

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 01-2859

UNITED STATES OF AMERICA

v.

SYLVANUS GANSALLO
a/k/a TERRANCE HOWARD

Sylvanus Gansallo,
Appellant

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
D.C. Criminal No. 01-cr-00123
(Honorable Robert F. Kelly)

Submitted Pursuant to Third Circuit LAR 34.1(a)
January 9, 2003

Before: SCIRICA, BARRY and SMITH, Circuit Judges

(Filed March 31, 2003)

OPINION OF THE COURT

SCIRICA, Circuit Judge.

After the defendant, Sylvanus Gansallo, filed this pro se appeal, his attorney filed a motion to withdraw as counsel and an Anders brief asserting that Gansallo's appeal raises no non-frivolous issues. We will affirm the judgment of conviction and sentence and grant defense counsel's motion to withdraw.

I.

Pursuant to a written plea agreement, Gansallo pleaded guilty to two counts of bank fraud in violation of 18 U.S.C. 1344. The District Court assigned Gansallo an offense level of 12 and sentenced him to 12 months and 1 day imprisonment. On May 23, 2002, Gansallo's attorney filed a motion to withdraw as counsel accompanied by an Anders brief. This court subsequently alerted Gansallo of his right to file a formal or informal brief that shows why his conviction should be set aside. Gansallo has not filed a

brief in support of this appeal.

II.

In *Anders*, the Supreme Court provided that defense counsel may request permission to withdraw from a wholly frivolous case "after a conscientious examination of it." *Anders*, 386 U.S. at 744. The request to withdraw "must . . . be accompanied by a brief referring to anything in the record that might arguably support the appeal." *Id.*

An *Anders* brief must "satisfy the court that counsel has thoroughly examined the record for appealable issues and . . . explain why the issues are frivolous." *United States v. Youla*, 241 F.3d 296, 300 (3d Cir. 2001). Gansallo's attorney was unable to find an error or defect in the plea. Nor has Gansallo raised any claim of error. Specifically, Gansallo's attorney examined the following relevant issues: (1) whether the District Court had jurisdiction to accept Gansallo's guilty plea; (2) whether Gansallo's plea comported with controlling constitutional and statutory standards; and (3) whether the District Court imposed a legal sentence. After reviewing the record, none of these contentions has merit. Furthermore, we see no other valid basis for overturning Gansallo's conviction. See *Youla*, 241 F.3d at 300 (providing that appellate courts must conduct independent review of record for non-frivolous issues).

III.

Accordingly, we will affirm the judgment of conviction and sentence. Defense counsel's motion to withdraw is granted.

/s/ Anthony J. Scirica

Circuit Judge