

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4830

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TYRONE RICHARD GOLDSTON,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Senior District Judge. (1:09-cr-00315-NCT-1)

Submitted: March 31, 2011

Decided: April 5, 2011

Before NIEMEYER, SHEDD, and AGEE, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Brian M. Aus, Durham, North Carolina, for Appellant. Sandra Jane Hairston, Assistant United States Attorney, Anna Mills Wagoner, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tyrone Richard Goldston pled guilty to possession with intent to distribute 188 grams of cocaine base ("crack"). He was sentenced to 240 months of imprisonment. On appeal, counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), asserting there are no meritorious grounds for appeal, but raising the following issue: whether the district court abused its discretion in sentencing Goldston. For the reasons that follow, we affirm.

We find no abuse of discretion in the district court's sentencing of Goldston. Gall v. United States, 552 U.S. 38, 51 (2007) (noting a district court's sentence is reviewed for reasonableness under an abuse-of-discretion standard); United States v. Pauley, 511 F.3d 468, 473 (4th Cir. 2007). Here, the district court, after listening to the arguments of counsel, hearing from Goldston himself, and expressly considering the 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2010) factors, departed below Goldston's properly-calculated advisory Sentencing Guidelines range and imposed a mandatory-minimum twenty-year sentence. 21 U.S.C. § 841(b)(1) (2006). Thus, this claim fails.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Goldston's conviction and sentence. This

court requires that counsel inform Goldston, in writing, of the right to petition the Supreme Court of the United States for further review. If Goldston requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Goldston.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED