

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

Nos. 02-3587/3590

United States of America,	*
	*
Appellee,	*
	*
v.	*
	*
Jym Jenine Butcher Bennett,	*
	*
Appellant.	*

Appeals from the United States
District Court for the
Western District of Missouri.
[UNPUBLISHED]

Submitted: May 7, 2003

Filed: May 19, 2003

Before WOLLMAN, BYE, and RILEY, Circuit Judges.

PER CURIAM.

Jym Jenine Bennett pleaded guilty to aiding and abetting the distribution of methamphetamine, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B), and 18 U.S.C. § 2, and conspiring to defraud the government, in violation of 18 U.S.C. § 286. At a consolidated sentencing hearing, the district court¹ denied Bennett's request for an acceptance-of-responsibility reduction and sentenced her to concurrent terms of 120

¹The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.

months' imprisonment, 5 years' supervised release, and \$56,385 restitution, to be paid jointly and severally with her codefendant.

In this consolidated appeal, Bennett's counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), questioning whether the district court erred in denying the acceptance-of-responsibility reduction and in ordering the restitution.

Having carefully reviewed the record, we conclude the district court did not clearly err in denying the acceptance-of-responsibility reduction, given its finding that Bennett belatedly reported a post-plea arrest to pretrial services. See United States v. Ervasti, 201 F.3d 1029, 1043 (8th Cir. 2000) (standard of review); United States v. Ceccarani, 98 F.3d 126, 130-31 (3d Cir. 1996), cert. denied, 519 U.S. 1155 (1997). Further, the court did not plainly err in ordering restitution. See U.S.S.G. § 5E1.1(a)(1) (1995) (requiring restitution); United States v. Riebold, 135 F.3d 1226, 1231 (8th Cir.) (plain-error review where defendant fails to object to restitution order at sentencing), cert. denied, 524 U.S. 944 (1998); see also United States v. Manzer, 69 F.3d 222, 229 (8th Cir. 1995) (restitution may be ordered even though defendant is indigent at time of sentencing). We have reviewed the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), and have found no nonfrivolous issues. Accordingly, the judgment is affirmed. We grant counsel's motion to withdraw.

A true copy.

Attest:

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