

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

August 26, 2008

Charles R. Fulbruge III
Clerk

No. 07-11147
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

KRISTINA MARIE SHEPPARD

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:07-CR-80-ALL

Before WIENER, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

Defendant-Appellant Kristina Marie Sheppard was convicted of one count of making false statements in violation of 18 U.S.C. § 1001 and was sentenced to serve 16 months in prison. Sheppard appeals her sentence. Under the discretionary sentencing system established by *United States v. Booker*, 543 U.S. 220 (2005), district courts retain the duty to calculate properly and consider the applicable sentencing range under the Sentencing Guidelines, along with the

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

sentencing factors set forth in 18 U.S.C. § 3553(a), when fashioning a sentence. *United States v. Mares*, 402 F.3d 511, 518-19 (5th Cir. 2005). When we review a sentence, we typically consider whether the district court committed significant procedural error at sentencing and, if not, whether the sentence imposed is substantively reasonable. See *Gall v. United States*, 128 S. Ct. 586, 594, 597 (2007). Further, the district court's sentencing decision is ultimately reviewed for an abuse of discretion. *Id.* at 594.

Sheppard argues that the district court erred by adjusting her offense level pursuant to U.S.S.G. § 3A1.2 based on its determination that Officer Kernell was an official victim of the offense. Our examination of the record reveals no significant procedural error and nothing unreasonable in Sheppard's sentence. Accordingly, the judgment of the district court is
AFFIRMED.