

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4817

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SHENICE LORRINO KIRKSEY,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Henry M. Herlong, Jr., District Judge. (CR-98-1197)

Submitted: March 9, 2000

Decided: March 15, 2000

Before WILKINS, TRAXLER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Bruce W. Bannister, HILL, WYATT & BANNISTER, L.L.P., Greenville, South Carolina, for Appellant. J. Rene Josey, United States Attorney, Harold Watson Gowdy, III, Assistant United States Attorney, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Shenice L. Kirksey appeals her 135-month sentence following her guilty plea to possession with intent to distribute cocaine and cocaine base in violation of 21 U.S.C. § 841(a)(1) (1994). Kirksey contends that the sentencing court erred in finding she possessed a firearm during the commission of a drug trafficking offense and in enhancing her sentence under U.S. Sentencing Guidelines Manual § 2D1.1(b)(1) (1998). We find no error and affirm.

We conclude the court did not err in finding Kirksey possessed a firearm during commission of a drug trafficking offense. See USSG § 2D1.1, comment. (n.3); see also United States v. Harris, 128 F.3d 850, 852-53 (4th Cir. 1997) (holding that to avoid enhancement, defendant must show connection between drug offense and dangerous weapon possession was "clearly improbable").

Accordingly, we affirm Kirksey'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