

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-4034

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JERRELL MARKES BROADIE,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Senior District Judge. (3:15-cr-00115-JRS-1)

Submitted: September 21, 2016

Decided: December 2, 2016

Before NIEMEYER, KING, and HARRIS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Jeremy C. Kamens, Federal Public Defender, Patrick L. Bryant, Appellate Attorney, Elizabeth W. Hanes, Assistant Federal Public Defender, Alexandria, Virginia, for Appellant. Dana J. Boente, United States Attorney, Angela Mastandrea-Miller, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jerell Markes Broadie appeals the 84-month sentence imposed upon his guilty plea to theft of firearms from a federally licensed firearms dealer, 18 U.S.C. § 922(u) (2012). Broadie claims, first, that the district court improperly assigned a base offense level of 20 under U.S. Sentencing Guidelines Manual (USSG) § 2K2.1(a)(4)(B)(i)(I) (2014), based upon its findings that the offense involved a semiautomatic weapon capable of accepting a large capacity magazine and that Broadie qualified as a “prohibited person.” Second, Broadie claims that the district court erred in applying the four-level enhancement under USSG § 2K2.1(b)(5) for engaging in firearms trafficking.

We review a sentence for reasonableness, applying an abuse-of-discretion standard. Gall v. United States, 552 U.S. 38, 51 (2007); United States v. Howard, 773 F.3d 519, 527-28 (4th Cir. 2014). We review the sentencing court’s factual findings for clear error. United States v. Flores-Alvarado, 779 F.3d 250, 254 (4th Cir. 2015). With these standards in mind, we have reviewed the record before the court and the parties’ briefs and find no clear error and no abuse of discretion by the district court in imposing Broadie’s 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