

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

ANTHONY LEON SCOTT,  
*Defendant-Appellant.*

No. 02-4080

Appeal from the United States District Court  
for the District of South Carolina, at Anderson.  
Henry M. Herlong, Jr., District Judge.  
(CR-98-854)

Submitted: June 25, 2002

Decided: July 11, 2002

Before MOTZ and KING, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Benjamin T. Stepp, Assistant Federal Public Defender, Greenville,  
South Carolina, for Appellant. William Corley Lucius, Assistant  
United States Attorney, Greenville, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

**OPINION**

## PER CURIAM:

Anthony Leon Scott appeals the district court's revocation of his supervised release and corresponding twenty-four month term of imprisonment. Scott's attorney filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967), asserting that there are no meritorious issues presented in this appeal, but raising questions as to whether sufficient evidence existed to establish by a preponderance of the evidence that Scott violated the terms of his supervised release and whether the court erred in imposing Scott's twenty-four month sentence. Scott was notified by counsel of his right to file a supplemental brief and has elected to do so. His contentions center around the same insufficiency of the evidence claim raised by counsel.

We review a district court's revocation of supervised release for abuse of discretion. *See United States v. Davis*, 53 F.3d 638, 642-43 (4th Cir. 1995). The district court need only find a violation of a condition of the supervised release by a preponderance of the evidence. *See* 18 U.S.C.A. § 3583(e)(3) (West 1994 & Supp. 2001); *Johnson v. United States*, 529 U.S. 694, 700 (2000).

Upon careful review, we conclude the district court possessed ample evidence to find by a preponderance of the evidence that Scott committed one Grade B violation of the conditions of his supervised release and two Grade C violations. The court also correctly sentenced Scott within the guideline sentencing range for a Grade B violation. To the extent Scott's informal supplemental brief raises different facts or contentions regarding the sufficiency of the evidence, we reject them as meritless. Accordingly, we affirm the judgment of the district court and the sentence it imposed.

We have examined the entire record in this case in accordance with the requirements of *Anders* and find no meritorious issues for appeal. 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 in this court for leave to withdraw from representation. Coun-

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sel's motion must state that a copy thereof was served on the client. Finally, 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*