

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

TINA LYNN SCOTT,
Defendant-Appellant.

No. 01-4260

Appeal from the United States District Court
for the District of South Carolina, at Spartanburg.
G. Ross Anderson, Jr., District Judge.
(CR-98-467)

Submitted: September 6, 2001

Decided: September 17, 2001

Before WIDENER, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Russell D. Ghent, LEATHERWOOD, WALKER, TODD & MANN,
Greenville, South Carolina, for Appellant. William Corley Lucius,
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Unpublished opinions are not binding precedent in this circuit.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:

Tina Lynn Scott appeals from the judgment in a criminal case revoking her probation and sentencing her to five months' imprisonment. Scott's counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating there were no meritorious issues for appeal. Scott was informed of her right to file a pro se brief, but has not done so. Because our review of the record discloses no reversible error, we affirm Scott's conviction and sentence.

As a matter of due process, prior to revocation of probation, Scott properly received: (1) written notice of the alleged violations of probation; (2) disclosure of the evidence against her; (3) opportunity to be heard in person and to present witnesses and documentary evidence; (4) the right to confront witnesses; (5) a neutral and detached hearing body; and (6) a written statement by the factfinder as to the evidence relied upon and the reasons for revoking probation. *Gagnon v. Scarpelli*, 411 U.S. 778, 786 (1973). We find that Scott was sentenced within the proper sentencing range. In addition, we find the court did not abuse its discretion by not sentencing her to home detention.

As required by *Anders*, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm Scott's conviction and sentence. This court requires that counsel inform his client, in writing, of her 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 in this court for leave to withdraw from 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 the decisional process.

AFFIRMED