

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4492

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ULYSEE BAKER, JR., a/k/a Ulysee Baker, a/k/a
Bake,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Newport News. Jerome B. Friedman,
District Judge. (4:04-cr-00115-JBF-6)

Submitted: November 30, 2006

Decided: July 5, 2007

Before MICHAEL, GREGORY, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

William B. Cummings, WILLIAM B. CUMMINGS, P.C., Alexandria,
Virginia, for Appellant. Howard Jacob Zlotnick, Assistant United
States Attorney, Newport News, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Ulysee Baker, Jr. was convicted by a jury of one count of conspiracy to obstruct, delay and affect commerce by robbery in violation of 18 U.S.C. § 1951 (2000), one count of interstate transportation of stolen property conspiracy in violation of 18 U.S.C. § 371 (2000), and one count of money laundering conspiracy in violation of 18 U.S.C. § 1956(h) (2000). The district court sentenced Baker to 336 months in prison, three years of supervised release upon his release from prison, and ordered Baker to pay \$6,271,791.14 in restitution. Finding no error, we affirm.

Counsel for Baker has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), alleging that he has found no meritorious issues for appeal, but stating that Baker wishes to challenge the sufficiency of the evidence brought against him at trial, and the reasonableness of his sentence with respect to the factors set forth at 18 U.S.C. § 3553(a) (2000) and in light of United States v. Booker, 543 U.S. 220 (2005). Baker was advised of his right to file a pro se supplemental brief but has not done so. The Government declined to file a responding brief.

A review of the record reveals the Government produced ample evidence from which a reasonable finder of fact could conclude Baker's guilt of the crimes with which he was charged. Additionally, we find Baker's sentence is reasonable because a sentence imposed "within the properly calculated Guidelines range

. . . is presumptively reasonable," and there is no evidence to rebut the presumption in this case. United States v. Green, 436 F.3d 449, 455-56 (4th Cir.), cert. denied, 126 S. Ct. 2309 (2006). The district court appropriately treated the guidelines as advisory, considered the guidelines range, and weighed all of the relevant factors under 18 U.S.C. § 3553(a). Therefore, we find Baker's sentence as ordered by the district court is reasonable.

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for review. We therefore affirm Baker'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 that such a petition would be frivolous, then counsel may renew in this court his motion 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