

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4694

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VERNON MCKEA EDWARDS, a/k/a Vernon from Ridgeville,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at
Columbia. Joseph F. Anderson, Jr., Senior District Judge. (3:14-cr-00604-JFA-23)

Submitted: August 29, 2017

Decided: September 19, 2017

Before MOTZ, TRAXLER, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Miller W. Shealy, Jr., MILLER SHEALY LAW FIRM, Charleston, South Carolina, for
Appellant. John David Rowell, Assistant United States Attorney, Columbia, South
Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Vernon McKea Edwards pled guilty to conspiracy to possess with intent to distribute and to distribution of crack and powder cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), 846 (2012). The district court imposed a 188-month sentence. In accordance with *Anders v. California*, 386 U.S. 738 (1967), Edwards' counsel has filed a brief certifying that there are no meritorious grounds for appeal but questioning whether the district court erred in declining to rule on Edwards' objection to the presentence report. Edwards filed a pro se brief,* arguing that the district court erred in calculating his Sentencing Guidelines range, that the error resulted in a breach of the plea agreement, and that counsel was ineffective for failing to raise the breach issue at sentencing. We affirm.

At sentencing, Edwards' counsel challenged a statement in the PSR that, in a certain conversation intercepted by wiretap, Edwards referred to the purchase of cocaine, arguing that the conversation actually concerned the purchase of marijuana. The probation officer explained that the drug quantity discussed in the conversation did not affect the sentencing recommendation. Thus, the district court properly concluded that it need not rule on the objection. Fed. R. Crim. P. 32(i)(3)(B) (requiring sentencing court to rule on disputed matters unless "a ruling is unnecessary either because the matter will not affect sentencing, or because the court will not consider the matter in sentencing").

* We construe Edwards' "Motion in Opposition to the Filing of an *Anders* Brief by Counsel" as a pro se brief and conclude that the claims raised therein lack merit.

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious grounds for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Edwards, in writing, of the right to petition the Supreme Court of the United States for further review. If Edwards 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 Edwards.

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