

No. 04-3930

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* Appeal from the United States
* District Court for the
* District of Nebraska.
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Before MURPHY, COLLOTON, and BENTON, Circuit Judges.

PER CURIAM.

Jerome Marshall pled guilty to conspiring to distribute and possess with intent to distribute cocaine, in violation of 21 U.S.C. § 846. The district court¹ sentenced him to 100 months in prison and 5 years of supervised release. On appeal, his counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), and Marshall has filed a pro se supplemental brief.

Marshall and his counsel both argue that the district court erred by determining that two of his prior convictions--for receiving stolen property and for credit card fraud--were not related. We conclude that the court did not err because the presentence report contained facts, to which Marshall did not object, which showed that the offenses were separated by an intervening arrest. See U.S.S.G. § 4A1.2, comment. (n.3); United States v. Newsome, 409 F.3d 996, 999 (8th Cir.), cert. denied, 126 S. Ct. 463 (2005).

Having reviewed the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we conclude that there are no nonfrivolous issues for appeal. Accordingly, we affirm the judgment of the district court, and we grant counsel's motion to withdraw.

¹The Honorable Laurie Smith Camp, United States District Judge for the District of Nebraska.