

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-4291

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WANDA Y. MARTIN,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Matthew J. Perry, Jr., Senior District Judge. (3:08-cr-00886-MJP-1)

Submitted: August 27, 2009

Decided: October 1, 2009

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

Affirmed by unpublished per curiam opinion.

Parks N. Small, Federal Public Defender, Columbia, South Carolina, for Appellant. W. Walter Wilkins, United States Attorney, Winston D. Holliday, Jr., Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Wanda Y. Martin, the sole defendant in a twenty-nine count indictment charging wire fraud, in violation of 18 U.S.C.A. § 1343 (West Supp. 2009), pled guilty pursuant to a written plea agreement, to count twenty-two. The district court sentenced Martin to twenty-seven months' imprisonment and ordered restitution in the amount of \$342,991.51 to the charitable organization which Martin defrauded while in its employ. On appeal, Martin alleges that the district court gave presumptive weight to the advisory guideline sentence range in violation of Rita v. United States, 551 U.S. 338 (2007), in rejecting counsel's request to allow Martin to serve her sentence through home detention, a half-way house, or community supervision. The record simply provides no support for the assertion that the court improperly treated the guidelines as presumptively reasonable.

Accordingly, we affirm the district court's judgment. 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