

United States Court of Appeals  
For the Eighth Circuit

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No. 18-3353

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United States of America

*Plaintiff - Appellee*

v.

Corey Dean Frasher

*Defendant - Appellant*

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

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Submitted: June 17, 2019

Filed: June 28, 2019

[Unpublished]

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Before COLLTON, ERICKSON, and STRAS, Circuit Judges.

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PER CURIAM.

Corey Frasher pleaded guilty to sexual exploitation of a child, 18 U.S.C. § 2251(a), (e), and being a felon in possession of firearms, *id.* §§ 922(g)(1), 924(a)(2). As part of his plea agreement, he waived his right to appeal unless, as

relevant here, his sentence exceeded the statutory maximum. The district court<sup>1</sup> imposed a total sentence of 420 months in prison, which included 360 months on the sexual-exploitation count and 60 months on the firearm-possession count. Neither sentence exceeded the statutory maximum. *See id.* §§ 924(a)(2), 2251(e). In an *Anders* brief, Frasher’s counsel suggests that the total sentence is substantively unreasonable and requests permission to withdraw. *See Anders v. California*, 386 U.S. 738 (1967).

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. *Penson v. Ohio*, 488 U.S. 75 (1988). Accordingly, we dismiss the appeal and grant counsel permission to withdraw.

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<sup>1</sup>The Honorable M. Douglas Harpool, United States District Judge for the Western District of Missouri.