

Not for Publication in West's Federal Reporter

United States Court of Appeals For the First Circuit

No. 12-1354

UNITED STATES OF AMERICA,

Appellee,

v.

GEORGE F. RAYNER,

Defendant, Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MAINE

[Hon. John A. Woodcock, Jr., U.S. District Judge]

Before

Howard, Selya and Thompson,
Circuit Judges.

Harold J. Hainke and Hainke & Tash on brief for appellant.
Margaret D. McGaughey, Assistant United States Attorney, and
Thomas E. Delahanty II, United States Attorney, on brief for
appellee.

January 18, 2013

Per Curiam. This is a single-issue sentencing appeal. It follows a jury verdict finding defendant-appellant George F. Rayner guilty of bankruptcy fraud, see 18 U.S.C. § 152(1), and the district court's imposition of an incarcerative sentence of one year and one day.

The defendant's challenge to the sentence asserts that the district court did not appropriately consider and weigh the sentencing factors limned in 18 U.S.C. § 3553(a) and, as a result, fashioned a sentence that was greater than necessary to provide just punishment. We have carefully reviewed the district court record and the parties' briefs, and we find the defendant's argument to be meritless.

We need not tarry. The guideline sentencing range in this case is not contested; that range spans 21-27 months. The district court effected a downward variance in favor of the defendant and imposed a sentence of one year and one day – slightly more than one-half of the low point of the guideline sentencing range. In doing so, the court explicitly considered and weighed the totality of the circumstances, including the factors prescribed by 18 U.S.C. § 3553(a).

As best we can tell, the defendant's real complaint is not that the district court ignored the appropriate factors but, rather, that it weighed those factors differently than the defendant had hoped. Because the resulting sentence is neither

procedurally flawed nor substantively unreasonable, it commands our approbation. See United States v. Clogston, 662 F.3d 588, 592-93 (1st Cir. 2011); United States v. Dixon, 449 F.3d 194, 204-05 (1st Cir. 2006).

We need go no further. The judgment of the district court is summarily affirmed. See 1st Cir. R. 27.0(c).

Affirmed.