

United States Court of Appeals  
For the Eighth Circuit

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No. 18-3590

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United States of America

*Plaintiff - Appellee*

v.

Victoria Christine Sharp

*Defendant - Appellant*

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

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Submitted: April 10, 2019

Filed: April 16, 2019

[Unpublished]

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Before LOKEN, GRUENDER, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Victoria Sharp directly appeals after she pleaded guilty to bank fraud, under a plea agreement containing an appeal waiver, and the district court<sup>1</sup> sentenced her to

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<sup>1</sup>The Honorable Brian C. Wimes, United States District Judge for the Western District of Missouri.

a below-Guidelines prison term. Her counsel has moved for leave to withdraw, and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the sentence.

Upon careful review, we conclude that the appeal waiver is valid, enforceable, and applicable to the issue raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (validity and applicability of an appeal waiver is reviewed de novo); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (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 under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal falling outside the scope of the waiver. Accordingly, we dismiss this appeal based on the appeal waiver, and we grant counsel's motion to withdraw.

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