

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-5145

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

YOLANDA RENEE JOHNSON,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. J. Frederick Motz, District Judge. (CR-04-556)

Submitted: March 10, 2006

Decided: March 30, 2006

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

Affirmed by unpublished per curiam opinion.

C. William Michaels, Baltimore, Maryland, for Appellant. Rod J. Rosenstein, United States Attorney, Martin J. Clarke, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Yolanda Renee Johnson pled guilty to one count of extortion under color of official right, in violation of 18 U.S.C. § 1951 (2000). On appeal, Johnson claims the district court abused its discretion by imposing a four-level upward adjustment to the offense level and by failing to fully consider the sentencing factors under 18 U.S.C.A. § 3553(a) (West 2000 & Supp. 2005). Finding no error, we affirm.

We review a sentence for reasonableness which includes consideration of whether the sentence is within the statutory range and whether the sentence was guided by the guidelines and § 3553(a). United States v. Green, 436 F.3d 449, 456 (4th Cir. 2006). The district court is given "some latitude" to impose a sentence outside the guidelines. Id. Any such sentence is reviewed for abuse of discretion. Id. at 457.

We find the district court properly considered the sentencing guidelines and articulated appropriate factors as to why an upward adjustment was warranted. Because the court articulated its reasoning for imposing a higher sentence and supported its reasoning using appropriate factors, we find the sentence reasonable and not an abuse of discretion. See United States v. Moreland, 437 F.3d 424, 432 (4th Cir. 2006).

Accordingly, we affirm the 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