

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 98-4829

VERA VERONICA ELLIOTT, a/k/a B.B.,

a/k/a Sealed Deft. 5,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of North Carolina, at Raleigh.
James C. Fox, District Judge.
(CR-98-37)

Submitted: September 30, 1999

Decided: October 19, 1999

Before HAMILTON, WILLIAMS, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

David H. Rogers, Raleigh, North Carolina, for Appellant. Janice
McKenzie Cole, United States Attorney, Anne M. Hayes, Assistant
United States Attorney, John Howarth Bennett, Assistant United
States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Vera Veronica Elliott appeals her conviction and sentence for conspiring to distribute and to possess with the intent to distribute crack cocaine, powder cocaine, heroin, and marijuana in violation of 21 U.S.C.A. 846 (West Supp. 1999). Elliott's only claim on appeal is that she received ineffective assistance of counsel. Claims of ineffective assistance of counsel are generally not cognizable on direct appeal. See United States v. King, 119 F.3d 290, 295 (4th Cir. 1997). Rather, such a claim must be brought in a motion under 28 U.S.C.A. § 2255 (West Supp. 1999), to allow for adequate development of the record. See United States v. Hoyle, 33 F.3d 415, 418 (4th Cir. 1994). A claim may be brought, however, when the record conclusively establishes ineffective assistance. See King, 119 F.3d at 295. The review of the record in this appeal does not conclusively establish ineffective assistance. Accordingly, we affirm Elliot'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