

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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No. 17-3068

September Term, 2018

FILED ON: OCTOBER 26, 2018

UNITED STATES OF AMERICA,  
APPELLEE

v.

JAMES FRANKLIN BIZZELL,  
APPELLANT

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Appeal from the United States District Court  
for the District of Columbia  
(No. 1:16-cr-00198)

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Before: GARLAND, *Chief Judge*, HENDERSON, *Circuit Judge*, and RANDOLPH, *Senior Circuit Judge*.

**J U D G M E N T**

This appeal was considered on the record from the United States District Court for the District of Columbia and the briefs and the oral arguments of the parties. The Court has accorded the issues full consideration and determined that they do not warrant a published opinion. *See* D.C. CIR. R. 36(d). For the reasons stated below, it is

**ORDERED** and **ADJUDGED** that the judgment of the District Court be affirmed.

James Bizzell pleaded guilty to one count of possession of child pornography, 18 U.S.C. § 2252A(a)(5)(B). Concluding that the facts showed that the case was “not just a pornography case . . . because of the nature of the offense and because of the indication . . . that [Bizzell doesn’t] even think [he] did a crime,” the district court sentenced him to an above-Guidelines sentence of ten years in prison. On appeal, Bizzell argues that the district court based the sentence on several unfounded factual findings. We see no such error in the record and therefore affirm the sentence imposed by the district court. *See United States v. Brown*, 857 F.3d 403, 405 (D.C. Cir. 2017); *see also United States v. Rock*, 863 F.3d 827, 830 (D.C. Cir. 2017).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or rehearing en banc. *See* FED. R. APP. P. 41(b); D.C. CIR. R. 41.

**PER CURIAM**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Ken Meadows  
Deputy Clerk