

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4717

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

MARLESE FLAVIA ANDERSON,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CR-98-198-H)

Submitted: May 11, 1999

Decided: August 19, 1999

Before WIDENER and NIEMEYER, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Linda Kaye Teal, Cary, North Carolina, for Appellant. Janice McKenzie Cole, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Banumathi Rangarajan, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Marlese Flavia Anderson appeals the district court order denying her motion for a new trial under Fed. R. Crim. P. 33. We have reviewed the record and find no reversible error. Insofar as Anderson claimed the evidence cited in the motion was newly discovered, Anderson failed to show that the evidence was not discoverable prior to the suppression hearing, that the evidence was more than merely impeachment evidence, or that the evidence had any bearing on the essential elements of the offense. We also find that Anderson failed to establish that the Government failed in its obligations under Brady v. Maryland, 373 U.S. 83 (1963), to disclose material exculpatory evidence.

Accordingly, we affirm the district court's order. 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 in the decisional process.

AFFIRMED