

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 98-4895

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HAROLD ALEXANDOR HAWKINS, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Richard L. Williams, Senior District Judge. (CR-98-159)

Submitted: May 18, 1999

Decided: October 26, 1999

Before WILKINSON, Chief Judge, and WIDENER and LUTTIG, Circuit Judges.

Affirmed by unpublished per curiam opinion.

David Lewis Epperly, Jr., EPPERLY, FOLLIS & SCHORK, P.C., Richmond, Virginia, for Appellant. Helen F. Fahey, United States Attorney, James B. Comey, Assistant United States Attorney, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Harold Hawkins, Jr. appeals his jury convictions and resulting 324 month sentence for conspiracy in violation of 21 U.S.C. § 846 (1994) and possession with intent to distribute in violation of 21 U.S.C.A. § 841 (West 1994 & Supp. 1999). Hawkins claims on appeal that the district court erred in finding that the Government established sufficient chain of custody for crack cocaine introduced at trial as cocaine purchased from Hawkins by a confidential informant. We have reviewed the record and find no abuse of discretion in admitting the evidence. See United States v. Moore, 27 F.3d 969, 974 (4th Cir. 1994); United States v. Howard-Arias, 679 F.2d 363, 366 (4th Cir. 1982).

Hawkins also claims that the court erred by increasing his base offense level because of Hawkins' role as an organizer or manager. See U.S. Sentencing Guidelines Manual § 3B1.1(c) (1997). We conclude that the court's determination that Hawkins qualified for the two-level enhancement is not clearly erroneous. See United States v. Withers, 100 F.3d 1142, 1147 (4th Cir. 1996).

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