

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

RONDY JOSSHARE LILES,
Defendant-Appellant.

No. 03-4030

Appeal from the United States District Court
for the Middle District of North Carolina, at Greensboro.
N. Carlton Tilley, Jr., Chief District Judge.
(CR-02-214)

Submitted: April 17, 2003

Decided: April 23, 2003

Before WIDENER, WILLIAMS, and MOTZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Joseph H. Craven, CRAVEN LAW FIRM, Durham, North Carolina,
for Appellant. Anna Mills Wagoner, United States Attorney, Harry L.
Hobgood, Assistant United States Attorney, Greensboro, North Caro-
lina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Rondy Josshare Liles pled guilty to robbery of a postal service employee in violation of 18 U.S.C. § 2114(a) (2000). Liles appeals the enhancement of his sentence for the use of a dangerous weapon. See *U.S. Sentencing Guidelines Manual* § 2B3.1(b)(2)(E), cmt. (n.1) (2001) (providing for enhancement for use of non-lethal object in a manner that created the impression that the object was a weapon). Finding no error, we affirm.

This court reviews a district court's factual findings for clear error and its application of the guidelines de novo. *United States v. Daughtrey*, 874 F.2d 213, 217 (4th Cir. 1989). The victim of the robbery, the postmistress, testified at the sentencing proceeding that Liles jumped over the counter and demanded postal orders. When she hesitated, Liles stated he did not want to hurt her and reached into his pocket and partially withdrew a black metallic object. She testified she was afraid the object might have been a gun. The district court found this testimony more credible than Liles's version that he was merely reaching toward a pocket for a glove and never withdrew anything from his pocket. Despite the postmistress's earlier statement that the object may have been a cell phone, we conclude that the district court did not clearly err in its factual findings.

Accordingly, we affirm Liles's sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid in the decisional process.

AFFIRMED