

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4825

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSEPH MCKENZIE WILLIAMS,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James C. Turk, Senior District Judge. (CR-02-125)

Submitted: April 12, 2004

Decided: August 5, 2004

Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Gary L. Lumsden, Rhonda Lee Overstreet, LUMSDEN, OVERSTREET & HANSEN, Roanoke, Virginia, for Appellant. John L. Brownlee, United States Attorney, Donald R. Wolthuis, Assistant United States Attorney, Carrol M. Ching, Third Year Practice Law Student, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Joseph McKenzie Williams appeals his conviction and sentence for possession of heroin with intent to distribute, in violation of 21 U.S.C. § 841 (2000). He contends that the district court erred in denying his motion to suppress evidence because his stop, arrest, and detention were not supported by probable cause. We review a district court's legal determinations de novo. Ornelas v. United States, 517 U.S. 690, 699 (1996); United States v. Rusher, 966 F.2d 868, 873 (4th Cir. 1992). When a suppression motion has been denied, we review the evidence in the light most favorable to the government. See United States v. Seidman, 156 F.3d 542, 547 (4th Cir. 1998).

Williams argues that the informant used by the police was not reliable and therefore did not provide probable cause. We hold that the information provided by the informant contained sufficient indicia of reliability because lying would have been against his penal interests. See United States v. Miller, 925 F.2d 695, 699 (4th Cir. 1991). We have reviewed the record and conclude that under the totality of the circumstances, sufficient probable cause existed to support Williams's stop, arrest, and detention. See Illinois v. Gates, 462 U.S. 213, 230-32 (1983); United States v. Singh, ___ F.3d ___, ___, 2004 WL 691524, at *5 (4th Cir. Apr. 2, 2004).

Accordingly, we affirm Williams'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