

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-4465

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

KERRY LEIGH DICKSON, a/k/a Kerri Leigh
Dickson,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of North Carolina, at Statesville. Richard L. Voorhees,
District Judge. (5:03-cr-00011)

Submitted: December 14, 2006

Decided: December 19, 2006

Before MICHAEL, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Tolly A. Kennon III, KENNON & ASSOCIATES, Charlotte, North
Carolina, for Appellant. Gretchen C.F. Shappert, United States
Attorney, Thomas Cullen, Assistant United States Attorney,
Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kerry Leigh Dickson appeals her convictions and 130-month sentence for possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1)(2000), and possession with intent to distribute cocaine base, in violation of 21 U.S.C. § 841 (a)(2000). On appeal, Dickson claims her counsel rendered ineffective assistance of counsel because he: (1) did not honor her request to plead not guilty and proceed to trial; (2) failed to prepare a defense, interview witnesses, and subject the Government's case to adversarial testing; and (3) despite being on notice of past mental and emotional problems, failed to arrange for a psychological evaluation.

A claim of ineffective assistance of counsel must be brought in a collateral proceeding under 28 U.S.C. § 2255 (2000), unless it conclusively appears from the face of the record that counsel was ineffective. United States v. Baldovinos, 434 F.3d 233, 239 (4th Cir.), cert. denied, 126 S. Ct. 1407 (2006); United States v. DeFusco, 949 F.2d 114, 120-21 (4th Cir. 1991). We have reviewed the record and find that it does not conclusively demonstrate that Dickson's counsel was ineffective. Therefore, Dickson's claims are not reviewable at this stage. Accordingly, we affirm Dickson's convictions 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 aid the decisional process.

AFFIRMED