

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-4389

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JHUSTYN KELVIN MITCHELL, a/k/a J-West, a/k/a Big Wixed,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Thomas D. Schroeder, District Judge. (1:22-cr-00075-TDS-2)

Submitted: April 11, 2024

Decided: April 15, 2024

Before AGEE and QUATTLEBAUM, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: David Q. Burgess, DAVID BURGESS LAW, PC, Charlotte, North Carolina, for Appellant. John McRae Alsup, Assistant United States Attorney, Julie Carol Niemeier, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jhustyn Kelvin Mitchell appeals his convictions and the 318-month sentence imposed following his guilty plea to Racketeer Influenced Corrupt Organization (RICO) conspiracy, in violation of 18 U.S.C. § 1962(d), and conspiracy to distribute controlled substances, in violation of 21 U.S.C. §§ 841(b)(1)(A), 846. Mitchell’s counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), asserting there are no meritorious grounds for appeal but questioning whether the sentence is procedurally reasonable. Mitchell has not filed a pro se brief after being notified of his right to do so. The Government has declined to respond to the *Anders* brief.

We review criminal sentences for reasonableness “under a deferential abuse-of-discretion standard.” *United States v. Claybrooks*, 90 F.4th 248, 257 (4th Cir. 2024) (internal quotation marks omitted). In reviewing whether a sentence is reasonable, we must first confirm the district court did not commit “significant procedural error, such as . . . failing to adequately explain the chosen sentence.” *United States v. Fowler*, 948 F.3d 663, 668 (4th Cir. 2020) (internal quotation marks omitted). “[A] district court’s explanation should provide some indication that the court considered the [18 U.S.C.] § 3553(a) factors” and “considered [the] defendant’s nonfrivolous arguments for a lower sentence.” *United States v. Nance*, 957 F.3d 204, 212-13 (4th Cir. 2020) (cleaned up). Our review of the record reveals that that the district court addressed each of Mitchell’s mitigating arguments and adequately explained the chosen sentence, and we discern no other procedural errors. We therefore conclude that Mitchell’s sentence is procedurally reasonable.

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 Mitchell, in writing, of the right to petition the Supreme Court of the United States for further review. If Mitchell 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 Mitchell.

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