

United States Court of Appeals
For the Eighth Circuit

No. 18-3232

United States of America

Plaintiff - Appellee

v.

Derrill Watt

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: July 15, 2019

Filed: July 22, 2019

[Unpublished]

Before LOKEN, GRUENDER, and STRAS, Circuit Judges.

PER CURIAM.

Derrill Watt pleaded guilty to possessing a firearm he knew was stolen, 18 U.S.C. § 922(j). As part of his plea agreement, he waived his right to appeal his sentence unless it exceeded his Sentencing Guidelines range. The 80-month

sentence the district court¹ imposed was below his 84- to 105-month Guidelines range. In an *Anders* brief, Watt’s counsel requests permission to withdraw and identifies the applicability of a four-level Guidelines enhancement for possessing a firearm in connection with another felony offense as an issue on appeal. *See* U.S.S.G. § 2K2.1(b)(6)(B); *see also Anders v. California*, 386 U.S. 738 (1967). In a pro se brief, Watt makes the same argument.

We review the validity and applicability of an appeal waiver de novo. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010). Upon careful review, we conclude that the appeal waiver is enforceable and that it is applicable to the issue raised on appeal. *See United States v. Andis*, 333 F.3d 886, 889–92 (8th Cir. 2003) (en banc) (explaining that an appeal waiver will be enforced if the appeal falls within the scope of the waiver, the defendant knowingly and voluntarily entered into the plea agreement and the waiver, and enforcing the waiver would not result in a miscarriage of justice). We have also independently reviewed the record and conclude that no other non-frivolous issues exist. *See Penson v. Ohio*, 488 U.S. 75 (1988). Accordingly, we dismiss the appeal and grant counsel permission to withdraw.

¹The Honorable Ronnie L. White, United States District Judge for the Eastern District of Missouri.