

Vacated by Supreme Court, January 24, 2005

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 04-4090**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

EDDIE SWEENEY CHOICE,

Defendant - Appellant.

---

Appeal from the United States District Court for the District of South Carolina, at Greenville. G. Ross Anderson, Jr., District Judge. (CR-03-699)

---

Submitted: July 15, 2004

Decided: July 20, 2004

---

Before MOTZ, KING, and GREGORY, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

David W. Plowden, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. James Strom Thurmond, Jr., United States Attorney, Columbia, South Carolina, Alan Lance Crick, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Eddie Sweeny Choice appeals his conviction and eighty-two month sentence after pleading guilty pursuant to a written plea agreement to unlawful possession of a firearm in violation of 21 U.S.C. § 922(g)(1) (2000). His attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but raising the issue of whether the district court failed to follow the requirements of Fed. R. Crim. P. 11 at the plea hearing. Although notified by both this court and his attorney of his right to file a pro se supplemental brief, Choice has not done so. Finding no reversible error, we affirm.

Choice contends his plea hearing failed to comport with Rule 11. As Choice raised no objection to the Rule 11 proceeding below, we review this claim for plain error. United States v. General, 278 F.3d 389, 394 (4th Cir.), cert. denied, 536 U.S. 950 (2002). In light of the district court's thorough plea colloquy, we find Choice was fully aware of his rights and the consequences of his plea and that his plea was knowing and voluntary. We find the district court complied with the requirements of Rule 11 in accepting Choice's plea.

We have reviewed the entire record in this case in accordance with the requirements of Anders, and find no meritorious issues for appeal. Accordingly, we affirm Choice'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. 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