

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-4689

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

KEYONTA TAREZZE LANGLEY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Greenville. James C. Dever III, District Judge. (4:18-cr-00025-D-1)

Submitted: July 28, 2022

Decided: September 6, 2022

Before GREGORY, Chief Judge, and MOTZ and HARRIS, Circuit Judges.

Affirmed in part, vacated in part, and remanded by unpublished per curiam opinion.

ON BRIEF: Joshua B. Howard, GAMMON, HOWARD & ZESZOTARSKI, PLLC, Raleigh, North Carolina, for Appellant. David A. Bragdon, Assistant United States Attorney, Lucy Partain Brown, Assistant United States Attorney, Jennifer P. May-Parker, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Keyonta Tarezze Langley pled guilty, without the benefit of a plea agreement, to possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2). The district court sentenced Langley to 90 months' imprisonment. On appeal, Langley's counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal, but questioning the reasonableness of Langley's sentence. Although informed of his right to do so, Langley has not filed a pro se supplemental brief. The Government declined to file a brief. We affirm Langley's conviction, vacate his sentence, and remand for resentencing.

At the sentencing hearing, the district court did not announce two discretionary conditions of supervised release that it ultimately included in the written judgment. These discretionary conditions require that Langley "shall not incur new credit charges or open additional lines of credit without approval of the probation office" and that he "shall provide the probation office with access to any requested financial information."¹

While a district court need not orally pronounce all mandatory conditions, "all non-mandatory conditions of supervised release must be announced at a defendant's sentencing hearing." *United States v. Rogers*, 961 F.3d 291, 296 (4th Cir. 2020). Where, as here, the district court fails to announce nonmandatory conditions of supervised release that are later included in the written judgment, the remedy is to vacate the sentence and remand for a

¹ In June 2020, the Eastern District of North Carolina adopted a standing order specifying standard conditions of supervised release that included these two conditions, but this order was not in effect at the time of Langley's February 20, 2019, sentencing.

full resentencing hearing. *See United States v. Singletary*, 984 F.3d 341, 346 n.4 (4th Cir. 2021).

In accordance with *Anders*, we have reviewed the entire record in this case and have found no other meritorious grounds for appeal.² We therefore affirm Langley's conviction, vacate his sentence, and remand for resentencing. This court requires that counsel inform Langley, in writing, of the right to petition the Supreme Court of the United States for further review. If Langley 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 Langley. 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,
VACATED IN PART,
AND REMANDED*

² Because the sentence was not properly imposed, we do not address any other potential issues related to Langley's sentence at this juncture. *See Singletary*, 984 F.3d at 346-47 (declining to consider additional challenges to original sentence).