

UNPUBLISHED  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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>  v.  LINWOOD LYONS, <i>Defendant-Appellant.</i>
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No. 02-4659

Appeal from the United States District Court  
for the Eastern District of North Carolina, at Greenville.  
Malcolm J. Howard, District Judge.  
(CR-01-20-HO)

Submitted: February 20, 2003

Decided: March 28, 2003

Before LUTTIG, MOTZ, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Gregory J. Ramage, Raleigh, North Carolina, for Appellant. Anne Margaret Hayes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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**OPINION**

## PER CURIAM:

Linwood Lyons appeals his conviction based upon a written plea agreement and sentence on a criminal information alleging conspiracy to distribute in excess of fifty grams of cocaine base (crack), in violation of 21 U.S.C. §§ 841(a), 846 (2000). After conducting a thorough Fed. R. Crim. P. 11 colloquy, the district court found Lyons guilty, and sentenced him to 180 months' imprisonment and five years' supervised release. Lyons' attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), claiming ineffective assistance of counsel and prosecutorial misconduct, but concluding that there are no meritorious grounds for appeal. Lyons was notified of his right to file an additional brief, which he did. Lyons claimed, *pro se*, that he signed the plea agreement in reliance on a promise that he would receive no more than sixty months in prison, he challenged his guideline calculation, and claims actual innocence.

We find no merit to Lyons' specific claims on appeal. The district court complied with the mandates of Fed. R. Crim. P. 11, Lyons testified he was fully satisfied with the services of his attorney, and he further testified that there were no promises made to him other than those promises outlined in his plea agreement. The record reflects that Lyons' plea was knowing and voluntarily entered into. The district court advised Lyons of the statutory sentence carried by the charge. Further, Lyons waived his right to appeal on any issue other than ineffective assistance of counsel or prosecutorial misconduct. We find no merit to any of the claims raised by Lyons or his attorney on his behalf. In accordance with the requirements of *Anders*, we have examined the entire record and find no meritorious issues for appeal.

Accordingly, we grant the Government's motion for summary affirmance and affirm Lyons' 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

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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*