

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 02-1131

UNITED STATES OF AMERICA

v.

PATRICK JOHNSON, a/k/a “DINO”, a/k/a “BLACK”

Patrick Johnson,
Appellant

On Appeal From the United States District Court
For the District of New Jersey
(D.C. Crim. Action No. 00-cr-00386)
District Judge: Honorable Jerome B. Simandle

Submitted Pursuant to Third Circuit LAR 34.1(a)
December 13, 2002

BEFORE: FUENTES and STAPLETON, Circuit Judges,
and O’KELLEY,* District Judge

(Opinion Filed: December 18, 2002)

*Honorable William C. O’Kelley, United States District Judge for the District of Northern Georgia, sitting by designation.

OPINION

STAPLETON, Circuit Judge:

Appellant, Patrick Johnson, pled guilty to having conspired to distribute and having possessed with intent to distribute more than 500 grams of cocaine. He was sentenced to 270 months of incarceration, a \$5,000 fine and five years of supervised release. Appellant was granted a downward departure for substantial assistance to the authorities, and this sentence reflects a 90-month downward departure from the lowest possible sentence within the applicable Guidelines range.

Our review of the record, like that of appellant's counsel, has revealed no non-frivolous issues for appeal. Thus, in accordance with Anders v. California, 386 U.S. 738 (1967), we will affirm the judgment of the District Court and grant the motion for appellant's counsel to withdraw.

The District Court had jurisdiction pursuant to 18 U.S.C. § 3231. Appellant's pleas were knowing and voluntary, and the requirements of Fed. R. Crim P. 11 were satisfied. The sentence imposed was consistent with the Guidelines, and we have no jurisdiction to review the extent of the departure.

The judgment of the District Court will be affirmed.

/s/ Walter K. Stapleton
Circuit Judge