

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4746

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NATHAN L. SMITH, a/k/a Little Wolf,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Beckley. Charles H. Haden II, Chief District Judge. (CR-01-4)

Submitted: June 20, 2002

Decided: June 25, 2002

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

Affirmed by unpublished per curiam opinion.

Joan A. Mooney, STILLER & MOONER, P.L.L.C., Morgantown, West Virginia, for Appellant. Kasey Warner, United States Attorney, Samuel D. Marsh, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

A jury convicted Nathan L. Smith of conspiracy to distribute 50 grams or more of cocaine base and distribution of cocaine base. Smith was sentenced to 360 months imprisonment. On appeal, Smith claims that his trial counsel was ineffective for failing to fully investigate the case and interview witnesses as Smith requested. We do not find ineffective assistance of counsel conclusively appears on the face of the record and thus deny Smith's attempt to raise this issue on direct appeal. United States v. Richardson, 195 F.3d 192, 198 (4th Cir. 1999), cert. denied, 528 U.S. 1096 (2000).

Accordingly, we affirm Smith'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