

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-1365

UNITED STATES OF AMERICA,
Appellee

v.

LAVAR FELDER,
Appellant

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(D.C. Crim No. 02-cr-00405)
District Judge: Honorable Faith S. Hochberg

Submitted Under Third Circuit L.A.R. 34.1(a)
November 4, 2003
Before: McKEE, SMITH, and WEIS, Circuit Judges.

(Filed November 5, 2003)

OPINION

WEIS, Circuit Judge.

Defendant pleaded guilty to one count of bank fraud in violation of 18 U.S.C. § 1344 and was sentenced to thirty-months imprisonment. He appeals from the sentencing court's denial of his request for downward departure as a minor participant.

The defendant deposited an altered, stolen check for \$133,938.34 into his personal bank account and, a few days later, he attempted to withdraw \$8,500. Defendant asserted that he had received the check from a cousin and was to receive 10% of the proceeds as compensation for the use of his bank account.

The district judge reviewed the facts in detail and, after a spirited presentation by defense counsel, declined to depart downward. However, defendant was sentenced at the lower end of the applicable range.

District Courts are granted broad discretion in deciding whether to grant a downward departure in circumstances such as those present here. See United States v. Isaza-Zapata, 148 F.3d 236, 238 (3d Cir. 1998). We have found no error in the sentence imposed by the District Court in this case. See United States v. Brown, 250 F.3d 811 (3d Cir. 2001).

Accordingly, the judgment of the District Court will be affirmed.

/s/ Joseph F. Weis, Jr.
Circuit Judge