UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4328

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARREL MCHONEY,

Defendant - Appellant.

No. 25-4332

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DARREL KEITH MCHONEY, a/k/a Darrell Keith McHoney, a/k/a Darrel McHoney,

Defendant - Appellant.

Appeals from the United States District Court for the Northern District of West Virginia, at Clarksburg. Thomas S. Kleeh, Chief District Judge. (1:10-cr-00049-TSK-MJA-1; 1:23-cr-00043-TSK-MJA-1)

Submitted: August 20, 2026 Decided: August 24, 2026

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

Affirmed in part and dismissed in part by unpublished per curiam opinion.

ON BRIEF: Edmund J. Rollo, LANCE E. ROLLO, Morgantown, West Virginia, for Appellant. Andrew R. Cogar, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In 2011, Darrel McHoney pleaded guilty to possession with intent to distribute marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(D), and possession of a firearm by a felon, in violation of 18 U.S.C. § 922(g)(1). The district court sentenced McHoney to 70 months' imprisonment and four years of supervised release. McHoney violated the terms of his supervised release, and, in 2019, the court imposed a sentence of one year and one day followed by 36 months of supervised release. In 2024, McHoney pleaded guilty to possession with intent to distribute para-fluorofentanyl, in violation of 21 U.S.C. § 841(a), (b)(1)(C). The district court sentenced McHoney to 110 months' imprisonment and three years of supervised release.

Based on this new conviction, McHoney admitted to violating the terms of his supervised release. The district court therefore revoked his supervised release and sentenced him to a term of 24 months' imprisonment with no further term of supervised release to follow. McHoney appealed both judgments and counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), questioning whether the court properly designated McHoney a career offender for his new criminal conviction. Counsel failed to address the revocation judgment. The Government has moved to dismiss the appeals with respect to all issues falling within the appeal waiver in McHoney's plea agreement. We affirm in part and dismiss in part.

With respect to McHoney's appeal of the supervised release revocation judgment, a district court may revoke supervised release if it "finds by a preponderance of the evidence that the defendant violated a condition of supervised release." 18 U.S.C.

§ 3583(e)(3). We review a district court's decision to revoke supervised release for abuse of discretion and its factual findings underlying the revocation for clear error. *United States v. Padgett*, 788 F.3d 370, 373 (4th Cir. 2015). We conclude that the district court did not err in revoking McHoney's supervised release based on his admission to the violations and guilty plea to the new criminal conduct.

With respect to McHoney's revocation sentence "[a] district court has broad discretion when imposing a sentence upon revocation of supervised release." *United States v. Webb*, 738 F.3d 638, 640 (4th Cir. 2013). Thus, we will "affirm a revocation sentence so long as it is within the prescribed statutory range and is not plainly unreasonable." *United States v. Coston*, 964 F.3d 289, 296 (4th Cir. 2020) (internal quotation marks omitted). When reviewing whether a revocation sentence is plainly unreasonable, we first determine "whether the sentence is unreasonable at all." *Id.* (internal quotation marks omitted).

"A revocation sentence is procedurally reasonable if the district court adequately explains the chosen sentence after considering the Sentencing Guidelines' nonbinding Chapter Seven policy statements and the applicable 18 U.S.C. § 3553(a) factors," *id.* at 297 (internal quotation marks omitted), and the explanation indicates "that the court considered any potentially meritorious arguments raised by the parties," *United States v. Patterson*, 957 F.3d 426, 436-37 (4th Cir. 2020) (internal quotation marks omitted). "A court need not be as detailed or specific when imposing a revocation sentence as it must be when imposing a post-conviction sentence, but it still must provide a statement of reasons for the sentence imposed." *United States v. Thompson*, 595 F.3d 544, 547 (4th Cir. 2010) (internal

quotation marks omitted). "A revocation sentence is substantively reasonable if, in light of the totality of the circumstances, the court states an appropriate basis for concluding that the defendant should receive the sentence imposed." *Coston*, 964 F.3d at 297 (internal quotation marks omitted).

We have reviewed the record and conclude that the revocation sentence is procedurally reasonable. The district court properly calculated the Sentencing Guidelines policy statement range and sufficiently explained the chosen sentence. We further conclude that the within-policy statement range sentence is substantively reasonable.

Next, we conclude that McHoney waived his right to appeal his sentence for the new criminal conviction. "We review an appellate waiver de novo to determine whether the waiver is enforceable" and "will enforce the waiver if it is valid and if the issue[s] being appealed fall[ ] within the scope of the waiver." *United States v. Boutcher*, 998 F.3d 603, 608 (4th Cir. 2021) (internal quotation marks omitted). An appellate waiver is valid if the defendant enters it "knowingly and intelligently, a determination that we make by considering the totality of the circumstances." *Id.* "Generally though, if a district court questions a defendant regarding the waiver of appellate rights during the [Fed. R. Crim. P.] 11 colloquy and the record indicates that the defendant understood the full significance of the waiver, the waiver is valid." *United States v. McCoy*, 895 F.3d 358, 362 (4th Cir. 2018) (citation modified).

Our review of the record, including the plea agreement and the transcript of the Rule 11 hearing, confirms that McHoney's guilty plea is valid and McHoney knowingly and intelligently waived his right to appeal his conviction and sentence, except for claims of

ineffective assistance of counsel and prosecutorial misconduct. We therefore conclude that the waiver is valid and enforceable and his challenge to his sentence falls squarely within the scope of the waiver.

In accordance with *Anders*, we have reviewed the entire record in these appeals and have found no meritorious grounds for appeal. We therefore grant the Government's motion in part and dismiss the appeal of the new criminal judgment as to all issues within the scope of the appellate waiver. We deny the Government's motion as to the revocation judgment and we affirm the revocation judgment and the remainder of the criminal judgment. This court requires that counsel inform McHoney, in writing, of the right to petition the Supreme Court of the United States for further review. If McHoney 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 McHoney.

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