

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4591

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

RANDY WAYNE HANDY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. James C. Fox, Senior District Judge. (CR-01-13-FO)

Submitted: May 28, 2002

Decided: June 13, 2002

Before WIDENER and GREGORY, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Vaughan S. Winborne, Jr., Raleigh, North Carolina, for Appellant.
John Stuart Bruce, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Kimberly A. Moore, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Randy Wayne Handy appeals his conviction and 169-month sentence for distribution of cocaine base and aiding and abetting the distribution of cocaine base, in violation of 21 U.S.C.A. § 841(a)(1) (West 1999 & Supp. 2001) and 18 U.S.C. § 2 (1994). Handy asserts he received ineffective assistance of counsel at trial. We affirm.

Claims of ineffective assistance of counsel are generally not cognizable on direct appeal. To allow for adequate development of a record, a defendant generally must bring such a claim in a 28 U.S.C.A. § 2255 (West Supp. 2001) motion unless the record conclusively establishes ineffective assistance. United States v. Richardson, 195 F.3d 192, 198 (4th Cir. 1999). Here, the record does not conclusively establish that Handy's counsel was ineffective. We therefore affirm Handy's conviction and sentence without prejudice to Handy's ability to assert his ineffective assistance of counsel claims in a 28 U.S.C.A. § 2255 (West Supp. 2001) motion. United States v. King, 119 F.3d 290, 295 (4th Cir. 1997).

Accordingly, we affirm Handy'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