

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4633

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MAX K. BRADY, a/k/a Boots,

Defendant - Appellant.

No. 04-4634

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BROCK W. WILSON,

Defendant - Appellant.

Appeals from the United States District Court for the Northern
District of West Virginia, at Clarksburg. Irene M. Keeley, Chief
District Judge. (CR-04-22)

Submitted: June 30, 2005

Decided: July 27, 2005

Before WILKINSON, NIEMEYER, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

John R. Angotti, ANGOTTI & STRAFACE, L.C., Morgantown, West Virginia; Raymond H. Yackel, Jr., Morgantown, West Virginia, for Appellants. Thomas E. Johnston, United States Attorney, John C. Parr, Assistant United States Attorney, Wheeling, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Max K. Brady and Brock W. Wilson appeal their convictions and sentences after pleading guilty to conspiracy to distribute Oxycodone in violation of 21 U.S.C. §§ 841(b)(1)(C), 846 (2000). In light of the valid appellate waiver provisions in their plea agreements, we dismiss the appeals.

Brady and Wilson made a knowing and voluntary decision to forego their right to appeal in their plea agreements, see United States v. Broughton-Jones, 71 F.3d 1143, 1146 (4th Cir. 1995), and the district court properly reviewed the waiver provisions with them at their plea hearing. See United States v. Wessells, 936 F.2d 165, 167-68 (4th Cir. 1991); United States v. Wiggins, 905 F.2d 51, 53-54 (4th Cir. 1990). Under these circumstances, we find Brady and Wilson have waived their right to appeal their sentences.

The Supreme Court's decision in United States v. Booker, 125 S. Ct. 738 (2005), does not alter our decision. See United States v. Blick, 408 F.3d 162, 169-70 (4th Cir. 2005) (holding that Booker does not render an otherwise valid appellate waiver unknowing or involuntary).

Accordingly, we dismiss the appeals. 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.

DISMISSED