

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
JAMES DUKES, JR., a/k/a Bubba,
Defendant-Appellant.

No. 00-4866

Appeal from the United States District Court
for the District of South Carolina, at Aiken.
Cameron McGowan Currie, District Judge.
(CR-00-258)

Submitted: October 17, 2001

Decided: October 30, 2001

Before WIDENER, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

E. T. Moore, Jr., MOORE LAW FIRM, Barnwell, South Carolina, for Appellant. Jane Barrett Taylor, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

James Dukes, Jr., appeals his conviction and sentence of sixty months imprisonment for possession with intent to distribute cocaine base, in violation of 21 U.S.C.A. § 841(a)(1) (West 1999). Dukes' counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), addressing whether the district court fully complied with Fed. R. Crim. P. 11 in accepting Dukes' guilty plea, and whether the imposition of a sixty-month statutory mandatory minimum sentence violated *Apprendi v. New Jersey*, 530 U.S. 466 (2000), but stating that in his opinion there were no meritorious issues for appeal. Although advised of his right to do so, Dukes has not filed a pro se supplemental brief.

We have reviewed the record and find that the district court complied with all the mandates of Fed. R. Crim. P. 11 in accepting Dukes' guilty plea. See *United States v. Goins*, 51 F.3d 400, 402 (4th Cir. 1995) (providing standard). We further find Dukes' sixty-month sentence did not violate *Apprendi*. See *United States v. Angle*, 254 F.3d 514, 518 (4th Cir. 2001) (en banc), *cert. denied*, ___ U.S. ___, 2001 WL 995333 (U.S. Oct. 1, 2001) (No. 01-5838); *United States v. Pratt*, 239 F.3d 640, 647 (4th Cir. 2001).

As required by *Anders*, we have examined the entire record and find no other meritorious issues for appeal. Accordingly, we affirm Dukes' conviction and sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED