

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4728

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DERRICK KELVIN ABRAMS, a/k/a Willie Herman Newsome,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., District Judge. (3:14-cr-00172-RJC-1)

Submitted: May 2, 2016

Decided: May 4, 2016

Before GREGORY, DUNCAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Chiege O. Kalu Okwara, Charlotte, North Carolina, for Appellant.
Amy Elizabeth Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Derrick Kelvin Abrams pled guilty in accordance with a written plea agreement to passport fraud, 18 U.S.C. § 1542 (2012) (Count One), and aggravated identity theft, 18 U.S.C. § 1028A(a)(1) (2012) (Count Three). He was sentenced to zero months on Count One and twenty-four months, consecutive, on Count Three. Abrams now appeals. His attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), questioning the reasonableness of the sentence, but concluding that there are no meritorious issues for appeal. Abrams was advised of the right to file a pro se brief but has not filed such a brief. We affirm.

After careful review, we hold that the guilty plea was knowing and voluntary. Abrams stated at the Fed. R. Crim. P. 11 hearing that he was not under the influence of drugs or alcohol. He expressed satisfaction with his attorney's services. A factual basis for the plea was presented to the court, and Abrams admitted his guilt. Finally, the district court substantially complied with the requirements of Rule 11.

With respect to sentencing, the court properly calculated the Guidelines range, considered the 18 U.S.C. § 3553(a) (2012) factors and the arguments of the parties, and provided a sufficiently individualized assessment based on the facts of the case. We therefore conclude that the statutorily-required

24-month sentence is procedurally reasonable. Additionally, given the totality of the circumstances, the sentence is substantively reasonable. See Gall v. United States, 552 U.S. 38, 51 (2007); United States v. Carter, 564 F.3d 325, 330 (4th Cir. 2009).

Pursuant to Anders, we have reviewed the entire record and have found no meritorious issues for appeal. Accordingly, we affirm the district court's judgment. This court requires that counsel inform Abrams, in writing, of the right to petition the Supreme Court of the United States for further review. If Abrams 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 Abrams. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED