

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4251

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VICTOR HUGO MARTINEZ-LUCIO, a/k/a Victor LNU, a/k/a Victor
Martinez,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Greenville. Henry M. Herlong, Jr., Senior
District Judge. (6:09-cr-00787-HMH-1)

Submitted: October 21, 2010

Decided: November 16, 2010

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

Affirmed by unpublished per curiam opinion.

Wallace H. Jordan, Jr., Florence, South Carolina, for Appellant.
Elizabeth Jean Howard, Assistant United States Attorney,
Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Victor Hugo Martinez-Lucio appeals from his conviction and fifty-seven month sentence following his guilty plea to three counts of sale of a firearm to a convicted felon, in violation of 18 U.S.C. §§ 922(d)(1), 924(a)(2) (2006). Martinez-Lucio's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738, 744 (1967), stating that there were no meritorious issues for appeal, but questioning whether the district court complied with Fed. R. Crim. P. 11 in accepting Martinez-Lucio's guilty plea. Martinez-Lucio, advised of his right to file a pro se supplemental brief, did not do so. We affirm.

Because Martinez-Lucio did not move in the district court to withdraw his guilty plea, the Rule 11 hearing is reviewed for plain error. United States v. Martinez, 277 F.3d 517, 525 (4th Cir. 2002). We conclude the district court fully complied with the Rule 11 requirements in accepting Martinez-Lucio's guilty plea. During the plea hearing, in compliance with Rule 11, the district court properly informed Martinez-Lucio of the rights he was forfeiting as a result of his plea and the nature of the charges and penalties he faced, found that Martinez-Lucio was competent and entering his plea voluntarily, and determined there was a sufficient factual basis for the plea. Therefore, the record establishes Martinez-Lucio

knowingly and voluntarily entered into his guilty plea with a full understanding of the consequences and there was no error in the district court's acceptance of the plea.

As required by Anders, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Martinez-Lucio, in writing, of his right to petition the Supreme Court of the United States for further review. If Martinez-Lucio 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 Martinez-Lucio. 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