

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4456

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARLON PETTAWAY, a/k/a Chrome,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Newport News. Jerome B. Friedman,
District Judge. (4:06-cr-00098-JBF)

Submitted: June 18, 2008 Decided: July 3, 2008

Before GREGORY and DUNCAN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Trevor Jared Robinson, ROBINSON LAW GROUP, Norfolk, Virginia, for
Appellant. Eric Matthew Hurt, OFFICE OF THE UNITED STATES
ATTORNEY, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Marlon Pettaway was convicted after a bench trial of conspiracy to possess with intent to distribute and to distribute more than fifty grams of crack cocaine, more than one kilogram of heroin, and a quantity of cocaine, in violation of 21 U.S.C. § 846 (2000); engaging in a continuing criminal enterprise, in violation of 21 U.S.C.A. § 848 (West 1999 & Supp. 2008); possessing with intent to distribute more than fifty grams of crack cocaine, in violation of 21 U.S.C. § 841(a)(1) (2000); brandishing a firearm in relation to a drug trafficking crime, in violation of 18 U.S.C.A. § 924(c)(1) (West 2000 & Supp. 2008); two additional counts of possessing a firearm in furtherance of drug trafficking crimes, in violation of § 924(c)(1); and three counts of possessing a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1) (2000). The district court sentenced Pettaway to life plus fifty-seven years of imprisonment.

On appeal, counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), questioning whether the trial court erred by denying Pettaway's motions to substitute counsel, for a continuance, and for a mistrial but stating that, in his view, there are no meritorious issues for appeal. Pettaway was informed of his right to file a pro se supplemental brief, but he has not done so. We affirm.

Pettaway's counsel questions whether the trial court abused its discretion in denying Pettaway's motion to substitute counsel, in refusing to continue the case, and in denying his motion for a mistrial. Our careful review of the trial transcript convinces us that the district court did not abuse its discretion in denying the motions. See United States v. Wallace, 515 F.3d 327, 330 (4th Cir. 2008) (stating standard of review for denial of motion for mistrial); United States v. Williams, 445 F.3d 724, 738 (4th Cir. 2006) (stating standard of review for denial of continuance); United States v. Reevey, 364 F.3d 151, 156 (4th Cir. 2004) (stating standard of review for denial of motion to substitute counsel).

In accordance with Anders, we have reviewed the record for any potentially meritorious issues and have found none. Accordingly, we affirm the district court's judgment. We deny Pettaway's pro se motion for the appointment of counsel and his application to proceed with new counsel under the Criminal Justice Act. 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