

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4038

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VENSON TYRONE JONES, a/k/a Roanay,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Aiken. Margaret B. Seymour, Senior District Judge. (1:10-cr-00968-MBS-11)

Submitted: August 29, 2013

Decided: September 3, 2013

Before DUNCAN, AGEE, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Janis Richardson Hall, Greenville, South Carolina, for Appellant. Julius Ness Richardson, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Venson Tyrone Jones pled guilty to conspiracy to possess with intent to distribute twenty-eight grams or more of cocaine. He received a fifty-one-month sentence. 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 issue of whether the district court adequately complied with Fed. R. Crim. P. 11 when it accepted Jones's guilty plea. Although informed of his right to do so, Jones has not filed a supplemental brief. The Government declined to file a response. We affirm.

Because Jones did not move to withdraw his plea, we review his Rule 11 hearing for plain error.* United States v. Martinez, 277 F.3d 517, 525 (4th Cir. 2002). Here, we find no error, as the district court substantially complied with Rule 11 when accepting Jones's plea. Given no indication to the contrary, we therefore find that Jones's plea was knowing and voluntary, and, consequently, final and binding. See United States v. Lambey, 974 F.2d 1389, 1394 (4th Cir. 1992).

* Jones filed a motion to withdraw his plea before new counsel was appointed for him. The court noted that Jones had filed the motion pro se and stated that it would not hear the motion unless new counsel moved to go forward with it. Neither new counsel nor Jones raised the motion again at plea proceedings or sentencing.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Jones's conviction and sentence. This court requires that counsel inform Jones, in writing, of the right to petition the Supreme Court of the United States for further review. If Jones 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 Jones. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED