

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-2057

UNITED STATES OF AMERICA

v.

ANTONIO LAVELLE BOWIE,
Appellant

On Appeal from the U.S. District Court, M.D. Pa.
Judge Robert D. Mariani, No. 3:18-cr-00246-001

Before: SHWARTZ, RESTREPO, AND CHUNG, *Circuit Judges*
Submitted: Sept. 28, 2026; Filed: Sept. 29, 2026

NONPRECEDENTIAL OPINION*

SHWARTZ, *Circuit Judge*.

Antonio Bowie appeals his drug conviction and sentence. His counsel argues that his appeal presents no nonfrivolous issues and moves to withdraw under Anders v. California, 386 U.S. 738 (1967). We agree and will grant the motion and affirm.

I

A federal grand jury in Pennsylvania indicted Bowie on methamphetamine charges in 2018. Bowie was scheduled to enter a guilty plea but did not appear for the plea hearing, so an arrest warrant was issued. Four years later, he was arrested.

* This disposition is not an opinion of the full Court and, pursuant to I.O.P. 5.7, does not constitute binding precedent.

Bowie then pleaded guilty to one count of conspiracy to distribute and possess with intent to distribute methamphetamine in violation of 21 U.S.C. § 846. During the plea colloquy, the District Court confirmed that Bowie: (1) was pleading guilty knowingly and voluntarily,¹ (2) agreed that there was a factual basis for the charges, and (3) understood his trial rights and the consequences of his guilty plea.

At sentencing, the District Court calculated Bowie's Guideline offense level, granted a departure, and determined that Bowie's Sentencing Guidelines range was 135 to 168 months' imprisonment based on a total offense level of thirty-two and criminal history category of II.² Although Bowie's offense carried a ten-year mandatory minimum sentence, the District Court was permitted to impose a sentence below that minimum because Bowie was eligible for such relief under 18 U.S.C. § 3553(f). Both Bowie and the Government sought a variance and requested a 128-month sentence but after considering the 18 U.S.C. § 3553(a) factors, including Bowie's offense conduct and

¹ During the colloquy, Bowie stated that he had not read the entire plea agreement before the hearing, so the District Court recessed the proceeding to give Bowie time to review it.

² Before the departure and variance, Bowie's total offense level was 36, and with a criminal history category of II, resulted in a range of 210-262 months' imprisonment. At sentencing, the District Court misspoke and stated that Bowie had a criminal history category of I. Nonetheless, the correct criminal history category of II was provided in the Presentence Investigation Report and the Guidelines range was correctly calculated based on a criminal history category of II. Bowie did not object to his criminal history category calculation, nor does he raise the issue on appeal,

his significant rehabilitation efforts, the Court granted an even greater variance and imposed a sentence of 120 months' imprisonment and three years' supervised release.

Bowie appeals, and his counsel moves to withdraw under Anders.³

II⁴

A

“Third Circuit Local Appellate Rule 109.2(a) reflects the guidelines the Supreme Court promulgated in Anders to [ensure] that indigent clients receive adequate and fair representation.” United States v. Youla, 241 F.3d 296, 300 (3d Cir. 2001). Rule 109.2(a) allows defense counsel to file a motion to withdraw and a supporting brief when counsel has reviewed the record and concluded that “the appeal presents no issue of even arguable merit.” 3d Cir. L.A.R. 109.2(a) (2011). When counsel submits an Anders brief, we must determine: “(1) whether counsel adequately fulfilled the rule’s requirements; and (2) whether an independent review of the record presents any nonfrivolous issues.” Youla, 241 F.3d at 300. An issue is frivolous if it “lacks any basis in law or fact.” McCoy v. Ct. of Appeals of Wis., Dist. 1, 486 U.S. 429, 438 n.10 (1988).

To determine whether counsel has fulfilled Rule 109.2(a)’s requirements, we examine the Anders brief to see if counsel: (1) thoroughly examined the record in search of appealable issues, identifying those that arguably support the appeal, and (2) explained

³ Bowie also submitted a pro se brief.

⁴ The District Court had jurisdiction under 18 U.S.C. § 3231. We have jurisdiction under 28 U.S.C. § 1291 and 18 U.S.C. § 3742. We exercise plenary review to determine whether there are any nonfrivolous issues for appeal. Penson v. Ohio, 488 U.S. 75, 80 (1988).

why those issues are frivolous. United States v. Langley, 52 F.4th 564, 569 (3d Cir. 2022); United States v. Marvin, 211 F.3d 778, 780 (3d Cir. 2000). If the Anders brief meets these requirements, “we confine our scrutiny to those portions of the record identified.” Youla, 241 F.3d at 301.

Defense counsel’s Anders brief satisfies both elements, and an independent review of the record reveals no nonfrivolous issues for appeal. First, the brief demonstrates a thorough examination of the record and identifies as potentially appealable issues: (1) the District Court’s jurisdiction, (2) the validity of Bowie’s guilty plea, and (3) the reasonableness of Bowie’s sentence. Second, the brief explains why any challenge to jurisdiction, conviction, or sentence would be frivolous. Counsel’s Anders brief is therefore sufficient, and we will proceed to review the issues counsel and Bowie pro se have identified.

B

1

Bowie’s counsel correctly noted that the District Court had jurisdiction. United States district courts have jurisdiction over federal offenses, 18 U.S.C. § 3231, including violations of 21 U.S.C. §§ 841(a) and 846, which are the crimes Bowie was charged with committing. Thus, there is no issue of arguable merit concerning the District Court’s jurisdiction.

The record shows that Bowie's plea complied with the Constitution and Federal Rule of Criminal Procedure 11.⁶ See Boykin v. Alabama, 395 U.S. 238, 242 (1969); Fed. R. Crim. P. 11(b). During the plea hearing, the District Court questioned Bowie to confirm his competence and ensure he understood the charges against him and the consequences of his plea.⁷ It also reviewed his constitutional rights, including that he could plead not guilty and proceed to trial with the assistance of counsel, that he had a right to testify or not testify, and that the jury would presume him innocent unless and until the Government proved his guilt beyond a reasonable doubt. The Court also informed Bowie of the maximum and mandatory minimum penalties he faced and explained that, in its sentence, it would refer to but could depart from the Guidelines

⁵ Because Bowie did not challenge the validity of his guilty plea before the District Court, we review for plain error. United States v. Lessner, 498 F.3d 185, 192-93 (3d Cir. 2007).

⁶ When a defendant pleads guilty, he waives various constitutional rights, and those rights must be specifically addressed during a plea hearing. Boykin v. Alabama, 395 U.S. 238, 242-44 (1969). To that end, Rule 11 requires that district courts explain, and ensure the defendant understands, among other things,

the waiver of certain constitutional rights by virtue of a guilty plea, the nature of the charges to which he or she is pleading guilty, the maximum possible penalty to which he or she is exposed, the court's obligation to apply the Sentencing Guidelines and discretion to depart from those Guidelines under some circumstances, and the terms of any plea-agreement provision waiving the right to appeal or to collaterally attack the sentence.

United States v. Schweitzer, 454 F.3d 197, 202-03 (3d Cir. 2006) (citations, internal quotation marks, and alterations omitted).

⁷ Indeed, the District Court called a brief recess to ensure that Bowie had sufficient time to review the plea agreement before accepting his plea.

range. Finally, the Court found there was a factual basis for Bowie's guilty plea and that he knowingly and voluntarily pleaded guilty, having understood his rights and the consequences of his plea. Therefore, there is no issue of arguable merit with respect to the validity of Bowie's plea.⁸

3⁹

Bowie's sentence is also procedurally and substantively reasonable. With respect to procedural reasonableness, the District Court followed the required sentencing framework by: (1) correctly calculating the Guidelines range based on the admitted facts and Bowie's criminal history,¹⁰ (2) resolving a departure motion, and (3) meaningfully considering the § 3553(a) factors, including the seriousness of the offense, Bowie's

⁸ Bowie's pro se argument—that the acceptance of his guilty plea was improper because a witness lied during grand jury proceedings—does not alter this conclusion because he agreed there was a factual basis for the plea and does not now argue that the plea was involuntary or should be withdrawn. See Lessner, 498 F.3d at 197.

⁹ Because Bowie did not object to the procedural reasonableness of his sentence before the District Court, we review any procedural challenge to his sentence for plain error. United States v. Flores-Mejia, 759 F.3d 253, 256 (3d Cir. 2014) (en banc). We review the substantive reasonableness of a sentence for abuse of discretion. Gall v. United States, 552 U.S. 38, 46, 51 (2007).

¹⁰ Contrary to Bowie's pro se contentions, he (1) received a two-level "safety-valve" reduction under U.S. Sent'g Guidelines Manual § 2D1.1(b)(18), (2) received what was effectively a two-level downward variance based on the § 3553(a) factors, as his 120-month sentence would have fallen within the Guidelines range for a total offense level of thirty instead of thirty-two, see U.S. Sent'g Guidelines Manual Ch.5 Pt. A, and (3) was properly denied, and in fact withdrew any objection to the denial of, a reduction for acceptance of responsibility based on his flight. Further, we note that Bowie's pro se brief does not challenge the obstruction-of-justice enhancement applied based on his flight. See United States v. Batista, 483 F.3d 193, 198 (3d Cir. 2007) (explaining that conduct resulting in an obstruction of justice enhancement usually indicates that the defendant has not accepted responsibility for his criminal conduct).

failure to appear at his first plea hearing, and his significant rehabilitation efforts. See United States v. Tomko, 562 F.3d 558, 567 (3d Cir. 2009) (en banc).

The sentence was also substantively reasonable because we cannot say “no reasonable sentencing court would have imposed the same sentence . . . for the reasons the district court provided.” Id. at 568. First, the sentence was below the applicable Guidelines range and is thus presumptively reasonable. See Rita v. United States, 551 U.S. 338, 347 (2007). Second, Bowie’s sentence reflects consideration of the seriousness of his conduct and his rehabilitation efforts. Thus, any challenge to the substantive reasonableness of Bowie’s sentence is meritless.

III

Because counsel thoroughly examined the record and identified no nonfrivolous grounds for appeal, we will grant counsel’s motion to withdraw and AFFIRM.