

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-5219

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL ROCHELLE CORNELIUS, a/k/a Michael Robert Cornelius,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Columbia. Margaret B. Seymour, District Judge. (3:06-cr-01071-MBS-1)

Submitted: April 26, 2012

Decided: May 3, 2012

Before AGEE, KEENAN, and FLOYD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Allen B. Burnside, Assistant Federal Public Defender, Columbia, South Carolina, for Appellant. Stanley Duane Ragsdale, Assistant United States Attorney, Columbia, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Michael Rochelle Cornelius appeals from the district court's judgment revoking his supervised release and imposing a twenty-month prison term and a one-year term of supervised release. On appeal, Cornelius' counsel has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal, but questioning whether the district court abused its discretion in revoking Cornelius' supervised release. Although informed of his right to file a pro se supplemental brief, Cornelius has not done so. The Government declined to file a brief. We affirm.

We review the district court's revocation of supervised release for abuse of discretion. United States v. Pregent, 190 F.3d 279, 282 (4th Cir. 1999). The district court need only find a violation of a condition of supervised release by a preponderance of the evidence. 18 U.S.C.A. § 3583(e)(3) (West 2006 & Supp. 2011). We review for clear error factual determinations underlying the conclusion that a violation occurred. United States v. Carothers, 337 F.3d 1017, 1019 (8th Cir. 2003); United States v. Whalen, 82 F.3d 528, 532 (1st Cir. 1996). After reviewing the record, we conclude that the district court did not abuse its discretion in revoking Cornelius' supervised release because a preponderance of the evidence supports the court's finding that Cornelius violated

the terms of his supervised release by engaging in the criminal offense of indecent exposure while on release.

In accordance with Anders, we have reviewed the entire record and have found no meritorious issues for appeal. We therefore affirm the district court's judgment. This court requires that counsel inform Cornelius, in writing, of the right to petition the Supreme Court of the United States for further review. If Cornelius requests that 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 Cornelius.

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