

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

KIMBERLY DENISE POOLE, a/k/a
Kimberly Corbett,
Defendant-Appellant.

No. 01-4669

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
N. Carlton Tilley, Jr., Chief District Judge.
(CR-01-70)

Submitted: January 31, 2002

Decided: February 11, 2002

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Louis C. Allen, III, Federal Public Defender, William C. Ingram, Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Benjamin H. White, Jr., United States Attorney, Robert M. Hamilton, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Kimberly Denise Poole appeals her twenty-one month sentence for bank fraud, in violation of 18 U.S.C.A. § 1344 (West 2000). Finding no reversible error, we affirm.

On appeal, Poole claims only that the district court erred by denying her a reduction for acceptance of responsibility pursuant to *U.S. Sentencing Guidelines Manual* § 3E1.1 (2000). We review a district court's determination as to whether a defendant is entitled to such a reduction with great deference for clear error. *United States v. Nale*, 101 F.3d 1000, 1005 (4th Cir. 1996).

Because there was evidence that Poole failed to appear at her sentencing hearing and moved without notifying her federal probation officer, in violation of her conditions of release, we cannot conclude that the district court clearly erred in its determination. A defendant who pleads guilty and truthfully admits her conduct may still lose the adjustment through other conduct that is inconsistent with such acceptance of responsibility. USSG § 3E1.1, comment. (n.3).

Accordingly, we affirm Poole's conviction and sentence. 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