

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JAMES ANTHONY THEIRSE, III, a/k/a
Antmo,

Defendant-Appellant.

No. 01-4900

Appeal from the United States District Court
for the District of South Carolina, at Orangeburg.
Cameron McGowan Currie, District Judge.
(CR-01-174)

Submitted: April 30, 2002

Decided: May 15, 2002

Before WIDENER, NIEMEYER, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Katherine E. Evatt, Assistant Federal Public Defender, Columbia, South Carolina, for Appellant. Stacy Denise Haynes, 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Unpublished opinions are not binding precedent in this circuit.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:

James Anthony Theirse, III pled guilty to conspiracy to commit armed bank robbery, armed bank robbery and aiding and abetting, and using, carrying, and brandishing a firearm during a crime of violence and aiding and abetting. He appeals his conviction and sentence. Theirse's attorney has filed a brief citing *Anders v. California*, 386 U.S. 738 (1967), contending the district court failed to comply with Fed. R. Crim. P. 11 and improperly sentenced Theirse, but stating that, in his view, there are no meritorious issues for appeal. Theirse has filed a pro se supplemental brief contending his indictment was defective.

Because Theirse neither sought to withdraw his guilty plea in the district court nor raised any issues concerning his sentence, we review for plain error. *United States v. Olano*, 507 U.S. 725, 731-32 (1993); *United States v. Martinez*, 277 F.3d 517, 529 (4th Cir. 2002). Our review of Theirse's plea hearing convinces us that the district court fully complied with Rule 11 and did not commit plain error. We also find the district court properly imposed a sentence of 114 months' imprisonment.

We have reviewed the claim raised in Theirse's pro se supplemental brief regarding his indictment and find it meritless. In accordance with *Anders*, we have reviewed the entire record and find no meritorious issues for appeal. We therefore affirm Theirse's 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 conten-

tions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED