

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-5143

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DERRELL LAMONT GILCHRIST, a/k/a Darrell Lamont
Gilchrist,

Defendant - Appellant.

Appeal from the United States District Court for the District of
Maryland, at Greenbelt. Deborah K. Chasanow, District Judge.
(CR-02-245-DKC)

Submitted: September 29, 2006

Decided: October 30, 2006

Before NIEMEYER and LUTTIG,* Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Timothy J. Sullivan, SULLIVAN & SULLIVAN, College Park, Maryland,
for Appellant. Deborah A. Johnston, OFFICE OF THE UNITED STATES
ATTORNEY, Greenbelt, Maryland, for Appellee.

*Judge Luttig was a member of the original panel but did not
participate in this decision. This opinion is filed by a quorum of
the panel pursuant to 28 U.S.C. § 46(d).

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Following a jury trial, Derrell Lamont Gilchrist was convicted of three counts of armed bank robbery, 18 U.S.C. § 2113(a) & (d) (2000) (Counts 1, 3, 6); one count of conspiracy to commit bank robbery and carjacking, 18 U.S.C. § 371 (2000) (Count 5); one count of carjacking, 18 U.S.C. § 2119 (2000) (Count 10); four counts of use of a firearm in furtherance of a crime of violence, 18 U.S.C.A. § 924(c) (West 2000 & Supp. 2006) (Counts 2, 4, 7, 11); and one count of being a felon in possession of a firearm, 18 U.S.C. § 922(g) (2000) (Count 12). The court sentenced Gilchrist to 112 years of imprisonment. We affirmed the conviction. Thereafter, however, we granted Gilchrist's petition for rehearing and vacated and remanded to the district court for resentencing in light of Booker v. United States, 543 U.S. 220 (2005). The district court resentenced Gilchrist to an identical sentence and he again appeals.

Gilchrist's counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), alleging that there are no meritorious claims on appeal but raising the following issue: whether the district court erred by allowing Gilchrist to be tried and sentenced on an indictment that failed to allege specific violations of 18 U.S.C.A. § 924(c)(1)(C). We have previously rejected this argument. See United States v. Robinson, 404 F.3d 850, 862 (4th Cir. 2005); see also Harris v. United States, 536

U.S. 545 (2002) (holding that Apprendi v. New Jersey, 530 U.S. 466 (2000), the precursor case to Booker, applies to facts that increase the sentence beyond the statutory maximum, but not to facts that merely increase the mandatory minimum sentence).

We have examined the entire record in this case in accordance with the requirements of Anders, including the issues raised in Gilchrist's pro se supplemental brief, and find no meritorious issues for appeal. Accordingly, we affirm. 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