

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4051

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANDRE VALENTINO PIERRE,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Chief District Judge. (3:13-cr-00334-FDW-1)

Submitted: July 20, 2015

Decided: July 24, 2015

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

Affirmed by unpublished per curiam opinion.

Ross Hall Richardson, Executive Director, Ann L. Hester, FEDERAL DEFENDERS OF WESTERN NORTH CAROLINA, INC., Charlotte, North Carolina, for Appellant. Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Andre Valentino Pierre pled guilty to bank robbery, 18 U.S.C. § 2113(a) (2012), and was sentenced to 151 months in prison. He now appeals. His attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), raising one issue but stating that there are no meritorious issues for appeal. Pierre was advised of his right to file a pro se supplemental brief but has not filed such a brief. We affirm.

Our review of the transcript of the Fed. R. Crim. P. 11 proceeding discloses that the district court fully complied with the Rule. Pierre admitted his guilt and acknowledged that the Factual Basis offered in support of the plea was correct. Finally, the record establishes that the plea was knowingly and voluntarily entered.

Pierre's correctly calculated Guidelines range was 151-188 months. At sentencing, counsel asked for a sentence below this range. As counsel acknowledges in the Anders brief, the sentencing transcript refutes Pierre's present claim that the district court did not address counsel's arguments in favor of a downward variance. Although the court specifically rejected the request for a variance, the court found that a sentence at the low end of Pierre's Guidelines range was appropriate. We accord a presumption of reasonableness to Pierre's within-Guidelines sentence, see United States v. Abu Ali, 528 F.3d 210, 261 (4th Cir. 2008), and

find that Pierre failed to rebut this presumption. See United States v. Montes-Pineda, 445 F.3d 375, 379 (4th Cir. 2006).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious grounds for appeal. We therefore affirm. This court requires that counsel inform Pierre, in writing, of his right to petition the Supreme Court of the United States for further review. If Pierre 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 of the motion was served on Pierre. 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