

United States Court of Appeals  
For the Eighth Circuit

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No. 18-2676

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United States of America

*Plaintiff - Appellee*

v.

Michael Singletary

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Missouri - Springfield

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Submitted: February 20, 2019

Filed: March 13, 2019

[Unpublished]

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Before LOKEN, COLLOTON, and KOBES, Circuit Judges.

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PER CURIAM.

Michael Singletary appeals the district court's<sup>1</sup> judgment imposed after he pleaded guilty to an assault charge. Singletary's counsel moved for leave to withdraw

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<sup>1</sup>The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri.

and filed a brief under Anders v. California, 386 U.S. 738 (1967), acknowledging an appeal waiver in Singletary's plea agreement. In a pro se brief, Singletary asserted ineffective assistance of counsel.

Following careful de novo review, we conclude the record establishes that Singletary's guilty plea was knowing and voluntary, including the appeal-waiver provision, and that enforcing the appeal waiver would not result in a miscarriage of justice. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (standard of review; United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). At the plea hearing, Singletary confirmed that he understood the plea agreement, including the maximum penalty and the appeal waiver; and that no one had made any promises to induce him to plead guilty. See Nguyen v. United States, 114 F.3d 699, 703 (8th Cir. 1997) (defendant's statements at plea hearing carry strong presumption of verity). We decline to address Singletary's claim of ineffective assistance of counsel in this direct appeal because it requires development of an adequate record. See United States v. Ramirez-Hernandez, 449 F.3d 824, 826-27 (8th Cir. 2006).

We have reviewed the record independently under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues. We affirm the judgment of the district court and grant counsel's motion to withdraw.

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