

UNPUBLISHED

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

UNITED STATES OF AMERICA, <i>Plaintiff-Appellee,</i>
v.
STEVEN BROOKS, <i>Defendant-Appellant.</i>

No. 02-4453

Appeal from the United States District Court  
for the Middle District of North Carolina, at Durham.  
William L. Osteen, District Judge.  
(CR-01-296)

Submitted: November 26, 2002

Decided: December 20, 2002

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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**COUNSEL**

Walter T. Johnson, Jr., LAW OFFICE OF WALTER T. JOHNSON, JR., Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Douglas Cannon, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

**OPINION**

## PER CURIAM:

Steven Michael Brooks appeals the forty-four month sentence imposed on his guilty plea to conspiracy to make, utter, or possess counterfeit securities, in violation of 18 U.S.C. §§ 371, 513(a) (2000). Brooks conspired to sell or use as collateral for a loan two fraudulent letters of guarantee with face values totaling \$900,000,000. After calculating the sentencing enhancement based on the amount of intended loss, the district court departed downward one level, finding that the offense level overstated the seriousness of the crime. On appeal, Brooks contends that a downward departure is warranted for precisely the same reasons the district court granted the departure. This court lacks jurisdiction to review the extent of a downward departure in an appellant's favor unless the departure results in a sentence in violation of law or results from an incorrect application of the sentencing guidelines. *See United States v. Hill*, 70 F.3d 321, 324 (4th Cir. 1995); 18 U.S.C. § 3742(a) (2000). Neither exception applies here. Accordingly, we dismiss Brooks's appeal. 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.

*DISMISSED*