

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-5227

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

SANDRA G. ROBINSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., Senior District Judge. (6:09-cr-00578-HMH-3)

Submitted: September 30, 2010

Decided: October 7, 2010

Before NIEMEYER, AGEE, and KEENAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Leslie Sarji Locklair, LOCKLAIR & LOCKLAIR, PC, Surfside Beach, South Carolina, for Appellant. William Jacob Watkins, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sandra G. Robinson pled guilty to conspiracy against the United States, fraud and related activity in connection with identification documents, and aggravated identity theft based on her activities in making counterfeit checks using identification information gathered from stolen mail. The district court sentenced her to 24 months imprisonment for the first two offenses, and a consecutive 24 months on the aggravated identity theft conviction. Robinson's counsel filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), stating that, in counsel's view, there are no meritorious issues for appeal, but questioning whether Robinson's sentence was improperly enhanced in relation to the extent of her involvement in the conspiracy, whether the district court's consideration of the 18 U.S.C. § 3553(a) (2006) factors was sufficient, and whether Robinson's sentence is reasonable. Finding no reversible error, we affirm.

On appeal, Robinson asserts that her sentence is procedurally unreasonable because the district court failed to adequately analyze the statutory sentencing factors set forth in 18 U.S.C. § 3553(a), and explain the reasons for selecting the forty-eight-month total sentence. When determining a sentence, the district court must calculate the appropriate advisory guidelines range and consider it in conjunction with the

§ 3553(a) factors. Gall v. United States, 552 U.S. 38, 49-50 (2007). Additionally, the district court "must place on the record an individualized assessment based on the particular facts of the case before it." United States v. Carter, 564 F.3d 325, 330 (4th Cir. 2009) (internal quotation marks omitted). Appellate review of a district court's imposition of a sentence, "whether inside, just outside, or significantly outside the [g]uidelines range," is for abuse of discretion. Id. at 41. Sentences within the applicable guidelines range are presumed by the appellate court to be reasonable. United States v. Pauley, 511 F.3d 468, 473 (4th Cir. 2007).

The district court followed the necessary procedural steps in sentencing Robinson, appropriately treating the sentencing guidelines as advisory, properly calculating and considering the applicable guidelines range, and weighing the relevant § 3553(a) factors. Additionally, the district court considered and adopted the findings in the presentence report, considered the statements and arguments asserted by counsel on Robinson's behalf, including her lack of any prior criminal history, and allowed Robinson's daughter to address the court and plea for leniency for her mother. The court noted, however, that, shortly after joining the conspiracy, Robinson was arrested and, upon release, she resumed her criminal activities.

We are satisfied from our review of the record “that [the district court] has considered the parties’ arguments and has a reasoned basis for exercising [its] own legal decisionmaking authority.” United States v. Engle, 592 F.3d 495, 500 (4th Cir.) (quoting Rita v. United States, 551 U.S. 338, 356 (2007)) (alterations in original), petition for cert. filed, 78 U.S.L.W. 3764 (U.S. June 10, 2010) (No. 09-1512). We find no abuse of discretion in the district court’s determination of Robinson’s sentence, and therefore affirm.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. This court requires that counsel inform Robinson, in writing, of the right to petition the Supreme Court of the United States for further review. If Robinson requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel’s motion must state that a copy thereof was served on Robinson. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED