

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4095

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JULIE POLICANO, a/k/a Julie Ferguson,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, Chief District Judge. (1:06-cr-00066-IMK)

Submitted: September 5, 2007

Decided: November 19, 2007

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Hiram C. Lewis, IV, LEWISLAW, Morgantown, West Virginia, for Appellant. David Earl Godwin, Assistant United States Attorney, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Julie Policano appeals her conviction and 110-month sentence following her guilty plea to conspiracy to possess with intent to distribute and to distribute in excess of five grams of cocaine base, in violation of 21 U.S.C. §§ 846, 841(a)(1), and (b)(1)(B) (2000). The Government filed a motion to dismiss based upon the waiver of appellate rights to which Policano agreed as a part of her plea agreement.

We conclude that Policano's appellate waiver is valid and encompasses her sentencing claim regarding the district court's consideration of her objections to the presentence report. We therefore grant in part the Government's motion to dismiss, and we dismiss the portion of the appeal related to Policano's sentence. With respect to Policano's claims that the district court erred in accepting her guilty plea and violated her Sixth Amendment rights during the sentencing hearing, we have reviewed those claims as well and find them to be without merit. Accordingly, although we deny the motion to dismiss the appeal as to Policano's conviction, see United States v. Attar, 38 F.3d 727, 732-33 & n.2 (4th Cir. 1994), we affirm the conviction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED IN PART;
AFFIRMED IN PART