

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

KENKIA DEON DESHAWN MOODY,
Defendant-Appellant.

No. 01-4514

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
William L. Osteen, District Judge.
(CR-00-160)

Submitted: November 28, 2001

Decided: December 17, 2001

Before WIDENER, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Paul M. James, III, STOWERS & JAMES, P.A., Winston-Salem, North Carolina, for Appellant. Benjamin H. White, Jr. United States Attorney, Sandra J. Hairston, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Kenkia Deon Deshawn Moody appeals his conviction and sentence for one count of conspiracy to possess with intent to distribute cocaine hydrochloride in violation of 21 U.S.C.A. §§ 841, 846(b)(1)(B) (West 1999). Moody's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), claiming there are no meritorious issues, but raising the following three claims at Moody's request: (1) whether the guilty plea was knowing and voluntary; (2) whether the district court erred by not reducing the offense level for his role in the offense; and (3) whether the court erred by not reducing the offense level for acceptance of responsibility. Although advised of his right to do so, Moody has not filed a pro se supplemental brief. We affirm.

We have reviewed the record and find that the district court complied with all the mandates of Fed. R. Crim. P. 11 in accepting Moody's guilty plea. *North Carolina v. Alford*, 400 U.S. 25, 31 (1970); *United States v. DeFusco*, 949 F.2d 114, 119-20 (4th Cir. 1991). Accordingly, we find Moody's guilty plea knowing and voluntary.

We find the district court did not err by declining to reduce the offense level for Moody's role in the offense or for acceptance of responsibility. *United States v. Terry*, 86 F.3d 353, 358 (4th Cir. 1996); *United States v. Miller*, 77 F.3d 71, 74 (4th Cir. 1996).

As required by *Anders*, we have examined the entire record and find no other meritorious issues for appeal. Accordingly, we affirm Moody's conviction and sentence. We deny counsel's motion to withdraw at this time. This court requires that counsel inform his client, in writing, of his right to petition 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