

OCT 15 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FREDERICK ANDREW JONES,

Defendant - Appellant.

No. 13-10020

D.C. No. 2:03-cr-00495-PMP-RJJ-1

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, Senior District Judge, Presiding

Argued and Submitted October 9, 2013
San Francisco, California

Before: D.W. NELSON, M. SMITH, and IKUTA, Circuit Judges.

Frederick Jones appeals the district court’s judgment revoking his supervised release. We have jurisdiction pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742(a)(1).

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

The district court did not abuse its discretion in concluding that Jones violated a condition of his supervised release by committing a battery in violation of Nev. Rev. Stat. § 33.018. The testimony from the victim and the probation officer, taken in the light most favorable to the government, established by a preponderance of the evidence that Jones' conduct constituted a "willful and unlawful use of force or violence upon the person of another." *Id.* § 200.481(1)(a); *see also United States v. King*, 608 F.3d 1122, 1129 (9th Cir. 2010). The petition for revocation provided Jones with sufficient notice of the charge against him. Fed. R. Crim. P. 32.1(b)(2).

AFFIRMED.