

UNPUBLISHED

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
DERICK JEMAL WEST, <i>Defendant-Appellant.</i>

No. 02-4290

Appeal from the United States District Court
for the District of South Carolina, at Charleston.
Patrick Michael Duffy, District Judge.
(CR-99-455-2)

Submitted: September 19, 2002

Decided: October 1, 2002

Before WILKINS, LUTTIG, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

J. Robert Haley, Assistant Federal Public Defender, Charleston, South Carolina, for Appellant. J. Strom Thurmond, Jr., United States Attorney, Mary Gordon Baker, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Derrick J. West appeals the revocation of his term of five years' probation for theft or receipt of stolen mail. *See* 18 U.S.C. § 1708 (2000). West's attorney filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there were no meritorious issues for appeal, but addressing the sufficiency of the evidence that West violated his probation by engaging in criminal conduct. West filed a supplemental pro se brief addressing this issue as well. Because our review of the record discloses no reversible error, we affirm the revocation of West's probation and the sentence imposed.

The evidence presented at the revocation hearing established that, while on probation, West was involved in a domestic dispute that resulted in a charge of criminal domestic violence of a high an aggravated nature. *See* S.C. Code Ann. § 16-25-65 (Law. Co-op. 2001). West also stipulated that he violated four other terms of his probation. In light of the district court's determination that West's version of events was not credible, *see United States v. Lamarr*, 75 F.3d 964, 973 (4th Cir. 1996) (noting credibility determinations are not reviewable on appeal), we find there was sufficient evidence from which the district court could be "reasonably satisfied" that West had violated his probation as charged. *See United States v. Hopson*, 39 F.3d 795, 801 (7th Cir. 1994). Nor do we find error in the length of West's sentence. *See* 18 U.S.C. § 3565(a) (2000); *United States v. Schaefer*, 120 F.3d 505, 507 (4th Cir. 1997).

As required by *Anders*, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm the district court's order revoking West's probation and imposing an eighteen-month sentence. The 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. 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