

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 18-14935
Non-Argument Calendar

D.C. Docket No. 1:17-cr-00006-LJA-TQL-15

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CEDRIC BUTTS,

Defendant - Appellant.

Appeal from the United States District Court
for the Middle District of Georgia

(January 15, 2020)

Before MARTIN, GRANT, and TJOFLAT, Circuit Judges.

PER CURIAM:

Je’Nita Lane, appointed counsel for Cedric Butts in this direct criminal appeal, has moved to withdraw from further representation of Butts and filed a

brief pursuant to Anders v. California, 386 U.S. 738, 87 S. Ct. 1396 (1967). Our independent review of the entire record reveals that counsel's assessment of the merit of the appeal is correct.

As part of Butts's plea agreement, he agreed to "waive[] any right to appeal or other collateral review of [his] sentence in any court." Notwithstanding this language in Butts's plea agreement, the court advised him as follows during his plea colloquy: "[I]f you believe you received constitutionally ineffective assistance of counsel, you'll [] be able to appeal in that circumstance." A waiver is unenforceable if the district court's explanation of the waiver was "confusing" such that the defendant would not have understood the waiver's "full significance." United States v. Bushert, 997 F.2d 1343, 1352–53 (11th Cir. 1993).

Nevertheless, and regardless of the appeal waiver, our independent examination of the record reveals no arguable issues of merit on appeal. Counsel's motion to withdraw is therefore **GRANTED**, and Butts's conviction and sentence are **AFFIRMED**.