UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-4939

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TROUN VANRECKUS BROCK,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Abingdon. James P. Jones, District Judge. (1:13-cr-00036-JPJ-PMS-3)

Submitted: January 28, 2016 Decided: April 6, 2016

Before DUNCAN and KEENAN, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Wayne D. Inge, LAW OFFICE OF WAYNE D. INGE, Roanoke, Virginia, for Appellant. Zachary T. Lee, Assistant United States Attorney, Abingdon, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Troun Vanreckus Brock appeals the district court's judgment imposing a 151-month sentence following his conviction for conspiracy to distribute Schedule II controlled substances, in violation of 21 U.S.C. §§ 846, 841(b)(1)(A), (b)(1)(C) (2012). Brock's 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 erroneously denied Brock's motion for judgment of acquittal based on sufficiency of the evidence and whether Brock's sentence was reasonable. Brock has been notified of his right to file a pro se brief, but he has not filed one. We affirm.

First, we find no error in the district court's denial of Brock's motion for judgment of acquittal. "A defendant challenging the sufficiency of the evidence faces a heavy burden." United States v. Foster, 507 F.3d 233, 245 (4th Cir. 2007). "A jury's verdict must be upheld on appeal if there is substantial evidence in the record to support it." Id. at 244. Evidence is "substantial" if, viewed in the light most favorable to the government, "there is evidence that a reasonable finder of fact could accept as adequate and sufficient to support a conclusion of a defendant's guilt beyond a reasonable doubt." Id. at 245. Because the record before us contains ample

evidence of Brock's guilt, we conclude that the district court did not err in denying his motion.

We next turn to Brock's sentence, which we review for both procedural and substantive reasonableness "under a deferential abuse-of-discretion standard." Gall v. United States, 552 U.S. 38, 41 (2007). We must ensure that the district court committed no significant procedural error, such as improperly calculating the Sentencing Guidelines range. Id. at 51. If there is no significant procedural error, we then consider the sentence's substantive reasonableness under "the totality of the circumstances, including the extent of any variance from the Guidelines range." Id. We presume that a sentence within a properly calculated Guidelines range is reasonable. United States v. Louthian, 756 F.3d 295, 306 (4th Cir.), cert. denied, 135 S. Ct. 421 (2014). A defendant can rebut this presumption only "by showing that the sentence is unreasonable when measured against the 18 U.S.C. § 3553(a) factors." Id.

After reviewing the presentence report and sentencing transcript, we conclude that Brock's sentence is both procedurally and substantively reasonable. The district court properly calculated the advisory Guidelines range, discussed the applicable § 3553(a) factors, and thoroughly explained its reasons for imposing the sentence Brock received. In addition, Brock has not made the showing necessary to rebut the

presumption of reasonableness accorded his within-Guidelines sentence.

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

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED