

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-1902WM

United States of America,

Appellee,

v.

Andre D. Williams,

Appellant.

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

[Not To Be Published]

Submitted: September 5, 2001

Filed: September 17, 2001

Before WOLLMAN, Chief Judge, RICHARD S. ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

Andre Williams appeals the sentence imposed by the District Court¹ upon his plea of guilty to being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). The Court sentenced Williams to three years and one month (37 months) imprisonment and three years supervised release. Counsel has filed a brief and moved to withdraw pursuant to Anders v. California, 386 U.S. 738 (1967), arguing that the Court erred in determining that Williams possessed the firearm in connection with

¹The Honorable Nanette K. Laughrey, United States District Judge for the Western District of Missouri.

another felony. See U.S.S.G. § 2K2.1(b)(5). Williams has not filed a supplemental brief, but has moved for appointment of new counsel.

The issue counsel raises was not raised below. Therefore, we review it for plain error, see United States v. Montanye, 996 F.2d 190, 192 (8th Cir. 1993) (en banc), and find none. The District Court properly relied upon the unobjected-to presentence report, see Fed. R. Crim. P. 32(b)(6)(D), which established that Williams possessed the firearm in connection with other felony offenses, i.e., aggravated assault and armed robbery.

After independently reviewing the record in accordance with Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues. Accordingly, we affirm and grant counsel's motion to withdraw. We deny Williams's motion for new counsel.

A true copy.

Attest:

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