

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 17-4451**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RASHAUN SCOTT, a/k/a Shaun,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at  
Columbia. Margaret B. Seymour, Senior District Judge. (3:05-cr-00651-MBS-3)

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Submitted: January 30, 2018

Decided: February 1, 2018

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Before MOTZ and KEENAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Leslie T. Sarji, SARJI LAW FIRM, LLC, Charleston, South Carolina, for Appellant.  
John C. Potterfield, Assistant United States Attorney, OFFICE OF THE UNITED  
STATES ATTORNEY, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Rashaun Scott appeals from the revocation of his supervised release and the resulting 24-month sentence. Scott's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), asserting that there are no meritorious issues, but noting that Scott objected below to the classification of four of his supervised release violations, all for possession and use of marijuana, as Grade B violations. The Government declined to file a brief, and Scott did not file a pro se supplemental brief. Finding no error, we affirm.

At the revocation hearing, Scott admitted the use/possession violations alleged in the petition, but argued that the violations should be classified as Grade C violations instead of Grade B violations. However, given Scott's prior conviction for distribution of cocaine, his possession and use of marijuana would carry a sentence of up to two years, if prosecuted under 21 U.S.C. § 844(a) (2012). Thus, the violations were properly considered to be Grade B violations. See *United States v. Wynn*, 786 F.3d 339, 342-44 (4th Cir. 2015); U.S. Sentencing Guidelines Manual § 7B1.1(a), p.s. (2016).

In accordance with *Anders*, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm the revocation of Scott's supervised release and his sentence. This court requires that counsel inform Scott, in writing, of the right to petition the Supreme Court of the United States for further review. If Scott 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

Scott. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*