

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

DONALD J. WILLIAMS, a/k/a Indian,
a/k/a David M. White, a/k/a
Augustus Ankle,
Defendant-Appellant.

No. 01-4888

Appeal from the United States District Court
for the District of South Carolina, at Charleston.
David C. Norton, District Judge.
(CR-99-751)

Submitted: July 18, 2002

Decided: July 25, 2002

Before WIDENER, LUTTIG, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

J. David Banner, AIKEN BRIDGES, Florence, South Carolina, for
Appellant. Miller Williams Shealy, Jr., OFFICE OF THE UNITED
STATES ATTORNEY, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Donald J. Williams appeals his eighty-seven month sentence imposed following his guilty plea to one count of possession with intent to distribute and distribution of cocaine in violation of 21 U.S.C.A. § 841 (a)(1) and § 846 (West 1999 & Supp. 2001). Williams' counsel has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), raising one possible sentencing issue on appeal but stating that, in his view, there are no meritorious issues for appeal. Williams was informed of his right to file a pro se supplemental brief but has failed to do so.

On appeal, Williams argues his sentence was imposed in error based upon the district court's finding that Williams substantially assisted the Government. Even though the district court imposed a sentence at the high end of the sentencing guidelines range, Williams' sentence was properly calculated, and is less than the statutory maximum sentence. Therefore, it is not reviewable. See *United States v. Jones*, 18 F.3d 1145, 1150-51 (4th Cir. 1994); *United States v. Porter*, 909 F.2d 789, 794 (4th Cir. 1990).

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Williams' conviction and sentence. 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 in the decisional process.

AFFIRMED