

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

ROBERT LEE GRADY,
Defendant-Appellant.

No. 01-4261

Appeal from the United States District Court
for the Eastern District of North Carolina, at Wilmington.
James C. Fox, Senior District Judge.
(CR-00-89)

Submitted: April 16, 2002

Decided: May 7, 2002

Before NIEMEYER and MICHAEL, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Terry F. Rose, Smithfield, North Carolina, for Appellant. John Stuart Bruce, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Jennifer May-Parker, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Robert Lee Grady pled guilty, pursuant to a written plea agreement, to one count of assault with a deadly weapon on a United States Postal employee, Janet Hughes, 18 U.S.C.A. § 111(a), (b) (West 2000), and one count of use of a firearm in relation to a crime of violence, 18 U.S.C. § 924(c) (1994). Grady was sentenced to a term of imprisonment of 216 months. On appeal, Grady contends that the district court erred in accepting his guilty plea without requiring the Government to provide a factual basis for the assertion that Janet Hughes was a government employee. We affirm Grady's conviction.

Because Grady did not raise this claim in the district court, our review is for plain error. *See United States v. Martinez*, 277 F.3d 517, 524-25 (4th Cir. 2002). Under Fed. R. Crim. P. 11(f), a court may satisfy the factual basis requirement by examining the presentence report. *Martinez*, 277 F.3d at 532 (citing *United States v. Graves*, 106 F.3d 342, 345 (10 Cir. 1997)). The district court's finding of a factual basis is reviewed for abuse of discretion. *Martinez*, 277 F.3d at 531.

We find the district court did not abuse its discretion in relying on the presentence report to satisfy the factual basis requirement of Rule 11(f). The presentence report described Hughes as a United States Postal Service Rural Route Carrier. Further, Grady admitted at the plea hearing that he was guilty of assaulting a government employee. We find there was an adequate factual basis to support Grady's conviction. Accordingly, we affirm the judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid in the decisional process.

AFFIRMED