

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-4929

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DERRICK DAVIS, a/k/a Robert Smith,

Defendant - Appellant.

No. 02-4930

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DERRICK DAVIS, a/k/a Robert Smith,

Defendant - Appellant.

Appeals from the United States District Court for the Eastern
District of North Carolina, at Wilmington. James C. Fox, Senior
District Judge. (CR-02-39-FO)

Submitted: May 29, 2003

Decided: June 3, 2003

Before WILKINSON, MICHAEL, and TRAXLER, Circuit Judges.

No. 02-4929 dismissed and No. 02-4930 affirmed by unpublished per curiam opinion.

Thomas P. McNamara, Federal Public Defender, G. Alan DuBois, Assistant Federal Public Defender, Jeanette Doran Brooks, Research and Writing Attorney, Raleigh, North Carolina, for Appellant. Frank D. Whitney, United States Attorney, Anne M. Hayes, Assistant United States Attorney, Banumathi Rangarajan, Assistant United States Attorney, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

In No. 02-4929, Derrick Davis appeals his convictions and sentence for two counts of bank robbery. However, he concedes in his brief that he waived his right to appeal these convictions in his plea agreement. Accordingly, we dismiss this appeal.

In No. 02-4930, Davis appeals his conviction and sentence for criminal contempt of court in violation of 18 U.S.C. § 401 (2000), claiming there is insufficient evidence to support the conviction. Criminal contempt of court is defined, in part, as the "[m]isbehavior of any person in its presence or so near thereto as to obstruct the administration of justice." § 401. Davis' behavior interrupted the district court's effort at concluding the sentencing hearing and his subsequent inflammatory remarks were clearly directed at disrupting the respect and decorum of the court. See United States v. Murphy, ___ F.3d ___, 2003 WL 1879128 (4th Cir. Apr. 16, 2003). Accordingly, we conclude sufficient evidence supports the conviction, and we affirm the order of the district court in this case.

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.

No. 02-4929 - DISMISSED

No. 02-4930 - AFFIRMED