

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JAMES COREY WARREN, a/k/a Big
Man, a/k/a Corey,
Defendant-Appellant.

No. 01-7569

Appeal from the United States District Court
for the Eastern District of Virginia, at Newport News.
Jerome B. Friedman, District Judge.
(CR-99-2)

Submitted: January 16, 2002

Decided: February 4, 2002

Before WIDENER, WILKINS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Thomas W. Carpenter, THOMAS W. CARPENTER, P.C., Newport News, Virginia, for Appellant. Paul J. McNulty, United States Attorney, William D. Muhr, Special Assistant United States Attorney, Janet S. Reincke, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

James Corey Warren pled guilty to conspiracy to distribute cocaine in January of 1999. He was sentenced to a 265 month term of imprisonment. The Government filed a motion for a downward departure pursuant to Fed. R. Crim. P. 35(b), but asked the court to take the motion under advisement. In September of 2001, the Government filed a motion requesting the court to deny the Government's previously filed motion for a downward departure because Warren failed to provide truthful information in accordance with his plea agreement and thus did not provide substantial assistance. After hearing argument, the district court denied the Government's motion for a downward departure. Warren timely appeals, contending that the district court erred by finding that he provided untruthful information to authorities and consequently erroneously denied the Government's motion for downward departure.

We review the sufficiency of the evidence in the light most favorable to the government. *Glasser v. United States*, 315 U.S. 60, 80 (1942). Moreover, we have observed that

[w]hile this court is generally reluctant to overturn factual findings of the trial court, this is doubly so where the question goes to the demeanor and credibility of witnesses at trial, since the district court is so much better situated to evaluate these matters.

United States v. D'Anjou, 16 F.3d 604, 614 (4th Cir. 1994). Ample evidence existed to support the district court's decision to deny the motion for a downward departure. Further, it was within the district court's prerogative to find Warren less credible than the Government's witnesses, who testified that Warren admitted to providing false information.

Accordingly, we affirm the decision of the district court. 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