

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i> v. KORSTEN JERROLD ZIMMON, <i>Defendant-Appellant.</i>

No. 03-4011

Appeal from the United States District Court
for the District of South Carolina, at Florence.
C. Weston Houck, District Judge.
(CR-02-41)

Submitted: June 23, 2003

Decided: July 15, 2003

Before WILKINSON, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Parks N. Small, Federal Public Defender, Columbia, South Carolina,
for Appellant. Alfred William Walker Bethea, Assistant United States
Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Korsten Jerrold Zimmon appeals his conviction and 180-month sentence, imposed by the district court after Zimmon's guilty plea to conspiracy to possess with intent to distribute crack cocaine, in violation of 21 U.S.C. § 846 (2000). In this appeal, filed pursuant to *Anders v. California*, 386 U.S. 738 (1967), counsel for Zimmon claims to have found no non-frivolous grounds for appeal, but challenges the district court's acceptance of Zimmon's guilty plea and calculation of his sentence. Zimmon has been advised of his right to file a pro se supplemental brief but has not done so.

Neither claim presented by counsel was preserved in the district court. Therefore, they are reviewed for plain error. *See United States v. Martinez*, 277 F.3d 517, 526-27 (4th Cir.), *cert. denied*, 123 S. Ct. 200 (2002). First, Zimmon asserts that the magistrate judge erred in its proceedings under Fed. R. Crim. P. 11 to accept Zimmon's guilty plea. Our review of the hearing discloses that the magistrate judge complied with the strictures of Rule 11. Therefore, this claim merits no relief.

Next, Zimmon asserts that the district court erred in calculating his sentence. However, our review of the district court's application of the sentencing guidelines discloses that Zimmon is entitled to no relief on that ground. The district court departed downward from the applicable range in view of Zimmon's substantial assistance to the government. His sentence did not exceed the maximum applicable under the relevant statutes. Therefore, we deny relief on this claim as well.

As we find no meritorious issues upon our review of the record pursuant to *Anders*, we affirm the judgment of the district court. 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