

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 98-4801**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES W. CEPHAS,

Defendant - Appellant.

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Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. W. Craig Broadwater, District Judge. (CR-97-32)

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Submitted: June 1, 1999

Decided: July 9, 1999

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Before ERVIN, WILKINS, and KING, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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B. Craig Manford, Martinsburg, West Virginia, for Appellant. David E. Godwin, United States Attorney, Thomas O. Mucklow, Assistant United States Attorney, Martinsburg, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

A jury convicted James W. Cephas on one count of conspiracy to possess with intent to distribute and to distribute crack cocaine in violation of 21 U.S.C. § 846 (1994) and ten counts of distribution of crack cocaine in violation of 21 U.S.C. § 841(a)(1) (1994). Cephas was subsequently sentenced to two concurrent sentences of 97 months' imprisonment. On appeal, Cephas claims that the district court erred in refusing to grant his motion for judgment of acquittal on the conspiracy conviction based on insufficient evidence.

We have reviewed the briefs and appendix and find no reversible error. Accordingly, we affirm Cephas' convictions and sentences. 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