

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 10-4586**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JASON COX,

Defendant - Appellant.

---

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:08-cr-00214-WO-3)

---

Submitted: February 4, 2011

Decided: March 4, 2011

---

Before AGEE, DAVIS, and KEENAN, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

Stacey D. Rubain, QUANDER & RUBAIN, P.A., Winston-Salem, North Carolina, for Appellant. Robert Michael Hamilton, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jason Cox pled guilty to one count of conspiracy to commit bank fraud, in violation of 18 U.S.C. §§ 371, 1344 (2006), one count of bank fraud and aiding and abetting such fraud, in violation of 18 U.S.C. §§ 1344(2) & 2 (2006), and one count of identity theft, in violation of 18 U.S.C. § 1028A(a)(1) (2006). He was sentenced to twenty-three months' imprisonment for the two bank fraud convictions and a consecutive two-year statutory sentence for the identity theft conviction. He was also sentenced to a three year term of supervised release for the conspiracy conviction, a five year term of supervised release for the substantive bank fraud conviction and a one year term of supervised release for the identity theft conviction, all running concurrently. In addition, Cox was ordered to pay restitution in the amount of \$97,869.39, pursuant to 18 U.S.C. § 3663A (2006). Counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), certifying there were no meritorious issues for appeal. Cox was informed of the opportunity to file a pro se supplemental brief, but did not do so. The Government did not file a brief. We affirm.

We find no error with the plea agreement or the Rule 11 colloquy. Cox appeared competent to plead guilty and was aware of the charges against him, the possible penalties and the

assorted rights he was waiving or losing by virtue of his pleas and his convictions. Accordingly, we affirm his convictions.

We also conclude there was no error at sentencing. There were no objections to the properly calculated Sentencing Guidelines. The district court was aware that the Guidelines were advisory and that it should consider the sentencing factors under 18 U.S.C. § 3553(a). It was clear the court considered counsel's arguments for a sentence at the low end of the Guidelines and for a three year term of supervised release. The within Guidelines sentence is reasonable. See United States v. Allen, 491 F.3d 178, 193 (4th Cir. 2007).

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Cox's convictions and sentence. This court requires that counsel inform Cox, in writing, of the right to petition the Supreme Court of the United States for further review. If Cox 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 Cox. 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