

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4067

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

AARON LARICO WYLIE,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Robert J. Conrad, Jr., Chief District Judge. (3:05-cr-00353-RJC-DCK-1)

Submitted: June 29, 2009

Decided: July 16, 2009

Before KING and SHEDD, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

David G. Belser, BELSER & PARKE, Asheville, North Carolina, for Appellant. Gretchen C. F. Shappert, United States Attorney, Charlotte, North Carolina; Amy E. Ray, Assistant United States Attorney, Asheville, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Aaron Larico Wylie was convicted of three counts of robbery affecting commerce, 18 U.S.C. § 1951 (2006), and three counts of possession of a firearm during and in relation to a crime of violence, 18 U.S.C. § 924(c)(1) (2006). The district court sentenced him to a total of 741 months.

On appeal, Wylie asserts that the district court erred by denying his motion to suppress his confession and denying his motion to suppress photographic line-up evidence. He also argues that the out-of-court identification evidence was unduly suggestive and that the court erred by instructing the jury that robbery is a crime of violence for purposes of 18 U.S.C. § 924(c)(1). We have reviewed the record and the briefs filed by the parties and find no error by the district court. See United States v. Adkins, 937 F.2d 947, 950 n.2 (4th Cir. 1991) (citing Taylor v. United States, 495 U.S. 575, 601-02 (1990)). We therefore affirm the denial of the motions to suppress and affirm Wylie's convictions. 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