

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 17-4630

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

PATRICK FALTE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. John A. Gibney, Jr., District Judge. (3:17-cr-00049-JAG-1)

Submitted: May 24, 2018

Decided: May 29, 2018

Before NIEMEYER, MOTZ, and FLOYD, Circuit Judges.

Dismissed in part, affirmed in part by unpublished per curiam opinion.

Jeremy C. Kamens, Federal Public Defender, Frances H. Pratt, Carolyn V. Grady, Assistant Federal Public Defenders, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Alexandria, Virginia, for Appellant. Lauren Elizabeth Britsch, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C.; Jessica D. Aber, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Patrick Falte pled guilty, pursuant to a written plea agreement, to aggravated sexual abuse of a minor, in violation of 21 U.S.C. § 2241(c) (2012). The district court imposed a Guidelines sentence of life imprisonment. On appeal, Falte's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), questioning whether Falte knowingly and voluntarily entered his guilty plea and whether the court imposed an unreasonable sentence. The Government has moved to dismiss Falte's appeal based upon a waiver of appellate rights in his plea agreement.

Upon review of the plea agreement and the transcript of the Fed. R. Crim. P. 11 hearing, we conclude that the appeal waiver contained in Falte's plea agreement is valid, as he entered it knowingly and intelligently. *See United States v. Manigan*, 592 F.3d 621, 627 (4th Cir. 2010). Falte waived the right to appeal his conviction and sentence, including any sentence within the statutory maximum of life imprisonment. Accordingly, we grant the Government's motion to dismiss in part and dismiss the appeal as to any issues within the scope of the waiver.

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious issues for appeal that are outside the scope of the appeal waiver or are not waivable by law. Accordingly, we dismiss the appeal in part and affirm the district court's judgment as to any issue not precluded by the appeal waiver. This court requires that counsel inform Falte, in writing, of the right to petition the Supreme Court of the United States for further review. If Falte 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 Falte.

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.

*DISMISSED IN PART;
AFFIRMED IN PART*