

UNPUBLISHED
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
BROOKS JAMES TERRELL, <i>Defendant-Appellant.</i>

No. 01-4154

Appeal from the United States District Court
for the District of South Carolina, at Spartanburg.
Henry M. Herlong, Jr., District Judge.
(CR-99-610)

Submitted: September 28, 2001

Decided: November 5, 2001

Before WILKINS, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Benjamin T. Stepp, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. David Calhoun Stephens, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Brooks James Terrell appeals his total sentence of 382 months pursuant to a jury conviction for attempted car jacking resulting in serious bodily injury, possession of a firearm by a convicted felon, using and discharging a firearm during a crime of violence, and possession of crack cocaine with intent to distribute. Terrell's attorney has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), raising the issue as to whether the district erred in denying Terrell's various objections at resentencing, but stating that, in his view, there are no meritorious grounds for appeal. Terrell has filed a pro se supplemental brief.

Factual findings made by the district court in connection with a sentencing decision are reviewed for clear error, while legal interpretations of the guidelines are reviewed de novo. *United States v. Daughtrey*, 874 F.2d 213, 217 (4th Cir. 1989); *see also United States v. Blake*, 81 F.3d 498, 503 (4th Cir. 1996). Mixed questions of law and fact involving the applicability of guidelines provisions to a given set of facts are reviewed under a due deference standard. *United States v. Nale*, 101 F.3d 1000, 1003 (4th Cir. 1996) (citing *Daughtrey*, 874 F.2d at 217). Assuming, without deciding, that Terrell's objections to the presentence report were properly before the court at resentencing, after reviewing each of Terrell's claims in light of the record, we find no reversible error in the district court's denial of Terrell's claims.

In accordance with the requirements of *Anders*, we have reviewed the record for potential error and have found none. We also find Terrell's claims in his pro se supplemental brief without merit. Therefore, we affirm Terrell's sentence. This court requires that counsel inform his client, in writing, of his right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move this court for leave to withdraw from further representation. Counsel's motion must state that a copy thereof was served on the client. 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 in the decisional process.

AFFIRMED