

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1009

United States of America,

Appellee,

v.

Larry L. Smith,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.
[UNPUBLISHED]

Submitted: July 5, 2002
Filed: July 16, 2002

Before HANSEN, Chief Judge, McMILLIAN, and RICHARD S. ARNOLD, Circuit
Judges.

PER CURIAM.

Larry L. Smith pleaded guilty to possessing cocaine base with intent to distribute, in violation of 21 U.S.C. § 841(a)(1), and he was sentenced to 135 months imprisonment and 5 years supervised release. He appeals the sentence imposed by the district court.¹ On appeal, his counsel has filed a brief and moved to withdraw under Anders v. California, 386 U.S. 738 (1967), and Smith has not filed a pro se supplemental brief.

¹The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.

Because Smith knowingly and intelligently waived his right to appeal his sentence as part of his plea agreement, we dismiss this appeal. See United States v. Estrada-Bahena, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing appeal waiver and dismissing appeal in Anders case); United States v. Greger, 98 F.3d 1080, 1081-82 (8th Cir. 1996) (appeal waiver was knowing and intelligent where it was included in plea agreement, it was discussed at change-of-plea hearing, court imposed sentence without objection from defendant, and court reviewed appeal waiver at sentencing).

Having found no nonfrivolous issues relating to Smith's conviction after reviewing the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we grant counsel's motion to withdraw.

A true copy.

Attest:

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