

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-41421

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DARYAL EDWARDS,

Defendant-Appellant.

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Appeal from the United States District Court for  
the Eastern District of Texas  
(D.C. No. 6:98-CR-16-1)

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May 4, 2000

Before REAVLEY, DAVIS and BARKSDALE, Circuit Judges.

PER CURIAM:\*

This appeal is dismissed for the reason that defendant waived an appeal from the conviction on his plea of guilty.

On September 14, 1998 the defendant and his attorney signed a plea agreement that included this paragraph:

With the exception of Sentencing Guidelines determinations, Defendant waives any appeal of error which may occur surrounding substance, procedure, or form of the conviction and sentencing in this case.

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

That agreement clearly waives any appeal except for a complaint about the court's application of the sentencing guidelines, and that is not the complaint of the present appeal. On three occasions during the consolidated plea and sentencing hearing the district judge asked the defendant if he had gone over the plea agreement with his lawyer and understood it all. The defendant answered, directly and without qualification or sign of confusion, that he did understand it all. Nothing more was required to bind defendant to the waiver. United States v. Portillo, 18 F.3d 290, 293 (5th Cir. 1994).

DISMISSED.