

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-2926

United States of America,

Appellee,

v.

Lorna Spotted Tail,

Appellant.

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Appeal from the United States
District Court for the
District of South Dakota.

[UNPUBLISHED]

Submitted: December 7, 2000

Filed: December 20, 2000

Before BOWMAN, BEAM, and BYE, Circuit Judges.

PER CURIAM.

While serving the supervised release portion of a sentence she had received for aiding and abetting assault with a deadly weapon, in violation of 18 U.S.C. §§ 2, 113(c), and 1153, Lorna Spotted Tail admitted to violating her release conditions. Following a revocation hearing, the district court¹ revoked supervised release and imposed a 9-month term of imprisonment and 15 months supervised release. Spotted Tail appeals, claiming her revocation sentence is excessive.

¹The Honorable Charles B. Kornmann, United States District Judge for the District of South Dakota.

When a district court finds by a preponderance of the evidence that a defendant has violated a release condition, the district court may revoke supervised release. See 18 U.S.C. § 3583(e)(3). We review for abuse of discretion. See United States v. Grimes, 54 F.3d 489, 492 (8th Cir. 1995). Having reviewed the record and Spotted Tail's brief, we conclude the district court's revocation sentence neither exceeds the limits of section 3583, nor constitutes an abuse of discretion. See 18 U.S.C. §§ 3583(e)(3), (h); United States v. St. John, 92 F.3d 761, 766 (8th Cir. 1996) (maximum period of time defendant's freedom can be restrained upon revocation of supervised release is capped by original supervised release term).

Accordingly we affirm. We also grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.