

[DO NOT PUBLISH]

In the  
United States Court of Appeals  
For the Eleventh Circuit

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No. 23-11957

Non-Argument Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

*versus*

BRITTANY LYN DURKIN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Florida  
D.C. Docket No. 2:22-cr-14068-AMC-2

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Before NEWSOM, GRANT, and ANDERSON, Circuit Judges.

PER CURIAM:

The Government’s motion to dismiss this appeal pursuant to the appeal waiver in Appellant’s plea agreement is GRANTED. We will enforce a defendant’s waiver of the right to appeal if the waiver was made knowingly and voluntarily. *United States v. Bushert*, 997 F.2d 1343, 1351 (11th Cir. 1993). The “touchstone” for our determination on this issue is “whether it was clearly convey[ed]” to the defendant that she was giving up her right to appeal “under most circumstances.” *United States v. Boyd*, 975 F.3d 1185, 1192 (11th Cir. 2020) (alteration and emphasis in the original) (quotation omitted). The lower court satisfied this requirement at the change-of-plea hearing by referring to the plea agreement, reading key portions of the appeal waiver aloud and confirming with the defendant that she had read and understood the entire agreement, including the appeal waiver, and that she freely agreed to waive her right to appeal. *See United States v. Weaver*, 275 F.3d 1320, 1333 (11th Cir. 2001).