

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

DANILO MONTOYA, a/k/a Daniel  
Montoya,  
*Defendant-Appellant.*

No. 00-4302

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

REGINA VENGOECHEA, a/k/a Regina  
Lopez De Vengoechea,  
*Defendant-Appellant.*

No. 00-4510

Appeals from the United States District Court  
for the District of South Carolina, at Greenville.  
Margaret B. Seymour, District Judge.  
(CR-99-98)

Submitted: April 27, 2001

Decided: May 23, 2001

Before WILKINS and TRAXLER, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Michael MacKinnon, Greenville, South Carolina; Jack B. Swerling, Columbia, South Carolina, for Appellants. J. Rene Josey, United States Attorney, A. Bradley Parham, Assistant United States Attorney, Thomas E. Booth, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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**OPINION**

PER CURIAM:

Danilo Montoya and Regina Vengoechea appeal from their convictions and sentences for conspiracy to possess with intent to distribute cocaine and possession with intent to distribute cocaine. Montoya and Vengoechea each received a 275-month sentence. For the reasons that follow, we affirm.

We do not find that the district court abused its discretion in the disputed evidentiary rulings. *United States v. Bostain*, 59 F.3d 474, 480 (4th Cir. 1995). Appellants' arguments that their 275-month sentences are invalid under the Supreme Court's opinion in *Apprendi v. New Jersey*, 530 U.S. 466 (2000), fail under this court's sentence stacking reasoning in *United States v. White*, 238 F.3d 537 (4th Cir. 2001). Finally, we do not find that the district court clearly erred in calculating the amount of cocaine for which Appellants should be held responsible under the Sentencing Guidelines. *United States v. Hyppolite*, 65 F.3d 1151, 1158 (4th Cir. 1995). Accordingly, we affirm each Appellant's convictions and sentence.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and

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argument would not aid the decisional process.

*AFFIRMED*