

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4816

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHNNIE MAE BROOKS,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. James A. Beaty, Jr., Chief District Judge. (1:06-cr-00285-JAB)

Submitted: February 21, 2008

Decided: February 25, 2008

Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Thomas N. Cochran, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Robert Michael Hamilton, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Johnnie Mae Brooks appeals her three-month sentence imposed upon revocation of her probation. On appeal, Brooks' attorney has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), certifying there are no meritorious issues for appeal, but suggesting the court erred in the length of the sentence imposed. Although advised of her right to file a pro se supplemental brief, Brooks has not done so. After a thorough review of the record, we affirm.

This court will affirm a sentence imposed after revocation of probation if it is within the applicable statutory maximum and is not plainly unreasonable. United States v. Moulden, 478 F.3d 652, 656 (4th Cir. 2007) (citing United States v. Crudup, 461 F.3d 433, 437, 439-40 (4th Cir. 2006), cert. denied, 127 S. Ct. 1813 (2007)). Brooks' three-month sentence was within the advisory policy statement range of three to nine months and well below the statutory maximum of twenty-four months. See 18 U.S.C. § 3583(e)(3) (2000). Brooks' sentence is not plainly unreasonable.

In accordance with Anders, we have reviewed the entire record for meritorious issues and have found none. Accordingly, we affirm the district court's judgment. We deny counsel's motion to withdraw. 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 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