

Vacated by Supreme Court, May 16, 2005
Certiorari granted, May 16, 2005

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4493

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WAYNE ALLEN FLETCHER,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CR-02-8-HO)

Submitted: October 4, 2004

Decided: November 18, 2004

Before WILLIAMS and SHEDD, Circuit Judges, and Henry E. HUDSON, United States District Judge for the Eastern District of Virginia, sitting by designation.

Affirmed by unpublished per curiam opinion.

Richard W. Westling, New Orleans, Louisiana, Keith Alan Williams, Greenville, North Carolina, for Appellant. Frank D. Whitney, United States Attorney, Anne M. Hayes, Christine Witcover Dean, Assistant United States Attorneys, Raleigh, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

After a jury trial, Wayne Allen Fletcher was convicted of numerous crimes he committed while involved in a conspiracy to overcharge the government for cleanup services rendered after Hurricane Fran devastated North Carolina. The evidence, viewed in the light most favorable to the Government, showed that Fletcher and his cohorts intentionally defrauded the government, and that Fletcher took various steps to conceal the fraud. Fletcher has raised several challenges to his conviction and sentence. As to those issues raised before the district court, we affirm on that court's reasoning. (J.A. at 127, 2328-31.) As to the remaining issues, which were raised for the first time on appeal, we have carefully reviewed the record and find no reversible error. See United States v. Olano, 507 U.S. 725, 732 (1993) (holding that issues raised for the first time on appeal are reviewed for plain error). 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