

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4457

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LARRY ALLEN BROOKS,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Patrick Michael Duffy, District Judge. (2:07-cr-01223-PMD-1)

Submitted: October 14, 2008

Decided: October 16, 2008

Before KING, GREGORY, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

J. Robert Haley, Assistant Federal Public Defender, Charleston, South Carolina, for Appellant. Sean Kittrell, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Larry Allen Brooks pled guilty to possession of a firearm by a convicted felon. Brooks was sentenced to fifty-one months in prison. He now appeals. His attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising two issues but stating that there are no meritorious claims for appeal. Brooks was advised of his right to file a pro se supplemental brief, but did not do so. We affirm.

In the Anders brief, counsel first questions whether the district court complied with Fed. R. Crim. P. 11 but concludes that it did. Our review of the transcript discloses full compliance with the Rule. Further, the transcript reveals that Brooks entered his guilty plea intelligently, voluntarily and knowingly, with a full understanding of the consequences of his plea.

Brooks' Guidelines range as initially calculated was fifty-one to sixty-three months. Counsel questions whether the fifty-one month sentence was reasonable. We review the reasonableness of a criminal sentence under an abuse of discretion standard. Gall v. United States, 128 S. Ct. 586, 594-97 (2007). Reasonableness review requires appellate consideration of both the procedural and substantive reasonableness of a sentence. Id. Here, the district court correctly calculated Brooks' advisory Guidelines range,

considered that range in conjunction with the factors set forth at 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2008), and adequately explained its reason for imposing sentence. See United States v. Pauley, 511 F.3d 468, 473 (4th Cir. 2007). In addition, Brooks' sentence, at the low end of the advisory Guidelines range, was presumptively reasonable. United States v. Allen, 491 F.3d 178, 193 (4th Cir. 2007). Thus, we find no abuse of discretion.

We have examined the entire record in this case in accordance with the requirements of Anders, and we find no meritorious issues for appeal. Accordingly, we affirm. This court requires counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy of the motion was served on the client. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED