

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 10-4544**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL GLENN POPE,

Defendant - Appellant.

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Appeal from the United States District Court for the Western  
District of North Carolina, at Asheville. Martin K. Reidinger,  
District Judge. (1:07-cr-00046-MR-1)

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Submitted: November 18, 2010

Decided: December 13, 2010

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Before NIEMEYER, MOTZ, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Leslie Carter Rawls, Charlotte, North Carolina, for Appellant.  
Amy Elizabeth Ray, Assistant United States Attorney, Asheville,  
North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Glenn Pope appeals from his conviction and sentence following his guilty plea to conspiracy to intentionally traffic and attempt to traffic in goods while knowingly using, on and in connection with such goods, counterfeit marks, in violation of 18 U.S.C. § 2320 (2006). Pope was sentenced to thirty-seven months' imprisonment and ordered to pay \$148,645.79 in restitution, for which he was jointly and severally liable with his coconspirators. On appeal, Pope's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting that there are no meritorious issues on appeal but asking the court to review: (1) whether Pope knowingly and voluntarily waived his right to appeal; (2) whether the trial court erred by denying Pope's motion to dismiss for prosecutorial delay; (3) whether the record supports a claim of ineffective assistance of counsel; (4) whether the record supports a claim of prosecutorial misconduct; and (5) whether the sentence imposed was procedurally and substantively valid. Pope filed a pro se supplemental brief asserting that: (1) his restitution was incorrectly calculated; (2) the Government engaged in misconduct; and (3) his trial counsel was ineffective.

Our review of the record leads us to conclude that the issues raised do not entitle Pope to relief. The district court

fully complied with Fed. R. Crim. P. 11 in accepting Pope's guilty plea, which was knowing and voluntary, and which Pope did not move to withdraw. Pope's plea waived his claim of pre-indictment delay because he did not enter a conditional plea reserving this issue. United States v. Willis, 992 F.2d 489, 490 (4th Cir. 1983). We also conclude that Pope's sentence is procedurally and substantively reasonable. Finally, because the record does not support Pope's claims of ineffective assistance of counsel or prosecutorial misconduct, we decline to consider these claims on direct appeal. See, e.g., United States v. King, 119 F.3d 290, 295 (4th Cir. 1997).

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Pope's conviction and sentence. We deny Pope's motion for bail. This court requires that counsel inform Pope, in writing, of the right to petition the Supreme Court of the United States for further review. If Pope 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 Pope.

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