

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4790

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RODNEY TERRELL NEWSOME,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, Senior District Judge. (5:02-cr-00048-H)

Submitted: February 22, 2007

Decided: February 28, 2007

Before WILLIAMS, MOTZ, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, Stephen C. Gordon, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. George E. B. Holding, United States Attorney, Anne M. Hayes, Christine Witcover Dean, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Following a hearing at which Rodney T. Newsome was found to have violated conditions of his supervised release, the district court revoked his supervised release and sentenced him to twelve months and one day in prison. Newsome appealed. Finding no reversible error, we affirm.

We review sentences imposed upon the revocation of supervised release to determine whether the sentence is "plainly unreasonable." See United States v. Crudup, 461 F.3d 433 (4th Cir. 2006). Newsome's sentence was nearly nine months below the guidelines sentencing range of 21-24 months, and the court stated a proper basis for its conclusion that Newsome be sentenced to twelve months and one day of imprisonment. The court considered that Newsome was the primary caretaker for his teenage son, however, noted Newsome's repeated criminal conduct and his failure to notify his probation officer of being arrested. Because Newsome's sentence was neither procedurally nor substantively unreasonable, we find that his sentence is not plainly unreasonable.

Accordingly, we affirm the district court's determination. We dispense with oral argument because the facts and legal contentions are adequately set forth in the materials before the Court and argument would not aid the decisional process.

AFFIRMED