

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-4481**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WILBERT EMMETTE WILKINS,

Defendant - Appellant.

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Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. T.S. Ellis, III, District Judge. (CR-99-8)

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Submitted: January 20, 2000

Decided: February 1, 2000

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Before WILLIAMS, MICHAEL, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Joseph J. McCarthy, DELANEY, MCCARTHY, COLTON & BOTZIN, P.C., Alexandria, Virginia, for Appellant. Helen F. Fahey, United States Attorney, Andrew McKenna, Special Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Wilbert Emmette Wilkins was convicted by a jury and sentenced to eighty-six months in prison for possession of a firearm by a convicted felon, in violation of 18 U.S.C.A. § 922(g)(1) (West Supp. 1999) and fleeing to elude a law enforcement officer, in violation of 18 U.S.C.A. § 13 (West Supp. 1999)(assimilating Va. Code. Ann. § 46.2-817 (Michie Supp. 1999)). Wilkins, an African-American, contends that the Government's peremptory strike of an African-American venire person was racially discriminatory.

We conclude that the court did not clearly err in finding the Government's peremptory challenge was based upon racially neutral factors and was not pretext for discrimination. See Batson v. Kentucky, 476 U.S. 79, 96-97 (1986); United States v. Grimmond, 137 F.3d 823, 834-35 (4th Cir.), cert. denied, 119 S. Ct. 124 (1998) (noting that Government's reason need not be persuasive or plausible, just neutral).

Accordingly, we affirm Wilkins' convictions 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