

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-4064

United States Of America,

Appellee,

v.

Pemon B. Ray, also known as
Bradley Smith,

Appellant.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: November 2, 2000

Filed: November 7, 2000

Before BOWMAN, HEANEY, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Pemon B. Ray appeals the sentence the district court¹ imposed on him following his guilty plea to knowingly and intentionally possessing with intent to distribute phencyclidine (PCP). On appeal, counsel moved to withdraw pursuant to Anders v. California, 386 U.S. 738 (1967), filing a brief in which he raises the issue whether the

¹The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.

district court erred in finding Mr. Ray was a career offender. Mr. Ray has not filed a pro se supplemental brief.

Having carefully reviewed the record, we conclude the district court did not err in sentencing Mr. Ray as a career offender: he was at least eighteen years old at the time he committed the instant offense, the instant felony is a controlled substance offense, and Mr. Ray had the requisite prior qualifying felony convictions (assault and controlled-substance delivery). See U.S.S.G. §§ 4B1.1, 4B1.2(a)(1), (b).

In accordance with Penson v. Ohio, 488 U.S. 75 (1988), we have reviewed the record for any non-frivolous issues and have found none.

Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.