

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JAMES ANTHONY McNALLY, JR.,
Defendant-Appellant.

No. 00-4026

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Walter E. Black, Jr., Senior District Judge.
(CR-98-248-B)

Submitted: June 22, 2001

Decided: July 20, 2001

Before NIEMEYER, WILLIAMS, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Anthony Douglas Martin, SOLOMON & MARTIN, Greenbelt, Maryland, for Appellant. Stephen M. Schenning, United States Attorney, Carmina S. Hughes, Assistant United States Attorney, P. Michael Cunningham, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

James Anthony McNally was found guilty by a jury of conspiracy to commit armed bank robberies, four counts of armed bank robbery and aiding and abetting the same, four counts of use of a firearm during a crime of violence and aiding and abetting the same, and two counts of money laundering and aiding and abetting the same. McNally was sentenced to a total of 850 months imprisonment, ordered to pay restitution in the amount of \$218,653, and given three years of supervised release. On appeal, McNally raises three issues. For the reasons that follow, we affirm.

First, we do not find that the district court erred by denying McNally's motion for acquittal on the firearm counts because these convictions are supported by substantial evidence. *Glasser v. United States*, 315 U.S. 60, 80 (1942); *United States v. Burgos*, 94 F.3d 849, 862-63 (4th Cir. 1996). Second, we do not find that the district court abused its discretion by allowing certain evidence to be presented at trial, *United States v. Bostain*, 59 F.3d 474, 480 (4th Cir. 1995), or that such admissions were plain error, *United States v. Olano*, 507 U.S. 725, 732-36 (1993). Finally, we decline to address McNally's claims of ineffective assistance of trial counsel in this direct appeal because the record does not "conclusively" reveal that McNally received defective representation. *United States v. Richardson*, 195 F.3d 192, 198 (4th Cir. 1999), *cert. denied*, 528 U.S. 1096 (2000). Accordingly, we affirm McNally's convictions.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED