

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-4149**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GEORGE ALFRED TIMBERS, a/k/a Chicken George,

Defendant - Appellant.

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Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. W. Craig Broadwater, District Judge. (CR-01-24-3)

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Submitted: September 22, 2004

Decided: November 2, 2004

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Before TRAXLER and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Michael S. Santa Barbara, OLLAR & SANTA BARBARA, Martinsburg, West Virginia, for Appellant. Thomas E. Johnston, United States Attorney, Thomas O. Mucklow, Assistant United States Attorney, Martinsburg, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

George Alfred Timbers pled guilty to distribution of crack, and aiding and abetting the same, in violation of 21 U.S.C.A. § 841 (West 1999 & Supp. 2004) and 18 U.S.C. § 2 (2000). The district court sentenced him to 101 months in prison. Under the terms of his plea agreement, Timbers waived the right to appeal any sentence within the statutory maximum. Timbers' attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that in his opinion there were no meritorious issues for appeal, but questioning whether the district court complied with the requirements of Rule 11 of the Federal Rules of Criminal Procedure in accepting Timbers' guilty plea. Timbers has been informed of his right to file a pro se supplemental brief, but he has not done so. We affirm Timbers' conviction and sentence.

In his plea agreement, Timbers waived his right to appeal his sentence. A defendant may waive his right to appeal if the waiver is knowing and voluntary. United States v. Brown, 232 F.3d 399, 403 (4th Cir. 2000); United States v. Marin, 961 F.2d 493, 496 (4th Cir. 1992). Our review of the record discloses that Timbers' waiver of his right to appeal his sentence was knowing and voluntary. Moreover, we find that Timbers' plea hearing was adequate under Fed. R. Crim. P. 11.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for

appeal. We therefore affirm Timbers' 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 the decisional process.

AFFIRMED