

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-5205**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JUAN CARLOS SORTO,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Richard L. Voorhees, District Judge. (5:05-cr-00030-1)

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Submitted: August 23, 2007

Decided: August 28, 2007

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Before WILLIAMS, Chief Judge, and WILKINS and HAMILTON, Senior Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Lisa S. Costner, LISA S. COSTNER, P.A., Winston-Salem, North Carolina, for Appellant. Amy Elizabeth Ray, OFFICE OF THE UNITED STATES ATTORNEY, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Juan Carlos Sorto seeks to appeal his convictions and 123-month sentence imposed following his guilty plea to conspiracy to possess with intent to distribute at least fifty grams of methamphetamine and carrying a firearm during and in relation to a drug trafficking crime. Sorto's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal. Although notified of his right to do so, Sorto has not filed a pro se supplemental brief.

After conducting a de novo review of the record as required by Anders, we agree that there are no meritorious grounds for appeal. We find that the district court conducted a thorough colloquy pursuant to Fed. R. Crim. P. 11 and properly ascertained that Sorto's plea was knowing and voluntary. We also find that the court sentenced Sorto within a properly calculated Guidelines range, after granting the Government's motion for a five-level downward departure based on substantial assistance. To the extent that counsel notes that Sorto voiced some concerns about trial counsel prior to entering his guilty plea, we decline to address any potential ineffective assistance of counsel claim as no ineffective representation conclusively appears from the record. See United States v. Baldovinos, 434 F.3d 233, 239 (4th Cir.), cert. denied, 546 U.S. 1203 (2006).

Accordingly, we affirm Sorto's convictions and sentence. This court requires that counsel inform her 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