

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4999

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CLINTES HAILI JEFFRIES,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. N. Carlton Tilley, Jr., Senior District Judge. (1:07-cr-00431-NCT-1)

Submitted: May 12, 2009

Decided: July 15, 2009

Before TRAXLER, Chief Judge, and NIEMEYER and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, III, Federal Public Defender, Eric D. Placke, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Randall S. Galyon, Assistant United States Attorney, Aaron Goss, Third Year Law Student, Wake Forest University, Winston-Salem, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Clintes Haili Jeffries was found guilty of violating his federal supervised release for the following violations: (1) failure to make monthly restitution payments; (2) failure to notify the probation officer within seventy-two hours of his arrest; and (3) committing further crimes. Jeffries was arrested on state charges of Felony Forgery of Instrument and Felony Uttering Forged Instrument and Felony Obtain Property by False Pretense. Jeffries was sentenced to twenty-four months of imprisonment. On appeal, Jeffries contests only his third violation.

We find no abuse of discretion in the district court's finding of guilt for the third violation. See United States v. Copley, 978 F.2d 829, 831 (4th Cir. 1992) (providing review standard). A district court need only find a violation of a condition of supervised release by a preponderance of the evidence. 18 U.S.C.A. § 3583(e)(3) (West 2000 & Supp. 2009). We find no clear error in the district court's factual findings, following an evidentiary hearing on the matter, that Jeffries was the person who passed a counterfeit check to the victim. See United States v. Carothers, 337 F.3d 1017, 1019 (8th Cir. 2003) (stating review standard); United States v. Whalen, 82 F.3d 528, 532 (1st Cir. 1996) (same). We do not review a

district court's assessment of witness credibility. United States v. Stevenson, 396 F.3d 538, 542 (4th Cir. 2005).

Accordingly, we affirm. We dispense with oral argument as the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED