

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 30, 2014

Lyle W. Cayce
Clerk

No. 13-30858
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

LONNIE ALLEN TRUITT,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:12-CR-250-1

Before HIGGINBOTHAM, DENNIS, and GRAVES, Circuit Judges.

PER CURIAM:*

Lonnie Allen Truitt pleaded guilty to one count of production of child pornography and was sentenced at the high end of the advisory guidelines sentencing range to 600 months of imprisonment and a life term of supervised release. On appeal, he argues that his sentence is substantively unreasonable because it is greater than necessary to fulfill the statutory sentencing goals. He contends that the district court abused its discretion by considering facts

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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beyond those directly necessary to support his conviction and because his childhood was filled with abuse.

We review the “substantive reasonableness of the sentence imposed under an abuse-of-discretion standard.” *Gall v. United States*, 552 U.S. 38, 51 (2007). “[A] sentence within a properly calculated Guideline range is presumptively reasonable.” *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006).

Truitt’s sexual contact with his 15 year old victim was relevant conduct because it was “part of the same course of conduct or common scheme or plan as the offense of conviction.” U.S.S.G. § 1B1.3(a)(2). Truitt has not rebutted the presumption that his guidelines sentence is reasonable or demonstrated that sentencing him at the high end of the guidelines range was an abuse of discretion. The judgment of the district court is **AFFIRMED**.