

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4416

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SOFIA KRAIT WINKLER, a/k/a Sofia Krait,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Raymond A. Jackson, District Judge. (2:06-cr-00107-RAJ)

Submitted: October 10, 2007

Decided: January 17, 2008

Before MICHAEL and MOTZ, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

James S. Ellenson, Newport News, Virginia, for Appellant. Chuck Rosenberg, United States Attorney, Joseph E. DePadilla, Assistant United States Attorney, Matthew P. Kertz, Third Year Law Student, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Sofia Krait Winkler was found guilty by a jury of Count 1, conspiracy, in violation of 18 U.S.C. § 371 (2000), and Counts 3, 4, 5, 6, 7, and 8, false statements related to naturalization or citizenship, in violation of 18 U.S.C.A. § 1015(a) (West Supp. 2007). She was sentenced to twenty-five months of imprisonment. On appeal, Winkler argues that the district court erred in denying her request for a jury instruction on entrapment. For the reasons that follow, we affirm.

We find no reversible error in the district court's refusal to issue the instruction. United States v. Phan, 121 F.3d 149, 154 (4th Cir. 1997) (stating review standard). The record does not support Winkler's claim that she was induced to commit her crimes and that she had no previous predisposition to do so. See Mathews v. United States, 485 U.S. 58, 63 (1998); United States v. Sarihifard, 155 F.3d 301, 308 (4th Cir. 1998). In particular, Winkler failed in her evidentiary burden to establish grounds for the affirmative defense, United States v. Lewis, 53 F.3d 29, 33 n.8 (4th Cir. 1995), and the evidence of her predisposition to commit the crimes was abundant. United States v. Sligh, 142 F.3d 761, 762-63 (4th Cir. 1998).

Accordingly, we affirm her convictions. 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