

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4964

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSHUA GERILL RICHARDSON,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. N. Carlton Tilley, Jr., District Judge. (1:06-cr-00477-NCT)

Submitted: July 29, 2008

Decided: November 3, 2008

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, William S. Trivette, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Michael A. DeFranco, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joshua Gerill Richardson appealed his convictions for possession with intent to distribute cocaine base and possession of a firearm by a convicted felon and his resulting 188-month sentence. On appeal, his attorney filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there were no meritorious issues for appeal, but questioning whether Richardson's sentence was reasonable. The Government moved to dismiss the appeal based on Richardson's waiver of appellate rights in his plea agreement. We dismissed the appeal in part, including the issue raised in the Anders brief, but we noted that the waiver reserved Richardson's right to appeal his sentence based on certain enumerated claims. Thus, we denied the motion to dismiss as to these claims, permitting a pro se supplemental brief and Anders review of any unwaived issues. Richardson did not file a pro se supplemental brief.

In his plea agreement, Richardson agreed to waive certain rights, including his

right to appeal the conviction and whatever sentence is imposed on any ground . . . excepting the defendant's right to appeal based upon grounds of (1) ineffective assistance of counsel, (2) prosecutorial misconduct not known to the defendant at the time of the defendant's guilty plea, (3) a sentence in excess of the statutory maximum, and (4) a sentence based on an unconstitutional factor, such as race, religion, ethnic origin and gender.

We have carefully reviewed the record, and we conclude that there are no meritorious issues for appeal falling within Richardson's reserved rights of appeal.

Accordingly, we affirm Richardson's sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client. 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.

AFFIRMED