

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-21305  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

WILLIAM CARL BROWN

Defendant - Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CR-511-ALL  
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September 16, 2002

Before KING, Chief Judge, and BARKSDALE and STEWART, Circuit  
Judges.

PER CURIAM:\*

William Carl Brown appeals the sentence imposed by the  
district court following his guilty-plea conviction for two  
counts of theft of government funds in violation of 18 U.S.C.  
§ 641. Brown argues that the district court abused its  
discretion in departing upward based on its finding that Brown's  
criminal history category underrepresented the seriousness of his  
past criminal conduct. The district court explained that the

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined  
that this opinion should not be published and is not precedent  
except under the limited circumstances set forth in 5TH CIR.  
R. 47.5.4.

upward departure was based on Brown's extensive criminal history, the nature of Brown's prior offenses, and his violent assaults against women. The district court also considered the fact that at the time that Brown committed the instant offense, he was awaiting sentencing for five state guilty-plea convictions for possession of cocaine, forgery, distribution of cocaine, aggravated assault, and attempted theft. The district court provided acceptable reasons for the departure, and the departure was reasonable. See United States v. McKenzie, 991 F.2d 203, 204 (5th Cir. 1993); see also United States v. Lambert, 984 F.2d 658, 662-63 (5th Cir. 1993) (en banc). Therefore, the sentence imposed by the district court is AFFIRMED.