

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4553

PERRY SELLOM DEI,

Defendant-Appellant.

Appeal from the United States District Court  
for the Eastern District of Virginia, at Norfolk.  
Jerome B. Friedman, District Judge.  
(CR-98-170)

Submitted: March 31, 2000

Decided: April 18, 2000

Before LUTTIG, TRAXLER, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Sterling H. Weaver, Sr., WEAVER LAW OFFICES, Portsmouth,  
Virginia, for Appellant. Helen F. Fahey, United States Attorney,  
James Ashford Metcalfe, Assistant United States Attorney, Norfolk,  
Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

## OPINION

### PER CURIAM:

Perry Sellom Dei appeals the district court's denial of his motion to withdraw his guilty plea. A defendant has no absolute right to withdraw a plea of guilty. See United States v. Ewing, 957 F.2d 115, 118 (4th Cir. 1992). This court reviews a denial of a motion to withdraw a guilty plea for an abuse of discretion. See United States v. Wilson, 81 F.3d 1300, 1305 (4th Cir. 1996). Under Fed. R. Crim. P. 32(e), when a defendant moves to withdraw his plea prior to sentencing, the court may permit withdrawal if the defendant shows "any fair and just reason." In determining whether a defendant has demonstrated such a reason, courts consider six factors:

- (1) whether the defendant has offered credible evidence that his plea was not knowing or not voluntary;
- (2) whether defendant has credibly asserted his legal innocence;
- (3) whether there has been a delay between the entering of the plea and the filing of the motion;
- (4) whether the defendant has had close assistance of competent counsel;
- (5) whether withdrawal will cause prejudice to the government; and
- (6) whether it will inconvenience the court and waste judicial resources.

Wilson, 81 F.3d at 1306 (citing United States v. Moore, 931 F.2d 245 (4th Cir. 1991)).

Our review of the record in light of each of these factors leads us to conclude that the district court did not abuse its discretion in denying Dei's motion. Accordingly, we affirm. We dispense with oral

argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

AFFIRMED