

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4715

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOSEPH DALE ANTLEY,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. David C. Norton, District Judge. (CR-02-14)

Submitted: February 27, 2004

Decided: March 4, 2004

Before WIDENER, WILKINSON, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James Wyda, Federal Public Defender, Kelli C. McTaggart, Assistant Federal Public Defender, Greenbelt, Maryland, for Appellant. J. Strom Thurmond, Jr., United States Attorney, Sean Kittrell, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Joseph Dale Antley pled guilty to using and carrying a firearm in relation to a drug trafficking crime (Count 1),* to possessing with intent to distribute cocaine (Counts 2, 3), and possessing with intent to distribute marijuana (Count 4). Antley was sentenced to 132 months imprisonment, twelve months for Counts 2, 3, and 4 and 120 months consecutively for Count 1. On appeal he alleges that the district court erred in accepting his guilty plea to Count 1 because there was an inadequate factual basis to support the plea. For the reasons that follow, we affirm.

Because Antley did not attempt to withdraw his guilty plea in the district court, we review the issue for plain error. United States v. Martinez, 277 F.3d 517, 527 (4th Cir.), cert. denied, 537 U.S. 899 (2002). A district court possesses wide discretion in determining whether a sufficient factual basis exists, and its acceptance of a guilty plea will be reversed only for an abuse of that discretion. United States v. Mitchell, 104 F.3d 649, 652 (4th Cir. 1997).

Antley alleges that there was insufficient evidence to show that he possessed and discharged his firearm in furtherance of his drug trafficking crimes. We find that there was a sufficient factual basis given at the plea hearing to support the fact that

*The indictment noted that because the firearm was discharged, Antley faced an enhanced ten-year sentence under 18 U.S.C. § 924(c)(1)(A)(iii) (2000).

Antley's weapon was possessed in furtherance of his drug trafficking business. United States v. Lomax, 293 F.3d 701, 705 (4th Cir.), cert. denied, 537 U.S. 1031 (2002) (citing factors). Thus, we find that the district court did not plainly err by accepting Antley's guilty plea to Count 1. Martinez, 277 F.3d at 527. Accordingly, we affirm.

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