

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

SANA LEE SANFORD,
Defendant-Appellant.

No. 00-4384

Appeal from the United States District Court
for the Southern District of West Virginia, at Charleston.
John T. Copenhaver, Jr., District Judge.
(CR-99-197)

Submitted: October 20, 2000

Decided: November 17, 2000

Before NIEMEYER and WILLIAMS, Circuit Judges, and
HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Mary Lou Newberger, Acting Federal Public Defender, Brian J. Kornbrath, Assistant Federal Public Defender, Charleston, West Virginia, for Appellant. Rebecca A. Betts, United States Attorney, Ray M. Shepard, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Sana Lee Sanford appeals his 135-month sentence imposed following his guilty plea to possession with intent to distribute cocaine in violation of 21 U.S.C. § 841(a)(1) (1994). Finding no reversible error, we affirm.

Sanford asserts that the sentencing court erred in considering evidence of drug quantities in determining relevant conduct at his sentencing hearing that was not reported in his presentence report. Sanford also complains that consideration of additional testimony from Government witnesses as to additional drug quantities was unfair because he was not sufficiently notified that the Government would be presenting such evidence. We find no error in the district court's consideration of this evidence. *See United States v. Thomas*, 932 F.2d 1085 (5th Cir. 1991); *United States v. Williams*, 977 F.2d 866 (4th Cir. 1992).

Next, Sanford asserts that the court erred in imposing a three-level increase in offense level under *United States Sentencing Guidelines Manual* § 3A1.2(b) (1998). We find no clear error in this regard. *See United States v. Daughtrey*, 874 F.2d 213, 217-18 (4th Cir. 1989). For these reasons, we affirm Sanford's sentence. We dispense with oral argument because the facts and legal contentions of the parties are adequately presented in the materials before the Court and argument would not aid the decisional process.

AFFIRMED