

United States Court of Appeals
For the Eighth Circuit

No. 25-1003

United States of America

Plaintiff - Appellee

v.

Robert Jene Smith

Defendant - Appellant

Appeal from United States District Court
for the Northern District of Iowa - Central

Submitted: July 22, 2025

Filed: July 25, 2025

[Unpublished]

Before LOKEN, GRUENDER, and GRASZ, Circuit Judges.

PER CURIAM.

Robert Smith appeals the sentence imposed by the district court¹ after he pleaded guilty to a child pornography offense, pursuant to a plea agreement

¹The Honorable Leonard T. Strand, United States District Judge for the Northern District of Iowa.

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. The government has moved to dismiss the appeal based on the appeal waiver.

Upon careful review, we conclude that the appeal waiver is valid, enforceable, and applicable to the issue raised in this appeal, as 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. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (standard of review); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc). 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 grant the government's motion to dismiss this appeal based on the appeal waiver, and grant counsel's motion to withdraw.
