

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

SAMUEL LAMONTE EVANS,
Defendant-Appellant.

No. 01-4597

Appeal from the United States District Court
for the Middle District of North Carolina, at Durham.
N. Carlton Tilley, Jr., Chief District Judge.
(CR-01-18, CR-01-105)

Submitted: January 23, 2002

Decided: February 8, 2002

Before NIEMEYER, MOTZ, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Louis C. Allen, III, Federal Public Defender, John A. Dusenbury, Jr., Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Paul A. Weinman, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Samuel Lamonte Evans appeals his convictions and sentence for two counts of bank robbery in violation of 18 U.S.C.A. § 2113(a) (West 2000). Finding no reversible error, we affirm.

Evans raises only one issue on appeal, claiming that the district court erred in denying his motion to suppress evidence of his confession to the first bank robbery, which was committed on December 21, 2000. While questioning Evans following the second robbery, which occurred on January 12, 2000, Evans alleges that the officers promised him that he would not be charged with the December robbery if he confessed to it. Evans claims that he finally confessed to the December robbery based on his reasonable perception that he was acting on a promise of immunity.

The district court held a suppression hearing and heard testimony from Evans and several of the officers involved in his interview. The court denied the motion to suppress at the conclusion of the hearing, finding no credible evidence that the officers indicated to Evans that he would not be charged with the robbery or made any statements that Evans could reasonably have interpreted as having that import. Because such credibility determinations are generally unreviewable on appeal, *see United States v. Saunders*, 886 F.2d 56, 60 (4th Cir. 1989), and Evans failed to show that the district court clearly erred in its determination, we uphold the district court's denial of Evans' motion to suppress. *See United States v. Johnson*, 114 F.3d 435, 439 (4th Cir. 1997) (citing standard of review).

Accordingly, we affirm Evans' convictions 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