

**United States Court of Appeals
For the Eighth Circuit**

No. 12-2511/12-2512

United States of America

Plaintiff - Appellee

v.

Richard Wayne Billingsley

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Jefferson City

Submitted: April 25, 2013
Filed: April 30, 2013
[Unpublished]

Before WOLLMAN, BOWMAN, and GRUENDER, Circuit Judges.

PER CURIAM.

Richard Billingsley pleaded guilty to possession with intent to distribute methamphetamine, in violation of 21 U.S.C § 841(a)(1), and to possession of

counterfeit obligations, in violation of 18 U.S.C. § 472. The district court¹ imposed concurrent sentences of 151 months in prison and 3 years of supervised release. On appeal, Billingsley's counsel seeks leave to withdraw and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), arguing that the district court miscalculated the applicable Guidelines range and imposed a substantively unreasonable sentence.

In both cases, there is a written plea agreement containing an appeal waiver under which Billingsley waived the right to appeal his sentence except for claims of ineffective assistance of counsel, prosecutorial misconduct, or an illegal sentence. After careful review of the record, we will enforce the appeal waiver in each case. The plea agreements and plea hearing transcript show that Billingsley entered into the plea agreements and the appeal waivers knowingly and voluntarily; the arguments raised on appeal fall within the scope of the waivers; and no miscarriage of justice would result from enforcing the waivers. *See United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (setting forth standard for enforcing appeal waivers).

Having independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), we find no nonfrivolous issues outside the scope of the appeal waivers. Accordingly, we dismiss these appeals based on the appeal waivers, and we grant counsel's motion to withdraw.

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.