

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-5212**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

LEONARD A. CLEMENT, a/k/a L,

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. (05:05-cr-00009-23)

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Submitted: July 25, 2007

Decided: August 2, 2007

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Before GREGORY and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Reggie E. McKnight, MCKNIGHT LAW FIRM, P.L.L.C., Charlotte, North Carolina, for Appellant. Thomas Tullidge Cullen, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Leonard A. Clement pled guilty to conspiracy to possess with intent to distribute more than fifty grams of crack cocaine, more than five kilograms of cocaine, and more than 1000 kilograms of marijuana (Count 1), in violation of 21 U.S.C. § 846 (2000). The district court imposed a mandatory life sentence under 21 U.S.C.A. § 841(b)(1)(A) (West 1999 & Supp. 2007), based upon at least two prior felony drug convictions. Clement's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), challenging Clement's sentence but stating that, in his view, there are no meritorious issues for appeal. Clement filed a pro se supplemental brief. We affirm.

Relying on United States v. Collins, 415 F.3d 304 (4th Cir. 2005), counsel suggests that the district court erred by sentencing Clement without first determining the amount and type of drugs attributable to him individually. Counsel also asserts that the district court violated Clement's Sixth Amendment rights at sentencing. Because Clement did not object at sentencing on these grounds, this court's review is for plain error. See United States v. Smith, 452 F.3d 323, 330-31 (4th Cir.) (discussing standard of review), cert. denied, 127 S. Ct. 694 (2006). Here, the district court sentenced Clement to a mandatory life sentence under § 841(b)(1)(A) based upon at least two prior felony drug convictions. Moreover, contrary to Clement's claim in his pro se

supplemental brief that his prior convictions were misdemeanors, he admitted at the sentencing hearing that the prior convictions were felonies. Thus, we conclude there is no error in Clement's sentence.

In accordance with Anders, we have reviewed the entire record for any meritorious issues and have found none. Accordingly, we affirm the district court's judgment. This court requires that counsel inform the 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