

United States Court of Appeals
For the Eighth Circuit

No. 22-1274

United States of America

Plaintiff - Appellee

v.

Jason Patrick Baca

Defendant - Appellant

Appeal from United States District Court
for the District of South Dakota - Western

Submitted: August 31, 2022

Filed: September 6, 2022

[Unpublished]

Before SHEPHERD, MELLOY, and STRAS, Circuit Judges.

PER CURIAM.

Jason Baca appeals the sentence imposed by the district court¹ after he pleaded guilty to suborning perjury and conspiring to suborn perjury, pursuant to a plea

¹The Honorable Karen E. Schreier, United States District Judge for the District of South Dakota.

agreement containing 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 calculation.

Upon careful review, we conclude that the appeal waiver is valid, enforceable, and applicable to the issue raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (validity and applicability of an appeal waiver is reviewed de novo); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if the appeal falls within the scope of the waiver, the defendant knowingly and voluntarily entered into the plea agreement and the waiver, and enforcing the waiver would not result in a miscarriage of justice). We have also independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal falling outside the scope of the waiver. Accordingly, we dismiss this appeal based on the appeal waiver, and we grant counsel's motion to withdraw.
