

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

TAMMY CHIFFON WORTHAM,
Defendant-Appellant.

No. 02-4231

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
N. Carlton Tilley, Jr., Chief District Judge.
(CR-00-116)

Submitted: September 23, 2002

Decided: October 4, 2002

Before WILKINS, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Louis C. Allen, III, Federal Public Defender, John A. Dusenbury, Jr., Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Sandra J. Hairston, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Tammy Chiffon Wortham appeals the district court's revocation of her supervised release and imposition of a twelve-month term of imprisonment. Wortham'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 a question as to whether the district court erred in exceeding the non-binding range recommended by the sentencing guidelines. Wortham was notified of her right to file a supplemental brief and has elected not to do so.

We review a district court's revocation of supervised release for abuse of discretion. *United States v. Davis*, 53 F.3d 638, 642-43 (4th Cir. 1995). Where a defendant's original sentence falls below the sentencing guidelines range as the result of a downward departure for substantial assistance, as in this matter, a corresponding upward departure may be warranted when the court considers sentencing on a subsequent revocation. *U.S. Sentencing Guidelines Manual*, § 7B1.4, comment. (n.4) (2000). Because Wortham's original sentence was well below the recommended guidelines sentence, and because she admitted to numerous violations of the conditions of her supervised release, we conclude that the sentence imposed by the district court was not improper.

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 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.

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