

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4774

DEVIN TAYLOR,

Defendant-Appellant.

Appeal from the United States District Court  
for the District of Maryland, at Baltimore.  
Catherine C. Blake, District Judge.  
(CR-98-454)

Submitted: May 11, 2000

Decided: May 19, 2000

Before MURNAGHAN, LUTTIG, and TRAXLER, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Thanos Kanellakos, THANOS KANELLAKOS, P.C., Baltimore,  
Maryland, for Appellant. Lynne A. Battaglia, United States Attorney,  
Angela R. White, Assistant United States Attorney, Baltimore, Mary-  
land, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

## OPINION

### PER CURIAM:

Devin Taylor appeals his 262-month sentence based upon a guilty plea to conspiracy to distribute and possess with intent to distribute heroin in violation of 18 U.S.C.A. § 846 (West 1999). Taylor contends that the sentencing court erred in finding he was a career offender based upon his prior state court conviction for escape from custody. Taylor argues this prior state conviction was not a "crime of violence" under U.S. Sentencing Guidelines Manual § 4B1.2 (1998).

Because Taylor's sentence fell within the two overlapping, disputed guidelines ranges and because the court expressly announced the sentence it imposed would have been the same under either guidelines range, review of the issue presented by Taylor is unnecessary. See United States v. White, 875 F.2d 427, 432-33 (4th Cir. 1989) (quoting United States v. Bermingham, 855 F.2d 925, 931 (2d Cir. 1988)).

Accordingly, we affirm Taylor's 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