

United States Court of Appeals
For the Eighth Circuit

No. 19-3311

United States of America

Plaintiff - Appellee

v.

Terry Douglas Jacobs

Defendant - Appellant

No. 19-3312

United States of America

Plaintiff - Appellee

v.

Terry Douglas Jacobs

Defendant - Appellant

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

Submitted: June 4, 2020

Filed: June 9, 2020

[Unpublished]

Before ERICKSON, WOLLMAN, and STRAS, Circuit Judges.

PER CURIAM.

Terry Jacobs pleaded guilty, in two separate cases, to Hobbs Act robbery, armed bank robbery, and brandishing a firearm during and in relation to a crime of violence. *See* 18 U.S.C. §§ 924(c)(1)(A)(ii), 1951(a), 2113(a), (d). The plea agreements in both cases waived his right to appeal his sentence unless, as relevant here, it exceeded the statutory maximum. The district court¹ consolidated the cases and gave him a 194-month sentence, less than the statutory maximum. *See id.* In an *Anders* brief, Jacobs's counsel raises the substantive reasonableness of the sentence as a potential issue on appeal 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 waivers in these cases are both applicable and enforceable. *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 both appeals and grant counsel permission to withdraw.

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.