

United States Court of Appeals  
For the Eighth Circuit

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No. 19-3722

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United States of America,

*Plaintiff - Appellee,*

v.

Christopher Paul Chmela,

*Defendant - Appellant.*

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Appeal from United States District Court  
for the Western District of Missouri - Springfield

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Submitted: August 06, 2020

Filed: August 11, 2020

[Unpublished]

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Before COLLOTON, WOLLMAN, and BENTON, Circuit Judges.

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PER CURIAM.

Christopher Chmela appeals the sentence imposed by the district court<sup>1</sup> after he pleaded guilty to enticement of a minor. Chemla entered his plea according to a plea agreement that included an appeal waiver. His counsel has moved for leave to withdraw, and has filed a brief under *Anders v. California*, 386 U.S. 738 (1967), challenging the sentence.

We will enforce the appeal waiver in this case because Chmela entered into the plea agreement and the appeal waiver knowingly and voluntarily, his challenge to the sentence falls within the scope of the appeal waiver, and no miscarriage of justice would result from enforcing the waiver. *See United States v. Scott*, 627 F.3d 702, 704 (8th Cir. 2010); *United States v. Andis*, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). Further, we have independently reviewed the record under *Penson v. Ohio*, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we dismiss this appeal based on the appeal waiver, and we grant counsel's motion to withdraw.

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<sup>1</sup>The Honorable Roseann A. Ketchmark, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable David P. Rush, United States Magistrate Judge for the Western District of Missouri.