

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-4030

United States of America,

Appellee,

v.

Patrick Jefferson,

Appellant.

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

[UNPUBLISHED]

Submitted: April 6, 2001
Filed: April 26, 2001

Before BOWMAN, HEANEY, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Patrick Jefferson was convicted of conspiring to distribute and/or possess with intent to distribute cocaine, marijuana, and/or heroin, in violation of 21 U.S.C. § 846 (1994). The District Court¹ sentenced him to 150 months imprisonment and 8 years supervised release. On appeal, his counsel raises three issues in a brief filed pursuant to Anders v. California, 386 U.S. 738 (1967), and Jefferson raises two issues pro se.

¹The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri.

We reject seriatim the issues raised by Jefferson and his counsel. First, we find that the evidence was sufficient to support Jefferson's conviction. See United States v. Grimaldo, 214 F.3d 967, 975 (8th Cir. 2000), cert. denied, 121 S. Ct. 330 (2000) and 121 S. Ct. 784 (2001). Second, the prosecutor adequately articulated a race-neutral reason for exercising a peremptory strike against an African-American venireperson. See Purkett v. Elem, 514 U.S. 765, 767-69 (1995) (per curiam). Third, the District Court did not clearly err in applying an enhancement for possessing a firearm in connection with the offense. See Brown v. United States, 169 F.3d 531, 532-33 (8th Cir. 1999). Fourth, Jefferson's retrial, after a hung jury in his first trial, was not barred by double jeopardy. See Lockhart v. Nelson, 488 U.S. 33, 38 (1988). Finally, Jefferson's sentence does not violate Apprendi v. New Jersey, 530 U.S. 466 (2000). See United States v. Aguayo-Delgado, 220 F.3d 926, 934 (8th Cir.), cert. denied, 121 S. Ct. 600 (2000).

We have reviewed the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), and we have found no nonfrivolous issues for appeal. Accordingly, we affirm the judgment of the District Court, and we grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.