

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 14-4953**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JACKIE LEE RATTLER,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Bryson City. Martin K. Reidinger, District Judge. (2:13-cr-00012-MR-DLH-1)

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Submitted: February 25, 2016

Decided: February 29, 2016

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Before SHEDD and HARRIS, Circuit Judges, and DAVIS, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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David G. Belser, BELSER & PARKE, Asheville, North Carolina, for Appellant. Jill Westmoreland Rose, United States Attorney, Amy E. Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jackie Lee Rattler pled guilty, pursuant to a plea agreement, to six counts of possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1) (2012), and one count of possession of firearms by an unlawful user of a controlled substance, in violation of 18 U.S.C. § 922(g)(3) (2012). The district court sentenced Rattler to a total of 108 months' imprisonment. On appeal, Rattler argues that counsel provided ineffective assistance by inaccurately advising him about his sentencing exposure, failing to meet and consult with him, and failing to timely object to the presentence report and adequately argue Rattler's position at sentencing.

We decline to reach Rattler's claims of ineffective assistance of counsel. Unless an attorney's ineffectiveness conclusively appears on the face of the record, ineffective assistance claims are not generally addressed on direct appeal. United States v. Benton, 523 F.3d 424, 435 (4th Cir. 2008). Instead, such claims should be raised in a motion brought pursuant to 28 U.S.C. § 2255 (2012), in order to permit sufficient development of the record. United States v. Baptiste, 596 F.3d 214, 216 n.1 (4th Cir. 2010). Because the record does not conclusively establish that counsel provided ineffective assistance to Rattler, we conclude that these claims should be raised, if at all, in a § 2255 motion.

Accordingly, we affirm the district court's judgment. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED