

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4739

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TRACY E. SEXTON,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (CR-98-81)

Submitted: April 15, 1999

Decided: April 21, 1999

Before NIEMEYER and HAMILTON, Circuit Judges, and PHILLIPS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Hunt L. Charach, Federal Public Defender, George H. Lancaster, Jr., Assistant Federal Public Defender, Charleston, West Virginia, for Appellant. Rebecca A. Betts, United States Attorney, Susan M. Arnold, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Tracy E. Sexton appeals his sentence imposed after a guilty plea to interstate transportation of stolen goods. Because Sexton was on bond for an Illinois conviction at the time he committed the instant offense, the district court added two additional criminal history points under U.S. Sentencing Guidelines Manual § 4A1.1(d) (Nov. 1997) (“[a]dd 2 points if the defendant committed the instant offense while under any criminal justice sentence, including probation, parole, supervised release, imprisonment, work release, or escape status”). On appeal, Sexton contends that he was not under a “criminal justice sentence” for purposes of § 4A1.1(d), because he had been released on bond to self-report for imprisonment at the time of the offense. We disagree.

After review of the parties’ arguments and the record before us, we affirm on the district court’s reasoning from the bench at Sexton’s sentencing. See J.A. at 23-24; see also United States v. Damon, 127 F.3d 139, 147 (1st Cir. 1997). 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