

UNPUBLISHED  
**UNITED STATES COURT OF APPEALS**  
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>  v.  JAY SCOTT JOHNSON, a/k/a Jay Scott, <i>Defendant-Appellant.</i>
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No. 02-4439

Appeal from the United States District Court  
for the District of South Carolina, at Charleston.  
Patrick Michael Duffy, District Judge.  
(CR-01-388)

Submitted: May 12, 2003

Decided: May 20, 2003

Before LUTTIG, WILLIAMS, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Cameron B. Littlejohn, Jr., Columbia, South Carolina, for Appellant.  
Miller Williams Shealy, Jr., OFFICE OF THE UNITED STATES  
ATTORNEY, Charleston, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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**OPINION**

## PER CURIAM:

Jay Scott Johnson appeals his conviction and seventy-seven month sentence imposed following his guilty plea to three counts of possession with intent to distribute and distribution of less than 100 grams of heroin, in violation of 21 U.S.C. § 841(a)(1) (2000).

Johnson's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), in which he raises the issue of whether the guidelines were properly applied during sentencing. In his pro se supplemental brief, Johnson raises the issue of whether the district court erred in including a quantity of drugs he allegedly possessed for personal use in calculating the base offense level under the Guidelines.

After carefully reviewing the record, we find no erroneous application of the sentencing guidelines. We reject Johnson's argument that the district court erred by declining to reduce the quantity of heroin attributable to Johnson based on his assertion that half of the heroin he possessed was for his personal use. *See United States v. Randall*, 171 F.3d 195, 210 (4th Cir. 1999).

In accordance with *Anders*, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm Johnson's 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*