

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 98-4464**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GEORGE THOMAS CABEL, a/k/a PY,

Defendant - Appellant.

---

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, District Judge. (CR-97-173)

---

Submitted: April 29, 1999

Decided: May 5, 1999

---

Before WILLIAMS, TRAXLER, and KING, Circuit Judges.

---

Affirmed by unpublished per curiam opinion.

---

James B. Craven, III, Durham, North Carolina, for Appellant.  
Walter C. Holton, Jr., United States Attorney, Paul Alexander Weinman, Assistant United States Attorney, Winston-Salem, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

George Thomas Cabel appeals his conviction and sentence after a jury trial for one count of conspiracy to distribute cocaine base in violation of 21 U.S.C. § 846 (1994). Cabel claims on appeal that the district court erred by admitting testimony of co-conspirators who were promised assistance from the Government if their testimony was helpful in Cabel's prosecution, by applying a four-level enhancement under U.S. Sentencing Guidelines Manual § 3B.1.1(a) (1997) for being an organizer or leader of five or more persons, by applying a two-level enhancement under USSG § 2D1.1(b) for possession of a firearm in the commission of the conspiracy, in determining that the sentencing disparity between crack and cocaine is constitutional, and in holding that his conviction was supported by sufficient evidence. We find that the court did not clearly err on any of the sentencing issues, that the court did not plainly err in admitting the testimony of Cabel's co-conspirators, that the crack to cocaine ratio is constitutional, see United States v. D'Anjou, 16 F.3d 604 (4th Cir. 1994), and that sufficient evidence supported the conviction, see Glasser v. United States, 315 U.S. 60, 80 (1942).

Cabel filed a motion to file a pro se supplemental brief. We grant the motion. However, we find the claims raised to be either duplicative of the formal brief, frivolous and without merit, or ineffective assistance of counsel issues, which may not be raised

on direct appeal because ineffective assistance does not appear conclusively from the record. 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