

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 06-4017**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JASPER JABARI EDWARDS,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Durham. Frank W. Bullock, Jr., District Judge. (CR-05-66)

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Submitted: January 5, 2007

Decided: January 23, 2007

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

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Affirmed by unpublished per curiam opinion.

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Jeffrey B. Welty, Durham, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Michael A. DeFranco, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jasper Edwards was convicted of conspiracy to distribute less than 50 grams of crack and distribution of 30.6 grams of crack. 21 U.S.C.A. §§ 841(b)(1)(B), 846 (West 1999). He was sentenced to 240 months imprisonment and urges on appeal that he is entitled to a new trial on four grounds. We have reviewed the four issues raised by Edwards and find only one merits discussion.

During trial, the district court excluded evidence proffered by Edwards regarding his future plans and intentions. Edwards offered testimony from his father about conversations they had about his future plans and Edwards's handwritten notes about legitimate job opportunities he was interested in pursuing. Edwards contends this evidence should have been admitted under the then-existing state of mind exception under Federal Rule of Evidence 803(3). We hold that even if there were error, any error was harmless. See United States v. Nyman, 649 F.2d 208, 212 (4th Cir. 1980) (finding that the test of harmlessness was whether the Court believed it "highly probable that the error did not affect the judgment" (internal quotation marks omitted)).

Accordingly, we find no reversible error and affirm Edwards's 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