

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-4275**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ELIZABETH COFFEY,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Statesville. Lacy H. Thornburg, District Judge. (CR-01-36)

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Submitted: January 28, 2004

Decided: March 16, 2004

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Before WILKINSON, NIEMEYER, and LUTTIG, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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J. Franklin Mock, II, Mooresville, North Carolina, for Appellant.  
Robert J. Conrad, Jr., United States Attorney, Brian S. Cromwell,  
Assistant United States Attorney, Charlotte, North Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Elizabeth Coffey appeals her convictions and twenty-seven month sentence for conspiracy to commit bank fraud and mail theft, in violation of 18 U.S.C. §§ 1344, 371 (2000), and bank fraud and aiding and abetting bank fraud, in violation of 18 U.S.C. §§ 2, 1344 (2000). Counsel for Coffey has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), in which he states there are no meritorious issues for appeal. Coffey was informed of her right to file a pro se supplemental brief, but she has not done so. Counsel presents two issues for this Court's review. Finding no error, we affirm.

First, Coffey argues that the district court erred in calculating the amount of loss attributable to her. The district court's determination of the amount of loss is a factual matter reviewed for clear error. United States v. Castner, 50 F.3d 1267, 1274 (4th Cir. 1995). Based on our review of the testimony presented at trial, we conclude that the district court did not clearly err.

Next, Coffey asserts that district court erred in applying an enhancement for use of a minor in the commission of the crime. The district court's finding that Coffey used a minor is a factual finding reviewed for clear error. United States v. Murphy, 254 F.3d 511, 513 (4th Cir. 2001). We conclude that the district

court did not clearly err in relying on the trial testimony that Coffey used a minor to commit her crime.

Accordingly, we affirm Coffey's convictions and sentence. In accordance with Anders, we have reviewed the entire record in this case and find no other 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 such 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