

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4398

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FREDERICK LAMONT SMITH,

Defendant - Appellant.

No. 08-4399

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SCOTTIE RAY EDGEWORTH,

Defendant - Appellant.

No. 08-4615

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FREDERICK LAMONT SMITH,

Defendant - Appellant.

No. 08-4620

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KENYON DAJUAN GAITHER, a/k/a Ken Ken,

Defendant - Appellant.

Appeals from the United States District Court for the District of South Carolina, at Florence. Terry L. Wooten, District Judge. (4:07-cr-00208-TLW-1; 4:07-cr-00208-TLW-4; 4:07-cr-00208-TLW-6)

Submitted: May 20, 2009

Decided: June 11, 2009

Before WILKINSON, NIEMEYER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

D. Craig Brown, THE LAW OFFICE OF D. CRAIG BROWN, Florence, South Carolina; John M. Ervin, III, ERVIN LAW OFFICE, Darlington, South Carolina; Janis Richardson Hall, Greenville, South Carolina, for Appellants. Arthur Bradley Parham, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Frederick Lamont Smith, Scottie Ray Edgeworth, and Kenyon Dajuan Gaither appeal the district court's judgments imposing sentences of 220, 240, and 240 months' imprisonment, respectively, following their guilty pleas to conspiracy to possess with intent to distribute fifty grams or more of cocaine base and five kilograms or more of cocaine, in violation of 21 U.S.C. §§ 841 (a)(1), 841(b)(1)(A), and 846 (2006). On appeal, counsel for Smith, Edgeworth, and Gaither filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), noting no meritorious issues for appeal, but questioning whether the district court complied with Fed. R. Crim. P. 11. Gaither filed a pro se supplemental brief, contending his sentence was improperly enhanced under 21 U.S.C. § 851 (2006). Finding no error, we affirm.

We have reviewed the record and conclude that the district court complied with the requirements of Fed. R. Crim. P. 11. We further find that the district court did not abuse its discretion in sentencing Smith, Edgeworth, and Gaither, and imposed sentences that are procedurally and substantively reasonable. See Gall v. United States, 128 S. Ct. 586, 597 (2007) (review of sentence is for abuse of discretion). We particularly note that the 240-month sentences imposed on

Edgeworth and Gaither were the minimum sentences statutorily required.

In accordance with Anders, we have reviewed the entire record in these cases and have found no meritorious issues for appeal. We therefore affirm the district court's judgments. This court requires that counsel inform their clients, in writing, of their right to petition the Supreme Court of the United States for further review. If the clients request that petitions be filed, but counsel believes that such filing 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 clients.

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