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USA v. Randy Baker

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 07-4577

UNITED STATES OF AMERICA

v.

RANDY CLARK BAKER

Appellant.

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Criminal No. 06-cr-00432)
District Judge: The Honorable A. Richard Caputo

Submitted Under Third Circuit LAR 34.1(a)
October 30, 2008

BEFORE: McKEE, NYGAARD, and SILER, * Circuit Judges.

(Filed: February 4, 2009)

*Honorable Eugene E. Siler, Jr., Senior Circuit Judge for the United States Court
of Appeals for the Sixth Circuit, sitting by designation.

OPINION OF THE COURT

NYGAARD, Circuit Judge.

Appellant, Randy Clark Baker, entered into a plea agreement with the Government, whereby he agreed to plead guilty to one count of unlawful possession of child pornography. A presentence investigation report was prepared and defense counsel filed a sentencing memorandum requesting a sentence outside and below the advisory sentencing range. The District Court sentenced him to 78 months' incarceration and a special assessment of \$100. We will affirm.

Because we write exclusively for the parties who are familiar with the facts and the proceedings below, we will not revisit them here. Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Baker's appointed counsel has examined the record, concluded that there are no non-frivolous issues for review, and has requested permission to withdraw.

We, too, have thoroughly examined the record and can find no non-frivolous issues to be raised in this appeal. Hence, we will affirm the judgment of the District Court and grant counsel's motion to withdraw.