

UNPUBLISHED

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

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

MICHAEL DWIGHT BROWN,
Defendant-Appellant.

No. 02-4321

Appeal from the United States District Court
for the District of Maryland, at Baltimore.
Frederic N. Smalkin, Chief District Judge.
(CR-01-482-S)

Submitted: October 24, 2002

Decided: November 13, 2002

Before WILLIAMS, MICHAEL, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

COUNSEL

Kenneth W. Ravenell, SCHULMAN, TREEM, KAMINKOW, GILDEN & RAVENELL, P.A., Baltimore, Maryland, for Appellant. Thomas M. DiBiagio, United States Attorney, Philip S. Jackson, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Michael Dwight Brown appeals his conviction and 360 month sentence for distributing 500 or more grams of cocaine, in violation of 21 U.S.C. § 841 (2000).

First, Brown argues that the district court erred in dismissing his motion to suppress evidence seized from his residence. We review a district court's legal conclusions on a suppression motion de novo and the court's underlying factual determinations for clear error. *United States v. Seidman*, 156 F.3d 542, 547 (4th Cir. 1998). Brown's claim is meritless. The search warrant application established probable cause to search Brown's residence. See *United States v. Williams*, 974 F.2d 480, 481-82 (4th Cir. 1992); *United States v. Corral*, 970 F.2d 719, 728 (10th Cir. 1992); *United States v. Anderson*, 851 F.2d 727, 729 (4th Cir. 1988).

Second, Brown argues that the jury instructions issued by the district court were prejudicial. We review Brown's challenge to the jury instructions for abuse of discretion. *United States v. Whittington*, 26 F.3d 456, 462 (4th Cir. 1994). This claim is meritless as well. The jury instructions were an accurate reflection of the applicable law and did not prejudice Brown's defense. See *United States v. Lewis*, 53 F.3d 29, 32 (4th Cir. 1995); *United States v. Cobb*, 905 F.2d 784, 788-89 (4th Cir. 1990).

Accordingly, we affirm Brown'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 significantly aid the decisional process.

AFFIRMED