

United States Court of Appeals
For the Eighth Circuit

No. 13-3809

United States of America

Plaintiff - Appellee

v.

Robert Joseph Church

Defendant - Appellant

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

Submitted: June 30, 2014

Filed: July 3, 2014

[Unpublished]

Before GRUENDER, BOWMAN, and SHEPHERD, Circuit Judges.

PER CURIAM.

Robert Church appeals after the district court¹ imposed sentence on him upon his guilty plea to a drug offense. His counsel has moved to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967).

Having carefully reviewed the record in accordance with our duty under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no basis for a nonfrivolous challenge to the conviction in this direct criminal appeal, and we also conclude that the sentence is not unreasonable, see United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (appellate review of sentencing decision). Accordingly, we affirm.

As for counsel's motion to withdraw, we conclude that allowing counsel to withdraw at this time would not be consistent with the Eighth Circuit's 1994 Amendment to Part V of the Plan to Implement the Criminal Justice Act of 1964. We therefore deny counsel's motion to withdraw as premature, without prejudice to counsel refileing the motion upon fulfilling the duties set forth in the Amendment.

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.