

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 01-4054**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DARRYL QUINN MCDUFFIE, a/k/a Larry Turner,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CR-00-17-HO)

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Submitted: August 14, 2001

Decided: August 30, 2001

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Before MICHAEL and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Thomas P. McNamara, Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, Raleigh, North Carolina, for Appellant. John Stuart Bruce, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Ethan A. Ontjes, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Darryl Q. McDuffie pled guilty, pursuant to a written plea agreement, to possession of a firearm by a convicted felon, 18 U.S.C.A. § 922(g) (West 2000), and passing counterfeit currency in violation of 18 U.S.C. § 472 (1994). McDuffie received an enhanced sentence as an armed career criminal under 18 U.S.C. § 924(e) (1994). He appeals, claiming his sentence should be vacated in light of the Supreme Court's recent opinion in Apprendi v. New Jersey, 530 U.S. 466 (2000). We conclude Apprendi does not affect McDuffie's sentence for being an armed career criminal.

Accordingly, we affirm McDuffie's conviction and sentence. 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