

United States Court of Appeals
For the Eighth Circuit

No. 24-1083

United States of America

Plaintiff - Appellee

v.

Armard R. Shields

Defendant - Appellant

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

Submitted: May 9, 2024

Filed: May 14, 2024

[Unpublished]

Before SMITH, BENTON, and GRASZ, Circuit Judges.

PER CURIAM.

Armard Shields appeals after he pled guilty to a drug offense. His counsel has moved for leave to withdraw, and has filed a brief under *Anders v. California*, 386

U.S. 738 (1967), challenging the district court's¹ denial of Shields's motion to withdraw his guilty plea.

Upon careful review, we conclude the district court did not abuse its discretion in denying Shields's motion to withdraw his guilty plea. *United States v. Watson*, 883 F.3d 1033, 1037 (8th Cir. 2018) (reviewing denial of motion to withdraw guilty plea for abuse of discretion). While Shields submitted a post-plea letter to the district court stating he was unhappy with his counsel's performance, he testified during the plea hearing that he was satisfied with counsel's performance. *See United States v. Trevino*, 829 F.3d 668, 672 (8th Cir. 2016) ("The failure to assert objections to counsel's performance at the change-of-plea hearing refutes any claim of ineffective assistance of counsel as a basis for withdrawing the plea."). Further, Shields's statements during the plea hearing demonstrate his guilty plea was made knowingly and voluntarily. *See United States v. McHenry*, 849 F.3d 699, 706 (8th Cir. 2017); *United States v. Smith*, 422 F.3d 715, 724 (8th Cir. 2005). We also agree with the district court that there was an adequate factual basis for the plea. *See United States v. Cheney*, 571 F.3d 764, 769 (8th Cir. 2009).

We have independently reviewed the record under *Penon v. Ohio*, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal. Accordingly, we grant counsel's motion to withdraw and affirm.

¹The Honorable Howard F. Sachs, United States District Judge for the Western District of Missouri.