

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

JOSEPH GANTT, JR., a/k/a Jerome  
Michael Gantt,  
*Defendant-Appellant.*

No. 01-4753

Appeal from the United States District Court  
for the Eastern District of Virginia, at Richmond.  
Robert E. Payne, District Judge.  
(CR-98-26)

Submitted: April 24, 2002

Decided: May 6, 2002

Before MICHAEL, MOTZ, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Theodore N.I. Tondrowski, TONDROWSKI & WICKER, Richmond,  
Virginia, for Appellant. Paul J. McNulty, United States Attorney, Sara  
E. Flannery, Special Assistant United States Attorney, Richmond,  
Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

#### PER CURIAM:

Joseph Gantt, Jr., appeals the district court's order revoking his term of supervised release. Gantt argues the Government's evidence was insufficient to prove he violated the terms and conditions of his supervised release. We do not agree.

We review a district court's revocation of supervised release for abuse of discretion. *United States v. Davis*, 53 F.3d 638, 642-43 (4th Cir. 1995). The district court need only find a violation of a condition of supervised release by a preponderance of the evidence. *See* 18 U.S.C.A. § 3583(e)(3) (West 1994 & Supp. 2001). We have reviewed the record and the district court's opinion and find the evidence sufficient to prove Gantt violated the terms and conditions of his supervised release by committing a new crime and by failing to notify his probation officer, as required, within seventy-two hours of his arrest.

Accordingly, we affirm the district court's order revoking Gantt's supervised release. 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*