

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4256

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHARLES JETER GRIFFITH,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Asheville. Lacy H. Thornburg,
District Judge. (CR-03-50)

Submitted: September 15, 2004

Decided: October 22, 2004

Before LUTTIG, MICHAEL, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Leslie Carter Rawls, Charlotte, North Carolina, for Appellant.
Gretchen C. F. Shappert, United States Attorney, Thomas R. Ascik,
Assistant United States Attorney, Asheville, North Carolina, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Jeter Griffith seeks to appeal his conviction and 135-month sentence imposed after a jury found him guilty of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841, 846 (2000). On appeal, Griffith claims that trial counsel rendered ineffective assistance. Finding no error, we affirm.

Ineffective assistance claims are not generally addressed on direct appeal unless it appears conclusively from the record that Appellant received ineffective assistance of counsel. United States v. Richardson, 195 F.3d 192, 198 (4th Cir. 1999). Such claims generally should be raised by motion under 28 U.S.C. § 2255 (2000). Id. We conclude Griffith has not shown conclusively from the face of the record that counsel provided ineffective representation. Accordingly, we affirm Griffith's conviction without prejudice to his assertion of ineffective assistance of counsel claims in a § 2255 proceeding. 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