

DEC 12 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHARD CARRILLO,

Defendant - Appellant.

No. 12-10295

D.C. No. 2:01-cr-00136-KJD-
LRL-2

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Kent J. Dawson, District Judge, Presiding

Submitted December 6, 2012**
San Francisco, California

Before: TROTT and RAWLINSON, Circuit Judges, and BLOCK, District Judge.***

Carrillo appeals his sentence imposed following his admitted violation of multiple terms of supervised release. Because Carrillo's counsel did not object to

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Frederic Block, Senior United States District Judge for the Eastern District of New York, sitting by designation.

the sentence he now appeals, we review for plain error. United States v. Waknine, 543 F.3d 546, 551 (9th Cir. 2008). In so doing, we do not discern any error in the challenged proceedings, much less error that was “plain” or that affected Carrillo’s “substantial rights.” Id. Because the methamphetamine he possessed was individually packaged in six different bags, the evidence supports an inference -- unchallenged in the district court -- that the possession of the illegal substance was for sale. United States v. Martinez, 967 F.2d 1343, 1345-46 (9th Cir. 1992). This violation constituted a felony offense in Nevada and supports a Grade A violation. These circumstances support in turn the sentence imposed of 18 months imprisonment with an additional term of 42 months of supervised release.

As to Carrillo’s allegations of errors in the judgment of conviction, the matter is remanded to the district court to revisit only (1) whether the written judgment accurately conforms to the court’s oral pronouncement of the sentence and the court’s intentions, and (2) whether a typographical error exists with respect to the amount of the fine.

AFFIRMED IN PART. REMANDED for the limited purpose of revisiting the written judgment of conviction.