

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4171

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DENISE MICHELLE CLARK,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. Robert E. Maxwell, Senior District Judge. (2:05-cr-00044-REM)

Submitted: October 11, 2007

Decided: October 15, 2007

Before MICHAEL and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Joseph A. Wallace, Elkins, West Virginia, for Appellant. Sharon L. Potter, United States Attorney, Shawn Angus Morgan, Assistant United States Attorney, Clarksburg, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Denise Michelle Clark appeals the forty-eight-month sentence she received after she pled guilty to possession of a firearm by a convicted felon, 18 U.S.C. § 922(g)(1) (2000). Clark's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), raising three issues, but stating that, in his view, there are no meritorious issues for appeal. Clark has been informed of her right to file a pro se supplemental brief, but has not filed a brief. We affirm.

On appeal, counsel suggests that the district court erred in accepting Clark's guilty plea, in determining her relevant conduct under U.S. Sentencing Guidelines Manual § 2K2.1 (2006), and in denying her an adjustment for acceptance of responsibility under USSG § 3E1.1. However, our review of record discloses that the district court fully complied with the mandates of Fed. R. Crim. P. 11 in accepting Clark's guilty plea and ensured that her plea was knowing and voluntary and supported by an independent factual basis. See United States v. DeFusco, 949 F.2d 114, 116 4th Cir. 1991). The district court did not err in accepting Clark's stipulation to a base offense level of fourteen and a four-level enhancement for an offense involving eight to twenty-four firearms. Finally, the court did not clearly err in finding that Clark obstructed justice and had not accepted responsibility in light of her attempt to intimidate a witness with a pellet gun while on pre-

trial release. The sentence was imposed after the district court considered the correctly calculated advisory guideline range, and the factors set out in 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2007), and we conclude that the sentence is reasonable.

Pursuant to Anders, we have examined the entire record and find no meritorious issues for appeal. Accordingly, we affirm the district court's judgment. This court requires that counsel inform his client, in writing of her right to petition the Supreme Court of the United States for further review. If the client requests that such 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 the client. 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