

UNPUBLISHED

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

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UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

LEROY GREEN,  
*Defendant-Appellant.*

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No. 98-4928

On Remand from the United States Supreme Court.  
(S. Ct. No. 99-7890)

Submitted: October 29, 1999

Decided: November 9, 1999

Decided on Remand: October 19, 2000

Before WILKINS, LUTTIG, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Robert J. McAfee, MCCOTTER, MCAFEE & ASHTON, P.L.L.C.,  
New Bern, 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.

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Unpublished opinions are not binding precedent in this circuit.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

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## OPINION

### PER CURIAM:

This Court previously affirmed Leroy Green's conviction and sentence for conspiracy to possess with the intent to distribute and to distribute crack cocaine, 21 U.S.C. § 846 (1994). *See United States v. Green*, No. 98-4928 (4th Cir. Nov. 9, 1999) (unpublished), *cert. granted, judgment vacated and remanded*, \_\_\_ U.S. \_\_\_, 120 S. Ct. 2739 (2000) (remanding for further consideration in light of *Dickerson v. United States*, 530 U.S. \_\_\_, 120 S. Ct. 2326 (2000)).

Green's statements to police were made after he received two *Miranda*\* warnings. We have reviewed the record and find that his incriminating statements to the police were voluntary. *See United States v. Braxton*, 112 F.3d 777, 780-81 (4th Cir. 1997). Thus, even in light of the Supreme Court's decision in *Dickerson*, the district court did not err in denying Green's motion to suppress and in using these statements to determine Green's relevant conduct for sentencing within the statutorily authorized maximum sentence.

Accordingly, we affirm Green'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*

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\**Miranda v. Arizona*, 384 U.S. 436 (1966).

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