

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4016

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

TAMMY MARIE LOGAN,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Asheville. Lacy H. Thornburg, District Judge. (CR-00-6)

Submitted: March 21, 2002

Decided: March 27, 2002

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Robert E. Hensley, Jr., Asheville, North Carolina, for Appellant.
Robert J. Conrad, Jr., United States Attorney, Thomas R. Ascik,
Assistant United States Attorney, Asheville, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Tammy Marie Logan appeals her conviction and sentence, imposed pursuant to a guilty plea, for conspiracy to possess cocaine base with the intent to distribute and possession of cocaine base with intent to distribute, in violation of 21 U.S.C.A. §§ 841, 846 (West 1999 & Supp. 2001). Finding no error, we affirm Logan's conviction and sentence.

Logan contends her concurrent 121-month sentences are invalid under Apprendi v. New Jersey, 530 U.S. 466 (2000). Because Logan's sentence is not above the twenty year statutory maximum of § 841(b)(1)(C), we find Apprendi is not implicated and affirm her sentence. See United States v. Dinnall, 269 F.3d 418 (4th Cir. 2001); United States v. Promise, 255 F.3d 150 (4th Cir. 2001) (en banc), petition for cert. filed, (U.S. Sept. 20, 2001) (No. 01-6398).

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