

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

---

No. 08-2069

---

United States of America,

Appellee,

v.

Billy Marie Scarlett,

Appellant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

Appeal from the United States  
District Court for the  
Southern District of Iowa.

[UNPUBLISHED]

---

Submitted: October 8, 2009  
Filed: October 14, 2009

---

Before WOLLMAN, RILEY, and SMITH, Circuit Judges.

---

PER CURIAM.

Billy Marie Scarlett (Scarlett) appeals the 240-month prison sentence the district court<sup>1</sup> imposed after Scarlett pled guilty to conspiring to distribute 500 grams or more of a methamphetamine mixture, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A), and 846. Her counsel filed a brief under Anders v. California, 386 U.S. 738 (1967), questioning whether the sentence was unreasonable, and moved to withdraw. Scarlett filed a supplemental brief raising the same argument.

---

<sup>1</sup>The Honorable John A. Jarvey, United States District Judge for the Southern District of Iowa.

Scarlett pled guilty pursuant to a plea agreement containing a waiver of the right to appeal her conviction and sentence. We enforce that appeal waiver here. The record reflects Scarlett understood and voluntarily accepted the terms of the plea agreement, including the appeal waiver; the appeal falls within the scope of the waiver; and no injustice would result from enforcing it. See United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc); United States v. Estrada-Bahena, 201 F.3d 1070, 1071 (8th Cir. 2000) (per curiam) (enforcing an appeal waiver in an Anders case).

Having reviewed the record independently under Penon v. Ohio, 488 U.S. 75, 80 (1988), we find no nonfrivolous issues for appeal beyond the scope of the waiver. Therefore, we dismiss the appeal, we grant counsel's motion to withdraw, and we deny Scarlett's motion for appointment of new counsel.

---