

United States Court of Appeals
For the Eighth Circuit

No. 19-2422

United States of America

Plaintiff - Appellee

v.

Rashad Yasin Davis

Defendant - Appellant

Appeal from United States District Court
for the District of Minnesota

Submitted: December 10, 2019

Filed: December 13, 2019

[Unpublished]

Before STRAS, WOLLMAN, and KOBES, Circuit Judges.

PER CURIAM.

Rashad Davis appeals from the below-Guidelines prison term imposed by the district court¹ following his plea of guilty to criminal damage to property under a plea

¹The Honorable Nancy E. Brasel, United States District Judge for the District of Minnesota.

agreement containing an appeal waiver. His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the reasonableness of the sentence.

Having conducted a de novo review, we conclude that the appeal waiver is valid, enforceable, and applicable in the circumstances of this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of validity and applicability of appeal waiver); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into waiver and plea agreement, and enforcement would not result in miscarriage of justice). We have also independently reviewed the record under Penon v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues. Accordingly, we dismiss the appeal, and we grant counsel's motion to withdraw.
