

United States Court of Appeals
For the Eighth Circuit

No. 23-1905

United States of America

Plaintiff - Appellee

v.

Charles Ward Kuentzel, II

Defendant - Appellant

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

Submitted: October 11, 2023

Filed: October 16, 2023

[Unpublished]

Before BENTON, KELLY, and STRAS, Circuit Judges.

PER CURIAM.

Charles Kuentzel II appeals the sentence the district court¹ imposed after he pleaded guilty to a child-exploitation offense pursuant to a plea agreement containing

¹The Honorable Stephen R. Bough, United States District Judge for the Western District of Missouri.

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 sentence as substantively unreasonable but acknowledging the appeal waiver.

Upon careful review, we conclude that the appeal waiver is valid, enforceable, and applicable to the issue raised in 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 plea agreement and waiver, and enforcing waiver would not result in miscarriage of justice).

We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal falling outside the scope of the appeal waiver. Accordingly, we dismiss the appeal based on the appeal waiver and grant counsel’s motion to withdraw.
