UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4630

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMES EVANS HUGHES,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. David A. Faber, Senior District Judge. (2:23-cr-00083-1)

Submitted: June 5, 2026 Decided: August 17, 2026

Before AGEE and RUSHING, Circuit Judges, and FLOYD, Senior Circuit Judge.

Affirmed in part, dismissed in part by unpublished per curiam opinion.

ON BRIEF: Brian J. Kornbrath, Federal Public Defender, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Clarksburg, West Virginia, for Appellant. Lesley S. Shamblin, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

James Evan Hughes pleaded guilty, pursuant to a written Fed. R. Crim. P. 11(c)(1)(C) plea agreement, to one count of distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1). The district court sentenced Hughes to 108 months' imprisonment, in accordance with the plea agreement, and three years of supervised release. On appeal, Hughes's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1976), stating that there are no meritorious grounds for appeal but questioning whether Hughes's guilty plea and appeal waiver are valid and whether the sentence is reasonable. The Government has moved to dismiss Hughes's appeal in light of the appeal waiver in his plea agreement. Hughes was informed of his right to file a pro se supplemental brief, but he has not done so. We grant the Government's motion to dismiss in part, dismiss the appeal as to all issues within the waiver's scope, and otherwise affirm.

Because Hughes did not move to withdraw his plea in the district court, our review is for plain error. *United States v. Sanya*, 774 F.3d 812, 815 (4th Cir. 2014). "Under the plain error standard, this Court will correct an unpreserved error if (1) an error was made; (2) the error is plain; (3) the error affects substantial rights; and (4) the error seriously affects the fairness, integrity, or public reputation of judicial proceedings." *United States v. Harris*, 890 F.3d 480, 491 (4th Cir. 2018) (citation modified). In the guilty plea context, a defendant establishes that an error affected his substantial rights by showing "a reasonable probability that, but for the error, he would not have entered the plea." *United States v. Davila*, 569 U.S. 597, 608 (2013) (citation modified).

Prior to accepting a guilty plea, the district court must conduct a plea colloquy in which it informs the defendant of, and determines that he understands, the rights he is relinquishing by pleading guilty, the nature of the charge to which he is pleading, and the applicable maximum and any mandatory minimum penalties he faces. Fed. R. Crim. P. 11(b)(1). The court also must ensure that the plea is voluntary and not the result of threats, force, or promises not contained in the plea agreement, Fed. R. Crim. P. 11(b)(2), and that there is a factual basis for the plea, Fed. R. Crim. P. 11(b)(3). "[A] properly conducted Rule 11 plea colloquy raises a strong presumption that the plea is final and binding." *United States v. Walker*, 934 F.3d 375, 377 n.1 (4th Cir. 2019) (citation modified).

Our review of the record confirms that the district court substantially complied with Rule 11 and ensured that Hughes's plea was knowing, voluntary, and supported by an adequate factual basis. Accordingly, we conclude that Hughes's guilty plea was valid.

We review the validity of an appeal waiver de novo and "will enforce the waiver if it is valid and the issue appealed is within the scope of the waiver." *United States v. Adams*, 814 F.3d 178, 182 (4th Cir. 2016). A waiver is valid if it is "knowing and voluntary." *Id*. To decide whether a waiver is knowing and voluntary, "we consider the totality of the circumstances, including the experience and conduct of the defendant, his educational background, and his knowledge of the plea agreement and its terms." *United States v. McCoy*, 895 F.3d 358, 362 (4th Cir. 2018) (internal quotation marks omitted). Typically, "if a district court questions a defendant regarding the waiver of appellate rights during the Rule 11 colloquy and the record indicates that the defendant understood the full significance of the waiver, the waiver is valid." *Id*. (internal quotation marks omitted).

Our review of the record confirms that Hughes knowingly and intelligently waived his right to appeal and therefore the waiver is valid and enforceable. Furthermore, we conclude that *Anders* counsel's challenge to the reasonableness of Hughes's sentence falls squarely within the scope of his waiver of appellate rights, and we discern no basis to decline to enforce the otherwise valid waiver.

In accordance with *Anders*, we have reviewed the entire record and have found no other meritorious grounds for appeal outside the scope of Hughes's valid appellate wavier. We therefore grant in part the Government's motion to dismiss and dismiss the appeal as to all issues covered by the waiver. We affirm as to any issue not encompassed by the waiver.

This court requires that counsel inform Hughes, in writing, of the right to petition the Supreme Court of the United States for further review. If Hughes 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 Hughes. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED IN PART,
DISMISSED IN PART