
No. 96-2371

United States of America,

Appellee,

v.

Joseph Moses,

Appellant.

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

[UNPUBLISHED]

Submitted: November 8, 1996

Filed: November 15, 1996

Before BOWMAN, MAGILL, and LOKEN, Circuit Judges.

PER CURIAM.

Joseph Moses appeals from the 48-month sentence imposed by the district court¹ following his guilty plea to distributing methamphetamine, in violation of 21 U.S.C. § 841(a)(1). The sentence reflected a substantial-assistance downward departure from the Guidelines range. We have carefully reviewed the record and conclude Moses knowingly and voluntarily waived his right to appeal under these circumstances. See United States v. Rutan, 956 F.2d 827, 829 (8th Cir. 1992); United States v. Albers, 961 F.2d 710, 712 (8th Cir. 1992).

Accordingly, the appeal is dismissed. Moses's motion to supplement the record with the transcript of a co-defendant is denied.

¹The HONORABLE RICHARD H. BATTEY, Chief Judge, United States District Court for the District of South Dakota.

A true copy.

Attest:

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