

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 06-2639

United States of America,

Appellee,

v.

Corteze Edwards,

Appellant.

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

[UNPUBLISHED]

Submitted: October 22, 2009

Filed: October 27, 2009

Before WOLLMAN, RILEY, and SMITH, Circuit Judges.

PER CURIAM.

Corteze Edwards appeals the sentence the district court¹ imposed after he pleaded guilty to an attempted-bank-robbery charge. In a brief filed under Anders v. California, 386 U.S. 738 (1967), his counsel argues that although Edwards waived his right to appeal his sentence, it is possible that Edwards did not waive his rights knowingly and voluntarily, and that enforcement of the appeal waiver would result in a miscarriage of justice because Edwards was unjustly penalized in light of his minimal involvement in the incident.

¹The Honorable Carol E. Jackson, United States District Judge for the Eastern District of Missouri.

In the plea agreement, the parties agreed that Edwards's sentencing range would be 292-365 months, which was below the applicable Guidelines range, and the parties waived their rights to appeal all sentencing issues if the court sentenced Edwards within the agreed-upon range. The court sentenced Edwards at the bottom of the range to 292 months in prison. We will enforce the appeal waiver here. The record reflects that Edwards understood and voluntarily accepted the terms of the plea agreement, including the appeal waiver; the direct appeal falls within the scope of the waiver; and no injustice would result. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (discussing enforceability of appeal waiver).

Having reviewed the record independently pursuant to Penson v. Ohio, 488 U.S. 75, 80 (1988), for any nonfrivolous issue not covered by the waiver, we find none. Accordingly, we dismiss the appeal, grant counsel leave to withdraw, and deny Edwards's motion for new appellate counsel.
