

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4161

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILLIE LEE HERRIOTT,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (CR-02-30)

Submitted: September 29, 2003

Decided: October 17, 2003

Before WILLIAMS, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William F. Nettles, IV, Assistant Federal Public Defender, Florence, South Carolina, for Appellant. Alfred William Walker Bethea, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Willie Lee Herriott pled guilty to possession with intent to distribute of over 500 grams of cocaine and was sentenced to 225 months imprisonment. Herriott's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), stating that, in his view, there are no meritorious grounds for appeal, but raising the issues as to whether the district court complied with the requirements of Fed. R. Crim. P. 11 in accepting Herriott's guilty plea, and whether the district court improperly sentenced Herriott as a career offender under U.S. Sentencing Guidelines Manual § 4B1.1 (2001). Herriott has filed a pro se supplemental brief.

Following a de novo review of the record, we find that the district court complied with all the mandates of Rule 11 in accepting Herriott's guilty plea. See United States v. Goins, 51 F.3d 400, 402 (4th Cir. 1995) (providing standard); Fed. R. Crim. P. 11. We also find that the district court did not commit reversible error in sentencing Herriott as a career offender under USSG § 4B1.1. He was over eighteen years old when he committed the instant felony offense, which involved a controlled substance, and he had two qualifying prior felony convictions. USSG § 4B1.1.

In accordance with the requirements of Anders, we have reviewed the record for potential error and have found none. We further find no merit to the claims raised in Herriott's pro se

supplemental brief. Therefore, we affirm Herriott'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 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 in the decisional process.

AFFIRMED