

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-2927

United States of America,

Appellee,

v.

Gregory Jerome Cree,

Appellant.

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Appeal from the United States
District Court for the
District of North Dakota.

[UNPUBLISHED]

Submitted: October 6, 2006
Filed: October 11, 2006

Before RILEY, COLLOTON, and GRUENDER, Circuit Judges.

PER CURIAM.

Gregory Cree appeals the sentence imposed by the district court¹ after he pleaded guilty, pursuant to a plea agreement, to a one-count information charging him with abusive sexual contact, in violation of 18 U.S.C. §§ 2244(a)(2), (c), 2247 and 1153. His counsel seeks to withdraw and argues in a brief filed under Anders v. California, 386 U.S. 738 (1967), that imposing the statutory maximum prison term (144 months) was unreasonable.

¹The Honorable Daniel L. Hovland, Chief Judge, United States District Court for the District of North Dakota.

We enforce the broad appeal waiver included in the plea agreement: the plea colloquy reflects that Cree understood and voluntarily accepted the terms of the plea agreement, including the waiver; this appeal falls within the scope of the waiver, as the sentence did not exceed the advisory Guidelines range or the statutory maximum; and no injustice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-90 (8th Cir. 2003) (en banc) (discussing enforceability of appeal waiver); see also United States v. Estrada-Bahena, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing appeal waiver in Anders case).

Accordingly, we dismiss the appeal and we grant counsel leave to withdraw.
