

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 97-4063

JULIO CESAR PEREZ, a/k/a Jose Luis

Villarreal,

Defendant-Appellant.

Appeal from the United States District Court
for the District of South Carolina, at Columbia.

Joseph F. Anderson, Jr., District Judge.

(CR-96-305)

Submitted: September 11, 1997

Decided: September 24, 1997

Before RUSSELL, MURNAGHAN, and HAMILTON,
Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

F. Xavier Starkes, Columbia, South Carolina, for Appellant. Kelly

Elizabeth Shackelford, OFFICE OF THE UNITED STATES

ATTORNEY, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Julio Cesar Perez appeals his conviction and sentence for conspiracy to possess marijuana with the intent to distribute in violation of 21 U.S.C. § 846 (1994). We affirm.

Perez's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising three potentially meritorious issues. They are:

- (1) the district court failed to comply with Fed. R. Crim. P. 11 in conducting Perez's plea hearing;
- (2) the district court erred in enhancing Perez's sentence under U.S. Sentencing Guidelines Manual § 3B1.1 (1996); and
- (3) the district court erred in denying Perez a reduction in sentence for acceptance of responsibility under USSG § 3E1.1.

Our review of the record reveals that these issues are without merit. The district court fully complied with Rule 11. Further, the facts presented at the plea and sentencing hearings reveal that at least five participants were involved in the conspiracy at issue and that Perez exercised control over most, if not all of these participants, thus justifying a four-point enhancement under USSG § 3B1.1. Finally, given that Perez properly received an enhancement for obstruction of justice under USSG § 3C1.1, we cannot say that the district court clearly erred in denying Perez a § 3E1.1 reduction. See United States v. Kidd, 12 F.3d 30, 34 (4th Cir. 1993) (establishing standard of review), cert. denied, 511 U.S. 1059 (1994); USSG § 3E1.1, comment. (n.4).

In accordance with the requirements of Anders, we have examined the entire record in this case and find no other meritorious issues for appeal. We therefore affirm Perez's sentence and require that counsel inform Perez, in writing, of his right to petition the Supreme Court of the United States for further review. If Perez requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move this Court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Perez.

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