

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-4406

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAY COZART, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. Catherine C. Eagles, Chief District Judge. (1:24-cr-00352-CCE-14)

Submitted: June 18, 2026

Decided: June 23, 2026

Before GREGORY and RUSHING, Circuit Judges, and KEENAN, Senior Circuit Judge.

Dismissed in part and affirmed in part by unpublished per curiam opinion.

ON BRIEF: Dallas F. Kratzer, III, Samantha A. Wilson, STEPTOE & JOHNSON PLLC, Columbus, Ohio, for Appellant. Julie Carol Niemeier, Assistant United States Attorney, Karla E. Painter, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ray Cozart, Jr., pled guilty, pursuant to a written plea agreement, to conspiracy to distribute fentanyl and methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B), 846. The district court varied below Cozart's advisory Sentencing Guidelines range and imposed a sentence of 144 months' imprisonment.

On appeal, Cozart's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal but questioning whether Cozart's guilty plea is valid and whether his sentence is reasonable. Although this Court notified Cozart of his right to file a pro se supplemental brief, he has not done so. The Government has moved to dismiss the appeal as barred by Cozart's waiver of the right to appeal included in the plea agreement. Cozart takes no position on the motion. We dismiss in part and affirm in part.

Initially, Cozart's appeal waiver does not prevent him from raising a colorable challenge to the validity of his guilty plea. *See United States v. McCoy*, 895 F.3d 358, 364 (4th Cir. 2018) (analyzing validity of Fed. R. Crim. P. 11 hearing despite waiver). Before accepting a guilty plea, the district court must conduct a colloquy in which it informs the defendant of, and determines that he understands, the nature of the charges to which he is pleading guilty, any mandatory minimum penalty, the maximum penalty he faces, and the rights he is relinquishing by pleading guilty. Fed. R. Crim. P. 11(b)(1); *United States v. DeFusco*, 949 F.2d 114, 116 (4th Cir. 1991). The court also must ensure that the defendant's plea is voluntary and supported by an independent factual basis. Fed. R. Crim. P. 11(b)(2), (3). Because Cozart did not move to withdraw his plea or otherwise object

during the plea hearing, we review the validity of his plea for plain error. *United States v. Sanya*, 774 F.3d 812, 815 (4th Cir. 2014). Based on our review of the record, we conclude that Cozart’s guilty plea was knowing, voluntary, and supported by an adequate factual basis. We therefore conclude that Cozart’s guilty plea is valid.

Next, “we review an appellate waiver de novo to determine its enforceability” and “will enforce the waiver if it is valid and if the issue being appealed falls within its scope.” *United States v. Carter*, 87 F.4th 217, 223-24 (4th Cir. 2023) (citation modified). “An appellate waiver is valid if the defendant knowingly and voluntarily agreed to it.” *Id.* at 224 (citation modified). To determine whether a waiver is knowing and voluntary, “we look to the totality of the circumstances, including the defendant’s experience, conduct, educational background and knowledge of his plea agreement and its terms.” *Id.* “When a district court questions a defendant during a Rule 11 hearing regarding an appeal waiver and the record shows that the defendant understood the import of his concessions, we generally will hold that the waiver is valid.” *United States v. Boutcher*, 998 F.3d 603, 608 (4th Cir. 2021). Our review of the record confirms that Cozart knowingly and voluntarily waived his right to appeal his conviction and sentence, with limited exceptions not applicable here.

Cozart’s challenge to the reasonableness of his sentence falls squarely within the scope of the valid appeal waiver. In accordance with *Anders*, we have reviewed the entire record in this case, and we have found no meritorious grounds for appeal outside the waiver’s scope. We therefore grant the Government’s motion to dismiss in part and dismiss the appeal as to all issues covered by the waiver. We otherwise affirm.

This court requires that counsel inform Cozart, in writing, of the right to petition the Supreme Court of the United States for further review. If Cozart 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 Cozart. 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.

*DISMISSED IN PART,
AFFIRMED IN PART*