

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4216

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

HAYWOOD CARMICHAEL,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Benson E. Legg, District Judge. (CR-97-329-L)

Submitted: January 27, 2000

Decided: March 1, 2000

Before WILKINS, NIEMEYER, and MICHAEL, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kenneth W. Ravenell, SCHULMAN, TREEM, KAMINKOW & GILDEN, P.A., Baltimore, Maryland, for Appellant. Lynne A. Battaglia, United States Attorney, James G. Warwick, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Haywood Carmichael appeals his convictions for conspiracy to distribute and possess with intent to distribute cocaine base and marijuana, two counts of firearms murder during or in relation to a drug trafficking crime, and use and possession of a firearm in relation to a drug trafficking crime. On appeal he alleges that the district court erred by excluding polygraph evidence, denying his motion for a mistrial, and instructing the jury that he was not eligible for the death penalty.

Finding no reversible error, we affirm. See United States v. Rhue, 191 F.3d 376, 388 (4th Cir. 1999) (holding that polygraph evidence is inadmissible); United States v. West, 877 F.2d 281, 287-88 (4th Cir. 1989) (holding that denial of a motion for mistrial only overturned if district court clearly abused its discretion); United States v. Meredith, 824 F.2d 1418, 1429 (4th Cir. 1987) (holding that where the court issued a curative instruction and where prosecutor's remarks of defendant's possible sentence were invited by defense counsel, conviction affirmed on appeal). Accordingly, 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