

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4934

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

THOMAS W. SAYE, III,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Anderson. Margaret B. Seymour, District Judge. (CR-02-317)

Submitted: June 26, 2003

Decided: July 15, 2003

Before WIDENER, MOTZ, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Cameron B. Littlejohn, Jr., Columbia, South Carolina, for Appellant. J. Strom Thurmond, Jr., United States Attorney, William C. Lucius, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Thomas W. Saye, III, appeals his fifteen month sentence pursuant to his guilty plea to counterfeiting money, in violation of 18 U.S.C. § 371 (2000). On appeal, Saye asserts the district court erred by increasing his offense level by six points pursuant to U.S. Sentencing Guidelines Manual § 2B5.1(b)(2)(A), (b)(3) (2001).

In reviewing a district court's application of the sentencing guidelines, this Court reviews factual determinations for clear error and legal questions de novo; mixed questions of law and fact are reviewed under a standard that gives due deference to the district court. United States v. Nale, 101 F. 3d 1000, 1003 (4th Cir. 1996). Applying these standards, we conclude Saye's claim is meritless. The district court considered proper factors in determining Saye's sentence should be enhanced under USSG § 2B5.1(b)(2)(A), (b)(3), and it therefore did not err by increasing his offense level by six points. See United States v. Miller, 77 F.3d 71, 76 (1996).

Accordingly, we affirm Saye'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 in the decisional process.

AFFIRMED