

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

v.

No. 99-4902

EARL L. HAWKINS, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Virginia, at Alexandria.
James C. Cacheris, Senior District Judge.
(CR-99-204)

Submitted: July 20, 2000

Decided: August 23, 2000

Before WIDENER, MICHAEL, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

David B. Smith, ENGLISH & SMITH, Alexandria, Virginia, for
Appellant. Helen F. Fahey, United States Attorney, William Fitzpat-
rick, Assistant United States Attorney, Alexandria, Virginia, for
Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Earl L. Hawkins was convicted by a jury of one count of conspiracy to possess with intent to distribute crack cocaine and marijuana, two counts of distribution of crack, one count of distribution of marijuana, and one count of possession with intent to distribute marijuana. He now appeals his conviction. We affirm.

The sole issue raised on appeal is that trial counsel's performance was constitutionally ineffective. We have reviewed the arguments raised by counsel in support of this claim as well as the portions of the trial transcript reproduced in the joint appendix. We decline to reach the merits of Hawkins' claim. It does not conclusively appear from our review of the record that trial counsel was ineffective. Therefore, the claim is better adjudicated, if at all, in a motion under 28 U.S.C.A. § 2255 (West Supp. 2000). See United States v. Smith, 62 F.3d 641, 651 (4th Cir. 1995); United States v. DeFusco, 949 F.2d 114, 120 (4th Cir. 1991).

We therefore affirm the convictions. We dispense with oral arguments because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED