

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-4350**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ROBERT EDWARD WILLIAMS, JR.,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Lynchburg. Norman K. Moon, District Judge. (CR-04-70001)

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Submitted: November 2, 2005

Decided: November 15, 2005

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Before TRAXLER, KING, and DUNCAN, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Joseph A. Sanzone, SANZONE & BAKER, P.C., Lynchburg, Virginia, for Appellant. John L. Brownlee, United States Attorney, Jennie L. M. Waering, Assistant United States Attorney, Sarah J. Beatty, Third-Year Practice Law Student, Roanoke, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Robert Edward Williams, Jr., appeals the sentence imposed following his conviction for altering money orders in violation of 18 U.S.C. §§ 500, 2 (2000); forging securities in violation of 18 U.S.C. §§ 513(a), 2 (2000); credit card fraud in violation of 18 U.S.C. §§ 1029(a), 2 (2000); mail fraud in violation of 18 U.S.C. §§ 1341, 2 (2000); and conspiracy to commit mail fraud in violation of 18 U.S.C. § 371 (2000). Williams was sentenced to fifty-one months of imprisonment and ordered to pay \$82,833.55 in restitution.\* Williams alleges that the district court erred in including a debt of \$17,687.71 on a First USA credit card in the calculation of the amount of loss under U.S. Sentencing Guidelines Manual § 2B1.1 (2004) because the evidence was insufficient to support a finding of fraud as to that amount. For the reasons that follow, we affirm.

In fraud cases, the Government bears the burden of proving the amount of loss for sentencing purposes by a preponderance of evidence. United States v. Pierce, 409 F.3d 228, 234 (4th Cir. 2005). With respect to sentencing, the district court makes a "reasonable estimate of the loss, given the available information." United States v. Miller, 316 F.3d 495, 503 (4th Cir. 2003). Here, the Government met its burden by introducing

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\*The sentence was imposed after the Supreme Court's decision in United States v. Booker, 125 S. Ct. 738 (2005), and the district court properly applied the Sentencing Guidelines in an advisory manner.

documentary evidence regarding the amount of loss from First USA, and establishing through testimonial evidence the connection between the losses sustained and Williams's use of the credit card at issue. The district court fairly relied on this information in its assessment of the loss amount. We therefore find that a preponderance of evidence supports the Government's allegation regarding the amount of loss, and that the district court did not make an unreasonable estimate of the loss.

We affirm the judgment of the district court. 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