

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 01-4381

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JIMMY CARTER,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Andre M. Davis, District Judge; Joseph Robert Goodwin, District Judge, sitting by designation. (CR-00-363-AMD)

Submitted: October 19, 2001

Decided: November 20, 2001

Before NIEMEYER, MICHAEL, and TRAXLER, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Clarke F. Ahlers, CLARKE F. AHLERS, P.C., Columbia, Maryland, for Appellant. Thomas M. DiBiagio, United States Attorney, Joyce K. McDonald, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jimmy Carter appeals his conviction for possessing and uttering a counterfeit security of an organization, in violation of 18 U.S.C. § 513(a) (1994), contending the prosecutor improperly commented on his exercise of his constitutional right not to testify. Because we conclude even if the prosecutor's comments were improper, they did not affect Carter's substantial rights, we affirm Carter's conviction and sentence. See United States v. Harrison, 716 F.2d 1050, 1052 (4th Cir. 1983). 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