

United States Court of Appeals
For the Eighth Circuit

No. 19-2809

United States of America

Plaintiff - Appellee

v.

Ernest Lamont Rayton

Defendant - Appellant

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

Submitted: April 24, 2020

Filed: April 29, 2020

[Unpublished]

Before BENTON, WOLLMAN, and GRASZ, Circuit Judges.

PER CURIAM.

Ernest Rayton appeals after he pled guilty, pursuant to a Fed. R. Crim. P. 11(c)(1)(C) plea agreement containing an appeal waiver, to a sex-trafficking offense;

and the district court¹ sentenced him to 35 months in prison and 5 years of supervised release with special conditions. His counsel has moved for leave to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), suggesting Rayton's sentence is substantively unreasonable. Rayton has filed a pro se brief, in which he also challenges the substantive reasonableness of his sentence, as well as the special conditions of supervised release.

Upon careful de novo review, we conclude the appeal waiver is valid, applicable, and enforceable. See *United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010) (reviewing de novo the validity and applicability of appeal waiver); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (enforcing appeal waiver if appeal falls within scope of waiver, defendant knowingly and voluntarily entered into plea agreement and waiver, and enforcing waiver would not result in miscarriage of justice). We have also independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and there are no nonfrivolous issues for appeal falling outside the scope of the appeal waiver. Accordingly, we grant counsel's motion, and we dismiss this appeal.

¹The Honorable Greg Kays, United States District Judge for the Western District of Missouri.