

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

KEVIN LEE MILLER,  
*Defendant-Appellant.*

No. 02-4782

Appeal from the United States District Court for the  
Middle District of North Carolina, at Durham.  
William L. Osteen, District Judge.  
(CR-02-89, CR-02-90, CR-02-91, CR-02-92,  
CR-02-93, CR-02-94, CR-02-95, CR-02-96, CR-02-97)

Submitted: April 24, 2003

Decided: May 2, 2003

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Louis C. Allen, III, Federal Public Defender, William S. Trivette,  
Assistant Federal Public Defender, Greensboro, North Carolina, for  
Appellant. Anna Mills Wagoner, United States Attorney, Paul A.  
Weinman, Assistant United States Attorney, Winston-Salem, North  
Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

PER CURIAM:

Kevin Miller appeals his 142-month sentence imposed by the district court following his guilty plea to eight counts of bank robbery and attempted bank robbery, in violation of 18 U.S.C. § 2113(a) (2000). Counsel has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Additionally, Miller has filed a pro se supplemental brief. Finding no reversible error, we affirm.

In counsel's *Anders* brief, Miller contends the district court erred in including three prior allegedly uncounseled convictions in determining his criminal history level. In assessing challenges to a sentencing court's application of the Sentencing Guidelines, we review factual determinations for clear error and legal issues de novo. *United States v. Singh*, 54 F.3d 1182, 1190 (4th Cir. 1995). The district court, based on Miller's own testimony at his sentencing hearing, found Miller waived his right to counsel in each of the contested convictions. We find no error in this determination.

We have reviewed the additional arguments and issues raised by Miller in his pro se supplemental brief and find them to be without merit. Pursuant to *Anders*, we have reviewed the record and find no error. Accordingly, we affirm Miller's conviction and sentence. 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 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*