

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

AUG 14 2017

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

LARRY BURNELL SEPT, Jr.,

Defendant-Appellant.

No. 16-30232

D.C. No. 1:15-cr-00114-SPW

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Montana  
Susan P. Watters, District Judge, Presiding

Submitted August 9, 2017\*\*

Before: SCHROEDER, TASHIMA, and M. SMITH, Circuit Judges.

Larry Burnell Sept, Jr., appeals from the district court's judgment and challenges the 60-month sentence imposed following his guilty-plea conviction for transportation of a person with intent to engage in criminal sexual activity, in violation of 18 U.S.C. § 2421. We have jurisdiction under 28 U.S.C. § 1291, and

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\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Accordingly, Sept's request for oral argument is denied.

we affirm.

Sept contends that the district court violated his due process rights by relying on unreliable hearsay evidence to find that his offense involved physical violence against the victims and by varying upward on that basis. The district court did not abuse its discretion in relying on the victims' hearsay statements regarding Sept's violence against them. *See United States v. Berry*, 258 F.3d 971, 976 (9th Cir. 2001). Contrary to Sept's contention, the victims' statements, which were consistent with each other and with the statement of one victim's mother and that of a third victim, were sufficiently corroborated to provide the minimum indicia of reliability necessary for consideration at sentencing. *See id.* at 976-77.

**AFFIRMED.**