

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-7234  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT WAYNE GREENLEE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. CR-J92-76(L)(N)  
- - - - -  
(March 25, 1994)

Before KING, DAVIS and DeMOSS, Circuit Judges.

PER CURIAM:\*

Robert Wayne Greenlee appeals his sentence resulting from a guilty-plea conviction for unlawful transfer of firearms. The Government filed a motion to dismiss the appeal, asserting that Greenlee waived his right to appeal.

The right to appeal a sentence may be waived in a plea agreement if the waiver is "informed and voluntary." United States v. Melancon, 972 F.2d 566, 567 (5th Cir. 1992). A waiver of the right to appeal "deserves and, indeed, requires the

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

special attention of the district court." United States v. Baty, 980 F.2d 977, 979 (5th Cir. 1992), cert. denied, 113 S.Ct. 2457 (1993). A defendant who waives the right to appeal cannot appeal errors that the district court might make in the application of the guidelines or otherwise imposing an illegal sentence. Id.

At the hearing on the change of plea, Greenlee acknowledged his understanding of the proceedings. The Government then stated the basic terms of the plea agreement including Greenlee's agreement to waive his right to appeal the sentence. The district court asked Greenlee if he understood that his guilty plea meant that he could receive a maximum sentence of ten years and a fine. Further, Greenlee could not withdraw his guilty plea and ask for a trial if he was unhappy with the sentence. The district court made it clear to Greenlee that he would have to live with a sentence up to ten years even if he disagreed with it. Greenlee stated that he understood and voluntarily and knowingly entered the agreement to waive his appeal.

APPEAL DISMISSED. The Government's motion to dismiss the appeal is GRANTED.