

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 09-5232**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PATRICIO HERNANDEZ MARTINEZ,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:09-cr-00073-WO-2)

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Submitted: March 23, 2011

Decided: April 19, 2011

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Before DUNCAN, AGEE, and KEENAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Milton B. Shoaf, Jr., Salisbury, North Carolina, for Appellant.  
Randall Stuart Galyon, OFFICE OF THE UNITED STATES ATTORNEY,  
Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patricio Hernandez Martinez appeals the sixty-five-month sentence imposed following his guilty plea to conspiracy to distribute 500 or more grams of cocaine, in violation of 21 U.S.C. § 846 (2006). Martinez's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious grounds for appeal but questioning whether the evidence was sufficient to sustain Martinez's conviction. Martinez filed a pro se supplemental brief.\* Finding no reversible error, we affirm.

The sole issue raised in the Anders brief is whether the evidence was sufficient for the district court to accept Martinez's guilty plea. Upon review, we conclude that by pleading guilty, Martinez waived his right to contest the sufficiency of the evidence underlying his conviction. See United States v. Willis, 992 F.2d 489, 490 (4th Cir. 1993) ("[A] guilty plea constitutes a waiver of all nonjurisdictional defects, including the right to contest the factual merits of the charges.") (internal citation and quotation marks omitted).

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\* In his pro se brief, Martinez asserts that the indictment was insufficient to confer jurisdiction, that the district court erred in imposing the sentence, and that the Government breached the plea agreement. We have carefully reviewed these claims and conclude that they lack merit.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Martinez, in writing, of his right to petition the Supreme Court of the United States for further review. If Martinez requests that a petition be filed, but counsel believes that such a petition would be frivolous, counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Martinez. We dispense with oral argument because the facts and legal conclusions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED