

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4752

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DENNIS AINSWORTH MCCARTHY,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of Virginia, at Roanoke. Samuel G. Wilson, Chief District Judge. (CR-98-26-R)

Submitted: April 27, 1999

Decided: May 14, 1999

Before MURNAGHAN and WILLIAMS, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

David Joseph Damico, Roanoke, Virginia, for Appellant. Robert P. Crouch, Jr., United States Attorney, Anthony P. Giorno, Assistant United States Attorney, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Dennis Ainsworth McCarthy was convicted by a jury for conspiring to distribute marijuana in violation of 21 U.S.C. § 846 (1994) and possessing with intent to distribute marijuana in violation of 21 U.S.C. § 841(a)(1) (1994). He was sentenced to two concurrent sentences of 121 months' imprisonment. On appeal, he maintains that: (1) the district court erred in denying his motion to suppress the drugs seized because the officer exceeded the scope of the consent to search; (2) the district court erred in granting a willful blindness instruction; and (3) the district court improperly enhanced his sentence for obstruction of justice without making the necessary findings.

After reviewing the record and the applicable law, we find no reversible error. Accordingly, we affirm McCarthy's conviction and 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