

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4465

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LESA R. FULLER,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Huntington. Robert C. Chambers, District Judge. (3:07-cr-00234-1)

Submitted: October 23, 2008

Decided: November 17, 2008

Before WILKINSON and NIEMEYER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Troy N. Giatras, THE GIATRAS LAW FIRM, PLLC, Charleston, West Virginia, for Appellant. Charles T. Miller, United States Attorney, Susan M. Robinson, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lesia R. Fuller pled guilty to embezzlement under 18 U.S.C. § 656 (2006) and was sentenced to twenty-one months of imprisonment. On appeal, Fuller alleges that the district court erred by enhancing her sentence by two levels for abusing a position of trust under U.S. Sentencing Guidelines Manual ("USSG") § 3B1.3 (2007). For the reasons that follow, we affirm.

We find no clear error in the district court's decision to impose the enhancement. United States v. Gordon, 61 F.3d 263, 269 (4th Cir. 1995) (providing standard). The record reveals that Fuller's position of being a "personal banker" clearly aided her crime and provided her with authority beyond "an ordinary bank teller." USSG § 3B1.3, comment. (n.1). Accordingly, we affirm. 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