

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4765

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BISMARCK VIRGILIO TORRES,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Danville. Jackson L. Kiser, Senior District Judge. (CR-01-83)

Submitted: June 24, 2003

Decided: July 8, 2003

Before NIEMEYER and WILLIAMS, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Randy V. Cargill, MAGEE, FORSTER, GOLDSTEIN & SAYERS, P.C., Roanoke, Virginia, for Appellant. John L. Brownlee, United States Attorney, Donald R. Wolthuis, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Bismark Virgilio-Torres was convicted of conspiracy to distribute cocaine, cocaine base, marijuana, and methamphetamine. On appeal, Torres asserts that defense counsel was ineffective for failing to move to withdraw the guilty plea and undermining Torres' claim at sentencing that the plea was not voluntary. We affirm.

Claims of ineffective assistance of counsel generally are not cognizable on direct appeal. United States v. King, 119 F.3d 290, 295 (4th Cir. 1997). An exception exists when the record conclusively shows ineffectiveness. Id. Here, Torres stated at his Fed. R. Crim. P. 11 hearing that he was satisfied with counsel, understood the charges and penalties that he faced, and understood the rights he was waiving by pleading guilty. Further, Torres informed the court that he was under no pressure or threats to plead guilty and that he had no complaints about the conduct of government agents and attorneys. Under these circumstances, we cannot say that the record conclusively demonstrates that counsel was ineffective for failing to move to withdraw the plea.

Accordingly, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before us and argument would not aid the decisional process.

AFFIRMED