

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

MITCHELL GRICE,  
*Defendant-Appellant.*

No. 02-4894

Appeal from the United States District Court  
for the Eastern District of Virginia, at Norfolk.  
Raymond A. Jackson, District Judge.  
(CR-02-95)

Submitted: May 7, 2003

Decided: May 19, 2003

Before MOTZ and SHEDD, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Frank W. Dunham, Jr., Federal Public Defender, Jeremy C. Kamens,  
Assistant Federal Public Defender, Alexandria, Virginia, for Appel-  
lant. Paul J. McNulty, United States Attorney, Laura M. Everhart,  
Assistant United States Attorney, Norfolk, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

PER CURIAM:

Mitchell Grice appeals his conviction and sentence for possession with intent to distribute cocaine base, a violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(iii), being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1). We affirm.

Grice's first claim is that the district court erred in admitting expert testimony and evidence concerning a fingerprint found on the magazine of the firearm recovered at the scene of the crime. Even assuming, without deciding, that the district court erred in admitting the fingerprint evidence, such error was rendered harmless when Grice testified that he had handled the magazine. *See* Fed. R. Crim. P. 52(a).

Grice also challenges the district court's calculation of his criminal history score. This court reviews a district court's factual findings at sentencing for clear error, and its legal application of the U.S. Sentencing Guidelines *de novo*. *United States v. Daughtrey*, 874 F.2d 213, 217 (4th Cir. 1989). We find the district court correctly calculated Grice's criminal history score.

Accordingly, we affirm Grice'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*