

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1794

United States of America,

Appellee,

v.

Leroy Louis Scott, Jr.,

Appellant.

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Appeal from the United States
District Court for the
District of South Dakota.

[UNPUBLISHED]

Submitted: November 6, 2001

Filed: November 14, 2001

Before BOWMAN, BEAM, and BYE, Circuit Judges.

PER CURIAM.

After a jury trial, Leroy Louis Scott, Jr., was convicted of escaping from federal custody, in violation of 18 U.S.C. § 751(a) (1994). The District Court¹ sentenced him to sixteen months' imprisonment and two years' supervised release. On appeal, his counsel has filed a brief and moved to withdraw under Anders v. California, 386 U.S. 738 (1967), and Scott has filed a pro se supplemental brief.

¹The Honorable Lawrence L. Piersol, Chief Judge, United States District Court for the District of South Dakota.

We have carefully considered each of the issues raised on appeal—regarding Scott’s speedy-trial rights under the Sixth Amendment and the Speedy Trial Act, his Fifth Amendment right to be free from excessive pre-indictment delay, the alleged variance between the indictment and the jury instructions, the District Court’s receipt of hearsay evidence, and his duplicity challenge to the indictment—and we find each argument to be without merit. Additionally, having reviewed the record independently pursuant to Penon v. Ohio, 488 U.S. 75 (1988), we have not found any 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.