

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-1986**

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TADSWELL LAMONT MELSON,

Plaintiff - Appellee,

versus

WAL-MART STORES, INCORPORATED,

Defendant - Appellant,

and

RANDY SMITHSON, individually and in his official capacity; SAM KEITH, individually and in his official capacity,

Defendants.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Elizabeth City. Terrence W. Boyle, Chief District Judge. (CA-98-3-2-BO)

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Submitted: February 22, 2000

Decided: March 14, 2000

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Before NIEMEYER and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Douglas M. Martin, POYNER & SPRUILL, L.L.P., Charlotte, North Carolina, for Appellant. C. Everett Thompson, II, Elizabeth City, North Carolina, David R. Pureza, DUFFUS, YOUNCE, MELVIN & VTIPIL, P.A., Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant, Wal-Mart Stores, Incorporated, appeals from the jury verdict and award of damages in this civil diversity case. Wal-Mart asserts that the district court erred in: (1) excluding evidence of a prior conviction under Fed. R. Evid. 403; (2) submitting the issue of compensatory damages to the jury; and (3) submitting the issue of punitive damages to the jury. We have reviewed the record, containing the district court's reasoning, and the parties' briefs and find no reversible error. Accordingly, we affirm. 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