

MAR 13 2014

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NOT FOR PUBLICATION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.

MARK ROY ANDERSON,

Defendant - Appellant.

No. 12-50255

D.C. No. 2:11-cr-00199-PA-1

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Percy Anderson, District Judge, Presiding

Submitted March 3, 2014**
Pasadena, California

Before: BYBEE, BEA, and IKUTA, Circuit Judges.

Mark Roy Anderson appeals the sentence entered by the district court upon conviction following his guilty plea. We affirm. The district court correctly considered the evidence, which was sufficient to support the plea of guilty and all

* 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).

of the sentencing determinations. Even apart from defense counsel's concessions, the presentence report, FBI investigation reports, and the records from the SEC enforcement action in the district court for the Northern District of Texas provided adequate evidence from which the sentencing court could determine that Anderson caused over \$7 million in losses to over ten victims, and that he also violated the Texas district court's injunction by committing further securities fraud and offering penny stocks. There was also sufficient evidence from the check Anderson gave to his wife to support his conviction for violating 18 U.S.C. § 1957. Additionally, there was no breach of the plea agreement because the victim was permitted to speak at the sentencing hearing per the Crime Victims' Rights Act, 18 U.S.C. § 3771. Finally, the district court's sentence was within the correct guidelines range and was reasonable. *See Gall v. United States*, 552 U.S. 38, 40 (2007).

AFFIRMED.