

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-4800

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TORIN DEMETRIUS CARROWAY,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Florence. R. Bryan Harwell, District Judge. (4:06-cr-01146-RBH-3)

Submitted: January 11, 2011

Decided: February 4, 2011

Before KING, KEENAN, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Michael Allen Meetze, Federal Public Defender, Florence, South Carolina; Aileen P. Clare, Research and Writing Specialist, Columbia, South Carolina, for Appellant. Arthur Bradley Parham, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Torin Demetrius Carroway appeals from the district court's judgment revoking his probation and imposing a twelve month and one day sentence. On appeal, Carroway's counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but questioning whether the district court abused its discretion in revoking Carroway's probation. Carroway was informed of his right to file a pro se supplemental brief, but has not done so. For the following reasons, we affirm.

Appellate courts review a district court's decision to revoke probation for abuse of discretion. See United States v. Bujak, 347 F.3d 607, 609 (6th Cir. 2003); Gov't of the V.I. v. Martinez, 239 F.3d 293, 301 (3d Cir. 2001). The district court need find a violation of a term of probation by only a preponderance of the evidence. Bujak, 347 F.3d at 609.

The probation officer moved to revoke Carroway's probation based on Carroway's arrest for possession with intent to distribute marijuana, a Grade A violation. Carroway admitted that he possessed marijuana. At the time of his arrest, Carroway was found with five packages of marijuana, individually packaged in a manner consistent with distribution. Based on this evidence, a preponderance of the evidence supports the district court's conclusion that Carroway possessed marijuana

with the intent to distribute it. We therefore conclude that the district court did not abuse its discretion in revoking Carroway's probation.

We have examined the entire record in accordance with the requirements of Anders and have found no other meritorious issues for appeal. We therefore affirm the judgment of the district court. This court requires that counsel inform Carroway, in writing, of the right to petition the Supreme Court of the United States for further review. If Carroway 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 Carroway. 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