

United States Court of Appeals
For the Eighth Circuit

No. 24-1764

United States of America

Plaintiff - Appellee

v.

Bruce Franklin

Defendant - Appellant

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: January 24, 2025

Filed: January 29, 2025

[Unpublished]

Before LOKEN, KELLY, and ERICKSON, Circuit Judges.

PER CURIAM.

Bruce Franklin appeals after he pleaded guilty to multiple robbery and firearm offenses pursuant to a written plea agreement containing an appeal waiver, and was

sentenced by the district court.¹ His counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), challenging the sentence as substantively unreasonable. Franklin has also filed a pro se brief, challenging his sentence and the voluntariness of his plea.

Upon careful review, we conclude that the record shows Franklin entered into the plea agreement and appeal waiver knowingly and voluntarily, and that the appeal waiver is valid, enforceable, and applicable to the issues raised in this appeal. See United States v. Scott, 627 F.3d 702, 704 (8th Cir. 2010) (de novo review of the validity and applicability of an appeal waiver); United States v. Andis, 333 F.3d 886, 889-92 (8th Cir. 2003) (en banc) (appeal waiver will be enforced if the appeal falls within the scope of the waiver, the defendant knowingly and voluntarily entered into the plea agreement and the waiver, and enforcing the waiver would not result in a miscarriage of justice). To the extent Franklin raises an ineffective assistance of counsel claim, we decline to address it. See United States v. Hernandez, 281 F.3d 746, 749 (8th Cir. 2002) (generally, ineffective assistance claims are not cognizable on direct appeal).

Having independently reviewed the record pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no non-frivolous issues for appeal outside the scope of the appeal waiver. Accordingly, we grant counsel leave to withdraw and dismiss the appeal.

¹The Honorable John A. Ross, United States District Judge for the Eastern District of Missouri.