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2003 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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2-24-2003

## USA v. Shalata

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**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 01-4064

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UNITED STATES OF AMERICA

v.

JOSEPH SHALATA,

Appellant

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF PENNSYLVANIA

(Dist. Court No. 3:CR-01-033)  
District Court Judge: Munley, J.

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Submitted Under Third Circuit LAR 34.1(a)  
February 10, 2003

Before: ALITO and McKEE, Circuit Judges, and SCHWARZER, Senior District Judge\*

(Opinion Filed: February 24, 2003)

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OPINION OF THE COURT

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PER CURIAM:

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\*The Honorable William W Schwarzer, Senior District Judge for the Northern District of California, sitting by designation.

Defendant Joseph Shalata pled guilty to conspiracy to distribute in excess of 100 grams of heroin which resulted in the death of another person, in violation of 21 U.S.C. §846. The District Court imposed sentence and entered judgment, and this appeal followed.

The defendant contends (1) that the District Court should have lessened his federal sentence by according him full-time credit for a related state conviction and sentence already served and (2) that his guilty plea was not entered voluntarily, knowingly, and intelligently. In accordance with the defendant's instructions, defendant's counsel submitted a brief presenting these claims to this Court. Pursuant to Anders v. California, 386 U.S. 738 (1967), however, defendant's counsel submitted a brief certifying that each of the issues raised by the defendant is without merit. We agree.

After reviewing counsel's Anders brief and engaging in an independent review of the record, see United States v. Youla, 241 F.3d 296, 299-300 (3d Cir. 2001), we find no non-frivolous issues meriting appeal. Accordingly, pursuant to Anders and Third Circuit Local Appellate Rule 109.2(b), we affirm the judgment of the District Court and grant defense counsel's motion to withdraw.