

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 01-2711

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UNITED STATES OF AMERICA

v.

RINDY LEE MARTIN,  
Appellant

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On Appeal from the United States District Court  
for the Eastern District of Pennsylvania  
D.C. Criminal No. 00-cr-00541-2  
(Honorable Bruce W. Kauffman)

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Submitted Pursuant to Third Circuit LAR 34.1(a)  
March 7, 2002

Before: SCIRICA and COWEN, Circuit Judges, and  
RESTANI, Judge, United States Court of International Trade\*

(Filed: April 30, 2002)

\*The Honorable Jane A. Restani, Judge, United States Court of International Trade,  
sitting by designation.

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OPINION OF THE COURT

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SCIRICA, Circuit Judge.

This is a sentencing appeal. Appellant Rindy Lee Martin, who pleaded guilty to armed bank robbery (in violation of 18 U.S.C. § 2113(d)) and brandishing a firearm during a crime of violence (in violation of 18 U.S.C. § 924(c)) contends the District Court erred in failing to apply a downward adjustment under U.S.S.G. § 3B1.2 because he was a minor participant. Our review is for clear error. *United States v. Brown*, 250 F.3d 811, 818 (3d Cir. 2001). The evidence demonstrates that Martin provided his co-defendant Pizarro with the handgun used in the robbery and participated as the getaway driver. Under this set of facts, the trial judge did not clearly err in denying the adjustment.

For these reasons, the judgment of sentence will be affirmed.

TO THE CLERK:

Please file the foregoing opinion.

/s/Anthony J. Scirica  
Circuit Judg