,000 a year, the witness invoked his right to remain silent. The district court ended questions about his finances. Later, the witness disclosed that he was under the influence of fentanyl during trial.

The district court did not abuse its discretion by allowing the witness to invoke his Fifth Amendment privilege against testifying. See United States v. Blaylock, 421 F.3d 758, 770 (8th Cir. 2005) ("It is well settled that an accused's right to compulsory process must yield to a witness's Fifth Amendment privilege not to give testimony that would tend to incriminate him or her." (citation omitted)). Nor was Butler's Sixth Amendment right to confront the witness violated, since the questions he wanted to ask would only impeach rather than explore substantive matters the witness testified to on direct examination. United States v. Long Pumpkin, 56 F.4th 604, 608 (8th Cir. 2022) ("[W]hen the defendant is precluded 'from inquiring merely as to collateral matters such as credibility, as opposed to substantive matters about which the witness testified on direct examination, the defendant's sixth amendment right is not violated.'" (citation omitted)).

[1]The Honorable C.J. Williams, Chief Judge, United States District Court for the Northern District of Iowa.

Neither did the district court abuse its discretion when it denied Butler a new trial based on the evidence that the cooperating witness was impaired when he testified. See United States v. Shumaker, 866 F.3d 956, 961 (8th Cir. 2017). Again, this was impeachment evidence, which would not result in Butler's acquittal given the overwhelming other evidence of guilt. See id. (defendant must show that the new evidence is "material," "not merely . . . impeaching," and probably "would produce an acquittal at the new trial" (citation omitted)); United States v. Lewis, 976 F.3d 787, 795 (8th Cir. 2020) ("In order to meet the materiality requirement, newly discovered evidence must be more than merely impeaching." (citation omitted)).

Despite Butler's argument to the contrary, the evidence was sufficient to allow a reasonable jury to find him guilty beyond a reasonable doubt of conspiracy, drug distribution, and international money laundering. See United States v. Evans, 178 F.4th 416, 422 (8th Cir. 2026) ("We will reverse only if no reasonable jury could have found the defendant guilty beyond a reasonable doubt." (citation omitted)). The Government presented extensive evidence that he agreed to and did obtain thousands of fentanyl pills in Mexico, which he transported to Iowa and supplied to distributors. He also sent a wire transfer to Mexico to pay for it. That is enough.

We turn to sentencing. The district court did not clearly err by finding that Butler "possessed a firearm in connection with another felony offense" for purposes of the sentence enhancement under U.S.S.G. § 2D1.1(b)(1). United States v. Mitchell, 963 F.3d 729, 731 (8th Cir. 2020). Section 2D1.1(b)(1) applies if "(1) the gun was possessed and (2) it was not clearly improbable that the weapon was connected to the drug offense." United States v. Anderson, 618 F.3d 873, 880 (8th Cir. 2010). Butler constructively possessed the gun underneath the hood of his car. See United States v. Bush, 156 F.4th 867, 869 (8th Cir. 2025) (constructive possession is sufficient for § 2D.1.1(b)(1) and can be established "by showing that [the defendant] exercised dominion or control over the premises where the gun was found."); see also United States v. Hiebert, 30 F.3d 1005, 1008–09 (8th Cir. 1994) (finding constructive possession of rifle found in vehicle defendant was driving). And because he used his car to transport fentanyl, it was not "clearly improbable"

the weapon was connected to his offense. See United States v. Peroceski, 520 F.3d 886, 889 (8th Cir. 2008).

We also do not think his sentence is substantively unreasonable. The district court found that Butler was dangerous, had ties to a Mexican cartel, and was responsible for at least one overdose resulting in death. See United States v. Stephen, 984 F.3d 625, 633 (8th Cir. 2021) (district courts have "wide latitude to weigh the § 3553(a) factors in each case" (citation omitted)). Given the nature of Butler's offense and the need to protect the public, the district court acted well within its discretion when it imposed a within-Guidelines sentence. See United States v. Feemster, 572 F.3d 455, 464 (8th Cir. 2009) (en banc) (appellate review in sentencing is "narrow and deferential," so it is the "unusual case" where we reverse a within-Guidelines sentence as substantively unreasonable (citation omitted)).

We have considered and find meritless the arguments in Butler's *pro se* supplemental brief—that he didn't possess the drugs found in his girlfriend's mother's house and that his Speedy Trial Act rights were violated. See United States v. Ledvina, 166 F.4th 716, 722 (8th Cir. 2026) (court of appeals has discretion to review *pro se* supplemental briefs). Butler constructively possessed the drugs when he directed a distributor to the residence to fulfill fentanyl requests. See United States v. Parker, 587 F.3d 871, 881 (8th Cir. 2009) ("Possession may be actual or constructive. For constructive possession, a defendant must have 'knowledge of an object, the ability to control it, and the intent to do so.'" (citation omitted)). And his speedy trial claim fails because the superseding indictment reset his clock. See United States v. Porchay, 651 F.3d 930, 937 (8th Cir. 2011) ("When a newly indicted defendant 'is joined with a defendant whose speedy trial clock has already started running, the latter defendant's speedy trial clock will be reset' to that of the new defendant."). The district court adequately stated its findings when it denied the motion to dismiss based on those new charges and voluminous discovery. See United States v. Harris-Franklin, 146 F.4th 631, 642 (8th Cir. 2025) ("We require the district court to put its 'findings on the record by the time [it] rules on a

defendant's motion to dismiss under § 3162(a)(2).'" (alteration in original) (citation omitted)).

Affirmed.