

UNPUBLISHED

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

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

v.

JOSE REMIJIO MARTINEZ-ZAMBRANO,  
*Defendant-Appellant.*

No. 01-4885

Appeal from the United States District Court  
for the Western District of North Carolina, at Statesville.  
Richard L. Voorhees, District Judge.  
(CR-00-3-V)

Submitted: May 7, 2002

Decided: June 4, 2002

Before LUTTIG, WILLIAMS, and GREGORY, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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**COUNSEL**

Jeffrey B. Welty, POYNER & SPRUILL, L.L.P., Raleigh, North Carolina; E. Fitzgerald Parnell, III, POYNER & SPRUILL, L.L.P., Charlotte, North Carolina, for Appellant. Gretchen C.F. Shappert, OFFICE OF THE UNITED STATES ATTORNEY, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

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### OPINION

PER CURIAM:

Jose Remijio Martinez-Zambrano appeals his jury convictions for one count of conspiracy to possess with intent to distribute cocaine and marijuana and seven counts of possession with intent to distribute cocaine and marijuana, in violation of 21 U.S.C.A. §§ 841, 846 (West 1999 & Supp. 2001), and concurrent sentences of seventy-eight months' imprisonment on each count. We affirm.

We find the prosecutor's comments during her rebuttal closing arguments were not plainly erroneous. *See United States v. Olano*, 507 U.S. 725, 732-37 (1993). We conclude the remarks did not amount to improper bolstering, vouching, or reference to materials outside the record and were neither improper nor prejudicial. *See United States v. Wilson*, 135 F.3d 291, 297 (4th Cir. 1998); *United States v. Mitchell*, 1 F.3d 235, 239, 241-42 (4th Cir. 1993).

Therefore, we affirm Martinez-Zambrano's convictions and sentences. 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*