

Appendix #

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. OCTAVIOUS ARTIS, Defendant - Appellant.
UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
2024 U.S. App. LEXIS 13784
No. 22-4374
June 6, 2024, Decided
April 22, 2024, Submitted

Notice:

PLEASE REFER TO FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1 GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

Editorial Information: Prior History

{2024 U.S. App. LEXIS 1}Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. (5:21-cr-00302-D-1). James C. Dever III, District Judge.

Disposition:

DISMISSED IN PART, AFFIRMED IN PART.

Counsel

Sharon Leigh Smith, UNTI & SMITH, Raleigh, North Carolina, for Appellant.

Michael F. Easley, Jr., United States Attorney, David A. Bragdon, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Raleigh, North Carolina, for Appellee.

Judges: Before HARRIS and RICHARDSON, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Opinion

PER CURIAM:

Octavious Artis pled guilty, pursuant to a written plea agreement, to conspiracy to distribute and possess with intent to distribute heroin, marijuana, and cocaine, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(C), 846 (Count 1), and possession with intent to distribute heroin and marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C) (Count 2). The district court sentenced him to a total term of 180 months' imprisonment, to be followed by three years of supervised release.

On appeal, counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), and a supplemental brief,* stating that there are no meritorious grounds for appeal but questioning whether the district court erroneously sentenced Artis as a career offender and whether the court{2024 U.S. App. LEXIS 2} erred by imposing a warrantless search condition on Artis' term of supervised release. Artis has filed several pro se supplemental briefs in which he challenges the sufficiency of the factual basis supporting his plea on Count 1; contends that defense counsel rendered constitutionally ineffective assistance during the plea proceedings and at sentencing; and raises various challenges to his career offender designation.

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FILED: March 3, 2023

Appendix B

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-4374
(5:21-cr-00302-D-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

OCTAVIOUS ARTIS

Defendant - Appellant

O R D E R

The court grants the motion to withdraw as counsel on appeal.

The court appoints Sharon Leigh Smith to represent Octavious Artis on appeal. Counsel is referred to the **CJA Payment Memorandum** and the **CJA eVoucher Page** for information on appointment terms and procedures.

If preparation of transcript is necessary, CJA authorization for preparation of transcript is obtained by submitting an AUTH-24 request in the district eVoucher system. New appellate counsel must contact district eVoucher staff for appointment to the underlying district court case in order to submit the AUTH-24

FILED: July 18, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-4374
(5:21-cr-00302-D-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

OCTAVIOUS ARTIS

Defendant - Appellant

ORDER

The court denies the pro se motion for extension of time to file petition for rehearing and rehearing en banc.

For the Court--By Direction

/s/ Nwamaka Anowi, Clerk