

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4878

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEVIN BERNARD MINOR,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Greenbelt. Deborah K. Chasanow, District Judge. (8:06-cr-00028-DKC-2)

Submitted: November 29, 2010

Decided: December 20, 2010

Before WILKINSON, NIEMEYER, and GREGORY, Circuit Judges.

Dismissed in part; affirmed in part by unpublished per curiam opinion.

Arthur S. Cheslock, Baltimore, Maryland, for Appellant. Barbara Suzanne Skalla, Assistant United States Attorney, Greenbelt, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kevin Bernard Minor pled guilty pursuant to a written plea agreement to conspiracy to distribute and possess with intent to distribute five kilograms or more of cocaine and fifty grams or more of cocaine base, and to being a felon in possession of a firearm. Minor was sentenced to 138 months of imprisonment for the drug charge and to a concurrent term of ten years on the gun charge. On appeal, counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting there are no meritorious grounds for appeal, but raising the following issues: (1) whether Minor's guilty plea was adequate, and (2) whether Minor was properly sentenced. The Government has filed a motion to dismiss. For the reasons that follow, we dismiss in part and affirm in part.

We agree with the Government that Minor knowingly and voluntarily waived his right to appeal his sentence in his plea agreement, except for conditions not extant in this appeal. United States v. Broughton-Jones, 71 F.3d 1143, 1146 (4th Cir. 1995). This appeal waiver was specifically reviewed at Minor's plea hearing, which generally complied with Fed. R. Crim. P. 11. United States v. General, 278 F.3d 389, 400 (4th Cir. 2002). Because Minor waived only his right to appeal his sentence, however, we grant only the Government's motion to dismiss the appeal of Minor's sentence.

The issues raised in counsel's Anders brief fail for the reasons previously discussed: Minor's plea hearing contained no reversible error and Minor waived appellate review of his sentence. In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal.* We therefore affirm Minor's convictions. This court requires that counsel inform Minor, in writing, of the right to petition the Supreme Court of the United States for further review. If Minor 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 Minor.

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

* Despite notice, Minor has not filed a pro se supplemental brief.