

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-2813

United States of America,

Appellee,

v.

Quincy Deron Donnell,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: October 21, 2008

Filed: October 30, 2008

Before MURPHY, BYE, and BENTON, Circuit Judges.

PER CURIAM.

Quincy Deron Donnell appeals his sentence imposed by the district court¹ following Donnell's guilty plea to possessing more than 5 grams of crack cocaine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B). Donnell's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the district court erred in calculating Donnell's advisory Sentencing Guidelines range.

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

Donnell's written plea agreement contains a broad waiver of the right to appeal his sentence. We enforce the waiver, because Donnell knowingly and voluntarily entered into both the plea agreement and the appeal waiver, the argument on appeal falls within the scope of the waiver, and no injustice would result from enforcing it. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc).

Having reviewed the record independently under Penson v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues for appeal beyond the scope of the appeal waiver. Accordingly, we dismiss this appeal. We also grant defense counsel's motion to withdraw on condition that counsel inform appellant about the procedures for filing petitions for rehearing and for certiorari.
