

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4755

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JAMIE WILLIAM SITES,

Defendant - Appellant.

Appeal from the United States District Court for the Northern
District of West Virginia, at Elkins. John Preston Bailey,
District Judge. (2:02-cr-00009-JPB-JSK-1)

Submitted: June 29, 2016

Decided: July 8, 2016

Before NIEMEYER, GREGORY, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Katy J. Cimino, Assistant Federal Public Defender, Kristen M.
Leddy, Research and Writing Specialist, Martinsburg, West
Virginia, for Appellant. Stephen Donald Warner, Assistant
United States Attorney, Elkins, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jamie William Sites appeals the district court's judgment revoking his supervised release and sentencing him to eight months' imprisonment. Counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that she has found no meritorious grounds for appeal but questioning whether the sentence was substantively reasonable. Sites was advised of his right to file a pro se supplemental brief, but has not done so.

"A district court has broad discretion when imposing a sentence upon revocation of supervised release." United States v. Webb, 738 F.3d 638, 640 (4th Cir. 2013). "We will affirm a revocation sentence if it is within the statutory maximum and is not 'plainly unreasonable.'" Id. In conducting this review, we assess the sentence for reasonableness, utilizing "the procedural and substantive considerations" employed in evaluating an original criminal sentence. United States v. Crudup, 461 F.3d 433, 438 (4th Cir. 2006). Only if a sentence is unreasonable will we "then decide whether the sentence is plainly unreasonable." Id. at 439. A sentence that is within a properly calculated Chapter Seven range is presumed reasonable. Webb, 738 F.3d at 642. We conclude that Sites fails to rebut the presumption that his within-Guidelines sentence is reasonable.

In accordance with Anders, we have reviewed the entire record for any meritorious grounds for appeal and have found none. Accordingly, we affirm the district court's judgment. This court requires that counsel inform Sites, in writing, of his right to petition the Supreme Court of the United States for further review. If Sites requests that a petition be filed, but counsel believes that such a petition would be frivolous, counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Sites. 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