

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
JOANNE MARY STEPHENSON, <i>Defendant-Appellant.</i>

No. 01-4561

Appeal from the United States District Court
for the District of South Carolina, at Florence.
C. Weston Houck, District Judge.
(CR-00-739)

Submitted: January 31, 2002

Decided: February 11, 2002

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Gordon McBride, MCBRIDE LAW FIRM, Hartsville, South Carolina, for Appellant. Rosemary Davis Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Joanne Mary Stephenson appeals from her conviction and forty-eight-month sentence imposed following her guilty plea to conspiracy to distribute and to possess with intent to distribute marijuana in violation of 21 U.S.C.A. § 846 (West 1999). Stephenson's counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 744 (1967), stating that there were no meritorious issues for appeal, but addressing the possibility that the plea was invalid and that the sentence was improper. Stephenson was informed of her right to file a pro se brief, but she has not done so. Because our review of the record discloses no reversible error, we affirm Stephenson's conviction and sentence.

We find that Stephenson's guilty plea was knowingly and voluntarily entered after a thorough hearing pursuant to Fed. R. Crim. P. 11. Stephenson was properly advised as to her rights, the offense charged, and the maximum sentence for the offense. The court also determined that there was an independent factual basis for the plea and that the plea was not coerced or influenced by any promises. *See North Carolina v. Alford*, 400 U.S. 25, 31 (1970); *United States v. DeFusco*, 949 F.2d 114, 119-20 (4th Cir. 1991).

We find no plain error in the district court's determination that Stephenson was accountable for three kilograms of cocaine and 300 pounds of marijuana. *See United States v. Olano*, 507 U.S. 725, 731-32 (1993). These amounts are supported by the record. Based on these drug quantities, the district court properly computed Stephenson's offense level and criminal history category and correctly determined the applicable guideline range of eighty-seven to one hundred-eight months. Upon the government's motion, the court departed downward based on Stephenson's substantial assistance and imposed a forty-eight-month sentence. We find no error in the imposition of this sentence.

As required by *Anders*, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm Stephenson's conviction and sentence. This court requires that counsel inform his client, in writing, of her 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