

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-4798

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ODELL MARTIN, JR., a/k/a Teazy,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Joseph F. Anderson, Jr., District Judge. (3:12-cr-00513-JFA-22)

Submitted: October 29, 2014

Decided: November 13, 2014

Before SHEDD, FLOYD, and THACKER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jeffrey Mikell Johnson, Eutawville, South Carolina, for Appellant. John David Rowell, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Odell Martin, Jr., appeals his sentence of 240 months' imprisonment imposed after he pleaded guilty, pursuant to a written plea agreement, to one count of conspiracy to conduct a pattern of racketeering activity, in violation of 18 U.S.C. §§ 1962(d) and 1963(a) (2012). Martin's counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious grounds for appeal but questioning whether the district court erred in finding that an alleged armed robbery was relevant conduct for sentencing. Martin filed a pro se supplemental brief, also questioning whether the armed robbery should have been considered, and further arguing that the district court erred in failing to grant him reductions for acceptance of responsibility and time served, and that the Government should have been required to plead the relevant conduct and prove it beyond a reasonable doubt. The Government did not file a brief. We affirm.

Martin and his counsel both allege that the district court erred in finding that the armed robbery was relevant conduct to the conspiracy conviction. We review the district court's factual findings during sentencing for clear error. United States v. Mehta, 594 F.3d 277, 281 (4th Cir. 2010). Our review of the record supports the district court's finding that Martin, with fellow gang members, entered a personal residence

and, while holding the residents at gunpoint, stole cash, clothing, and video games. We thus conclude that the district court did not clearly err in holding that the armed robbery was relevant conduct to the racketeering conspiracy.

In accordance with Anders, we have reviewed Martin's pro se claims and the record in this case and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Martin, in writing, of the right to petition the Supreme Court of the United States for further review. If Martin 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 Martin. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED