

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4466

MARCUS D. MERRIWEATHER,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Virginia, at Newport News.
Jerome B. Friedman, District Judge.
(CR-98-81)

Submitted: January 20, 2000

Decided: February 2, 2000

Before WILLIAMS, MICHAEL, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Deirdre Ann Farrington, Hampton, Virginia, for Appellant. Oscar L. Shepherd, Jr., Special Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Marcus D. Merriweather pled guilty to driving a motor vehicle after having been declared an habitual offender in violation of Virginia state law. Because Merriweather's offense occurred on the property of Fort Monroe, Virginia, he was charged in district court under the Assimilated Crimes Act, 18 U.S.C.A. § 13 (West Supp. 1999). The district court imposed an eighteen-month sentence. Merriweather's attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967). Counsel states that there are no meritorious grounds for appeal but raises the following issues: whether Merriweather was denied effective assistance of counsel; whether the district court erred in refusing to commit Merriweather to the Virginia Department of Corrections for evaluation to determine eligibility and suitability to participate in an alternative sanction program under Virginia law; and whether the district court erred in sentencing Merriweather to eighteen months' imprisonment. Although informed of his right to file a supplemental brief, Merriweather has not done so. Because our review of the record reveals no reversible error, we affirm.

We have examined the entire record in this case in accordance with the requirement of Anders and find no meritorious issues for appeal. This Court requires that counsel inform her client, in writing, of his right to petition to 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