

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4944

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JADRAIN BRANDON SMALL, a/k/a Jadrain Brandon
Smalls, a/k/a Lil J,

Defendant - Appellant.

Appeal from the United States District Court for the District of
South Carolina, at Charleston. Patrick Michael Duffy, District
Judge. (CR-05-141)

Submitted: March 30, 2006

Decided: April 5, 2006

Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

J. Robert Haley, Assistant Federal Public Defender, Charleston,
South Carolina, for Appellant. John C. Duane, Assistant United
States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jadrain B. Small appeals from his 180-month sentence imposed following his guilty plea to possession with intent to distribute cocaine base and using or carrying a firearm during and in relation to a drug trafficking offense. 21 U.S.C.A. § 841(a)(1), (b)(1)(C) (West 2000 & Supp. 2005); 18 U.S.C.A. § 924(c)(1)(a) (West 2000 & Supp. 2005). Small'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 validity of Small's plea. Small filed a pro se supplemental brief challenging his sentence. Because our review of the record discloses no reversible error, we affirm.

We find that Small's guilty plea was knowingly and voluntarily entered after a thorough hearing pursuant to Fed. R. Crim. P. 11. Small was properly advised of his rights, the offenses charged, the maximum sentence for each offense, and the statutory minimum sentence for each 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).

Small contends that the district court erred in sentencing him to the minimum term expressed in the statute of conviction, rather than the much-lower sentence determined under

the Sentencing Guidelines. Because the statutes set the mandatory minimum sentences applicable to Small's offenses, and the district court properly sentenced Small within the statutory range, we affirm his sentence.

As required by Anders, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm Small's convictions 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