UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-4060

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBIN LEE JOHNSON, a/k/a Robin Lee,

Defendant - Appellant.

No. 24-4163

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBIN LEE JOHNSON, a/k/a Robin Lee,

Defendant - Appellant.

Appeals from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., Senior District Judge. (6:22-cr-00929-HMH-1; 6:22-cr-00930-HMH-1)

Submitted: August 31, 2026 Decided: September 17, 2026

Before AGEE and THACKER, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

ON BRIEF: William W. Watkins, Sr., WILLIAM W. WATKINS, PA, Columbia, South Carolina, for Appellant. William Jacob Watkins, Jr., OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

In these consolidated appeals, Robin Lee Johnson appeals her convictions and 46-month sentence imposed following her jury trial on three counts of wire fraud, in violation of 18 U.S.C. §§ 2, 1343 (the "Wire Fraud Case"). Johnson also appeals her convictions and 33-month sentence imposed following her jury trial on six counts of uttering or possessing counterfeit or forged securities, in violation of 18 U.S.C. § 513(a) (the "Counterfeit Securities Case"). Johnson's counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), stating that there are no meritorious issues for appeal but questioning whether the district court erred in various Sentencing Guidelines rulings. Johnson was notified of her right to file a pro se supplemental brief but has not done so. The Government has declined to file a brief. We affirm.

In assessing the district court's application of the Guidelines, we generally "review the district court's legal conclusions de novo and its factual findings for clear error." *United States v. Morehouse*, 34 F.4th 381, 387 (4th Cir. 2022) (internal quotation marks omitted). We will "find clear error only if, on the entire evidence, we are left with the definite and firm conviction that a mistake has been committed." *United States v. Lawson*, 128 F.4th 243, 249 (4th Cir. 2025) (internal quotation marks omitted). Where a defendant has not preserved a Guidelines challenge in the district court, however, our review is for plain error. *United States v. Hodges*, 171 F.4th 291, 295 (4th Cir. 2026); *see United States v. Holman*, 171 F.4th 303, 313 (4th Cir. 2026) (describing standard).

Johnson first asserts that the district court erred in declining to afford her a zero-point offender reduction under U.S. Sentencing Guidelines Manual § 4C1.1(a) (2023).

Effective November 1, 2023, the Guidelines provide for a two-level reduction in offense level if the defendant satisfies 10 criteria, including, as relevant here, "the defendant did not receive any criminal history points." USSG § 4C1.1(a)(1). Because Johnson was sentenced separately in the Wire Fraud and Counterfeit Securities Cases,[1] however, she properly received criminal history points in each case. *See* USSG §§ 4A1.1(a), (c), 4A1.2(a)(4). The district court therefore correctly deemed Johnson ineligible for the zero-point offender reduction.

Next, Johnson argues that the district court erred in imposing an enhancement for use of sophisticated means in the Wire Fraud Case. The Guidelines provide for a two-level enhancement when "the offense otherwise involved sophisticated means and the defendant intentionally engaged in or caused the conduct constituting sophisticated means." USSG § 2B1.1(b)(10)(C). "Whether a defendant's conduct involved sophisticated means is a factual inquiry that we review for clear error." *United States v. White*, 850 F.3d 667, 675 (4th Cir. 2017). We "review any legal interpretation of the term sophisticated means de novo." *United States v. Sanders*, 146 F.4th 372, 379 (4th Cir. 2025) (internal quotation marks omitted), *cert. denied*, 146 S. Ct. 1456 (2026).

The Guidelines' commentary defines "sophisticated means" as "especially complex or especially intricate offense conduct pertaining to the execution or concealment of an

[1] Our review of the record reveals no reversible error in the district court's decision to hold separate sentencing hearings, particularly in view of the arguments Johnson raised when opposing pretrial joinder. *Cf. United States v. Flowers*, 995 F.2d 315, 318 (1st Cir. 1993) (upholding consecutive sentences for separate convictions in absence of joinder).

offense." USSG § 2B1.1 cmt. n.9(B); *see Sanders*, 146 F.4th at 381 (holding that commentary applicable to sophisticated means enhancement is entitled to deference). The defendant "need not utilize the most complex means possible" to warrant the enhancement. *United States v. Savage*, 885 F.3d 212, 228 (4th Cir. 2018) (internal quotation marks omitted). However, the enhancement requires "proof of complexity beyond the minimum conduct required to establish fraud in its simplest form." *Sanders*, 146 F.4th at 381 (citation modified). Even where "the individual pieces of th[e] scheme" are "relatively straightforward and unsophisticated," we consider the scheme's overall sophistication as evidenced by "the way all the steps were linked together." *Id.* (internal quotation marks omitted).

We conclude that the district court did not clearly err in finding that Johnson's conduct involved sophisticated means. As the district court observed, Johnson's fraudulent scheme was multilayered and involved the fabrication of invoices and detailed supporting documentation to perpetuate and conceal the fraud. *Cf. United States v. Wolf*, 860 F.3d 175, 199 (4th Cir. 2017) (holding that creation of fraudulent invoices to disguise kickbacks as payment for nonexistent services supported sophisticated means enhancement). Additionally, on at least several occasions, Johnson used others to solicit real but nonoperational businesses to act as the basis for her falsifications. Viewing the totality of her conduct, the court's finding that Johnson's conduct was more complex than generic wire fraud is "plausible in light of the record viewed in its entirety." *See id.* at 379 (internal quotation marks omitted). We therefore find no error in the enhancement.

In her third and fourth assignments of error, Johnson contends that the district court erred in imposing enhancements for abuse of a position of trust under USSG § 3B1.3 in the Wire Fraud Case and for possession or use of an authentication feature under USSG § 2B1.1(b)(11)(A)(ii) in the Counterfeit Securities Case. We find it unnecessary to resolve these arguments, however, as any error in imposing these enhancements was harmless.

"[A] Guidelines error is harmless and does not warrant vacating the defendant's sentence if the record shows that (1) the district court would have reached the same result even if it had decided the Guidelines issue the other way and (2) the sentence would be reasonable even if the Guidelines issue had been decided in the defendant's favor." *United States v. Mills*, 917 F.3d 324, 330 (4th Cir. 2019) (citation modified); *see also United States v. Franklin*, __ F.4th __, __, No. 25-4037, 2026 WL 2357612, at *6 (4th Cir. Aug. 14, 2026) (discussing application of assumed error harmlessness inquiry under plain error standard). Generally, the first prong is satisfied "when a district court expressly states that it would have imposed the same sentence even if it had found another Guideline[s] range to be applicable." *United States v. Elbaz*, 52 F.4th 593, 609 (4th Cir. 2022) (citation modified). In both of Johnson's sentencing hearings, "the district court made it abundantly clear that it would have imposed the same sentence . . . regardless of the advice of the Guidelines." *United States v. Gomez-Jimenez*, 750 F.3d 370, 382 (4th Cir. 2014). Thus, the first prong is satisfied in each case.

Under the second prong, we evaluate whether the sentence is substantively reasonable, considering the Guidelines range that would have applied absent the assumed error. *Mills*, 917 F.3d at 331. A substantively reasonable sentence is one "sufficient, but not greater than necessary," to satisfy the statutory purposes of sentencing. 18 U.S.C. § 3553(a). In gauging substantive reasonableness, "we examine the totality of the circumstances to see whether the sentencing court abused its discretion in concluding that the sentence it chose satisfied the standards set forth in § 3553(a)." *United States v. Davis*, 130 F.4th 114, 127 (4th Cir. 2025) (internal quotation marks omitted).

Absent the two-level abuse of trust enhancement in the Wire Fraud Case, Johnson would have been subject to a total offense level of 21 and a Guidelines range of 37 to 46 months. *See* USSG ch. 5, pt. A (sentencing table). The 46-month sentence imposed by the district court would fall within that assumed range. A sentence within a properly calculated Guidelines range is presumed substantively reasonable. *United States v. Louthian*, 756 F.3d 295, 306 (4th Cir. 2014). "The presumption can only be rebutted by showing that the sentence is unreasonable when measured against the 18 U.S.C. § 3553(a) factors." *United States v. Henderson*, 107 F.4th 287, 297 (4th Cir. 2024) (internal quotation marks omitted).

Our review of the record reveals no basis for rebutting the presumption of reasonableness accorded Johnson's sentence in the Wire Fraud Case. The district court emphasized the nature and seriousness of Johnson's offenses, noting the substantial planning involved in her fraudulent scheme and the significant loss it caused to her victim. The court rejected Johnson's attempts to lessen her culpability, observing that she had benefitted most significantly from the scheme and that any negligence by the victim did not mitigate her wrongdoing. The court acknowledged Johnson's limited and remote criminal history but determined that this consideration was already factored into her Guidelines range, which it deemed low given the nature of her offenses. The court partially credited Johnson's argument regarding the effect of her separate sentencing hearings on her Guidelines range, explaining that it would have imposed a higher sentence but for that consideration. But, the court reasonably declined to credit her age and medical conditions as factors warranting a lesser sentence. Ultimately, considering the totality of the circumstances, Johnson cannot demonstrate that her 46-month sentence is "unreasonable when measured against the . . . § 3553(a) factors," even if that sentence represented the top of the applicable Guidelines range. *Henderson*, 107 F.4th at 297.

Turning to the Counterfeit Securities Case, absent the authentication feature enhancement and another Guidelines error that we have identified pursuant to *Anders*,[2] Johnson would have been subject to a total offense level of 16 and a Guidelines range of 24 to 30 months' imprisonment. *See* USSG ch. 5, pt. A (sentencing table). Johnson's 33-month sentence would represent a three-month upward variance from that range. In determining whether this above-Guidelines sentence would be substantively reasonable, we "consider[] whether the sentencing court [would have] acted reasonably both with respect to its decision to impose such a sentence and with respect to the extent of the divergence from the sentencing range." *United States v. Dominguez*, 128 F.4th 226, 237 (4th Cir. 2025) (internal quotation marks omitted). But, we "must ultimately give due

[2] Specifically, the district court erred in imposing an enhanced base offense level under USSG § 2B1.1(a), as such an enhancement applies only if the offense of conviction carries a statutory maximum term of 20 years' imprisonment. *See* USSG § 2B1.1(a)(1); *see also* 18 U.S.C. § 513(a) (establishing statutory maximum of 10 years).

deference to the district court's decision that the § 3553(a) factors, on a whole, justify the extent of the variance." *Id.* at 237-38 (internal quotation marks omitted).

Our review of the record leads us to conclude that Johnson's 33-month sentence would be substantively reasonable, even as a limited upward variance from the assumed Guidelines range. The district court expressed skepticism of Johnson's argument that she accepted responsibility for her offenses, instead permissibly emphasizing the strength of the evidence against her and her clear knowledge of guilt. The court highlighted Johnson's escalating criminal history and the nature of her offenses to characterize her a dangerous, manipulative thief from whom the public needed protection. The court reasonably declined to provide further relief based on Johnson's separate sentencing hearings or to credit her mitigation arguments regarding her age, medical conditions, and limited criminal history. On the record before us, we conclude that Johnson cannot show that a three-month upward variant sentence would be substantively unreasonable.

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

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

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