

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-2170

United States of America,

Appellee,

v.

Steven John Cory, also known as Head
On In, also known as K & S Tee's &
Things,

Appellant.

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* Appeal from the United States
* District Court for the
* Southern District of Iowa.
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* **[UNPUBLISHED]**
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Submitted: August 28, 2002
Filed: August 30, 2002

Before WOLLMAN, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

Steven Cory pleaded guilty to conspiring to sell drug paraphernalia, in violation of 21 U.S.C. § 846, and a forfeiture count. After granting the government's substantial-assistance departure motion, the district court¹ sentenced him to 21 months imprisonment and 1 year supervised release. On appeal, counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967),

¹The HONORABLE ROBERT W. PRATT, United States District Judge for the Southern District of Iowa.

arguing the district court erred by failing to state the reasons for Cory's sentence, thereby precluding meaningful appellate review of the extent of the downward departure.

We conclude that Cory waived this argument because he did not raise it below. See United States v. McCabe, 270 F.3d 588, 590 (8th Cir. 2001), cert. denied, 122 S. Ct. 1588 (2002). Further, any error did not affect Cory's substantial rights and therefore is harmless, because the extent of the downward departure is unreviewable. See Fed. R. Crim. P. 52(a); United States v. Puckett, 147 F.3d 765, 772 (8th Cir. 1998). Finally, following our independent review, see Penon v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues.

Accordingly, we grant counsel's motion to withdraw, and we affirm.

A true copy.

Attest:

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