

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-20092  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EVANS LEE JONES,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-99-CR-404-1  
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February 13, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Evans Lee Jones appeals the upward-departure sentence imposed by the district court following his guilty-plea convictions for bank robbery by intimidation and unlawful possession of a firearm by a convicted felon. He contends that the district court failed to follow the proper methodology for departures under U.S.S.G. § 4A1.3 and erroneously relied in part on a juvenile conviction for unauthorized use of a motor vehicle as a reason for upward departure.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Our review of the record and the arguments and authorities convinces us that no reversible error was committed. The district court's explanation why criminal history criminal history category VI inadequately reflected the seriousness of Jones's criminal background and the likelihood of recidivism "struck a satisfactory balance between ritualistic formalism and arbitrariness." See United States v. Daughenbaugh, 49 F.3d 171, 175 (5th Cir. 1995). Furthermore, the district court was entitled to rely upon the presentence report in examining the facts underlying Jones's juvenile unauthorized use of a motor vehicle conviction. See United States v. Millsaps, 157 F.3d 989, 995 (5th Cir. 1998).

The judgment of the district court is AFFIRMED.