
No. 96-3512

United States of America,

Appellee,

v.

Robert J. Gray,

Appellant.

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* Appeal from the United States
* District Court for the
* Eastern District of Arkansas
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* [UNPUBLISHED]
*

Submitted: January 7, 1997

Filed: January 21, 1997

Before McMILLIAN, HENLEY and MORRIS SHEPPARD ARNOLD, Circuit
Judges.

PER CURIAM.

Robert J. Gray appeals his nine-month sentence imposed by the District Court¹ for the Eastern District of Arkansas after he pleaded guilty to aiding and abetting in wrecking a train, in violation of 18 U.S.C. §§ 1992 and 2. Counsel filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), and was granted leave to withdraw. Gray did not avail himself of the opportunity to file a pro se supplemental brief. For the reasons discussed below, we affirm.

Although Gray argues that his sentence should have included probation, an option authorized by U.S. Sentencing Guidelines Manual § 5C1.1(c)(3) (1995), the district court was within its

¹The Honorable James Maxwell Moody, United States District Judge for the Eastern District of Arkansas.

discretion to impose imprisonment. The district court specifically noted at sentencing its options under Guidelines § 5C1.1(c)(2) and (3), and also stated that the sentence should be fair and just, reflect the seriousness of the crime, and deter others from similar conduct in the future. Thus, contrary to Gray's contention, the district court considered the sentencing options and stated reasons for the sentence. The district court was not required to state its reason for choosing the particular point within the sentencing range, because the applicable range did not span more than 24 months. See 18 U.S.C. § 3553(c)(1); United States v. Garrido, 38 F.3d 981, 986 (8th Cir. 1994); United States v. Ehret, 885 F.2d 441, 445 (8th Cir. 1989) (same), cert. denied, 493 U.S. 1062 (1990).

Having carefully reviewed the record, we find no other nonfrivolous issues for appeal. See Penson v. Ohio, 488 U.S. 75, 80 (1988).

Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

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