

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 07-4767**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CORY A. GARRIES,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Wilmington. James C. Fox, Senior District Judge. (7:06-cr-00009-F)

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Submitted: March 25, 2008

Decided: March 27, 2008

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Before MOTZ, KING, and GREGORY, Circuit Judges.

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Affirmed in part; dismissed in part by unpublished per curiam opinion.

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Terry F. Rose, Smithfield, North Carolina, for Appellant. George E. B. Holding, United States Attorney, Anne M. Hayes, Banumathi Rangarajan, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Cory A. Garries pled guilty to a criminal information charging him with sexual abuse, 18 U.S.C.A. § 2242 (West 2000 & Supp. 2007), and was sentenced to a term of twenty years imprisonment and a life term of supervised release. In this appeal, Garries contests a four-level adjustment for aggravated sexual abuse applied by the district court under U.S. Sentencing Guidelines Manual § 2A3.1(b)(1) (2006), and also argues that his life term of supervised release exceeded the statutory maximum. We affirm in part and dismiss in part.

In his plea agreement, Garries waived appellate review of "any issues that relate to the establishment of the advisory guideline range . . . ." Our review of the record discloses that the district court advised him about the waiver provision at the guilty plea hearing, and that his waiver was knowing and voluntary. See United States v. General, 278 F.3d 389, 399-401 (4th Cir. 2002). Further, under 18 U.S.C.A. § 3583(k) (West 2000 & Supp. 2007), for a violation of § 2242, "the authorized term of supervised release . . . is any term of years not less than five, or life."

We therefore affirm the sentence imposed by the district court, but dismiss that portion of the appeal in which Garries contests the calculation of his advisory guideline range. 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 IN PART;  
DISMISSED IN PART