

October 31, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30444
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DARRYL L. WILLIAMS,

Defendant-Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
(02-CR-48-1-D)

Before JOLLY, WIENER, and DENNIS, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Darryl L. Williams appeals his conviction and sentence for being a felon in possession of a firearm. See 18 U.S.C. § 922(g). Williams contends on appeal that the district court abused its discretion in denying his motion to withdraw his guilty plea. Because the district court properly advised him of the maximum possible penalty for the offense of conviction, however, Williams cannot prevail on his argument that his reliance on misinformation from both prosecution and defense counsel about

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

the likely period of incarceration rendered the plea involuntary. United States v. Gracia, 983 F.2d 625, 629 (5th Cir. 1993); see also FED. R. CRIM. P. 11(d)(2).

The record indicates that Williams knowingly and voluntarily waived his right to appeal his sentence. See United States v. Portillo, 18 F.3d 290, 292-93 (5th Cir. 1994). As a result, Williams waived his arguments that the district court erred in overruling his objection to the PSR and by applying the cross-reference of § 2K2.1(c).

AFFIRMED.