

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-4496

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ELVIN ARTURO VALLADARES-BONILLA,

Defendant - Appellant.

Appeal from the United States District Court for the Northern District of West Virginia, at Elkins. John Preston Bailey, Chief District Judge. (2:10-cr-00023-JPB-JSK-1)

Submitted: October 28, 2011

Decided: November 3, 2011

Before WILKINSON, DAVIS, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Kristen Leddy, Research and Writing Specialist, Martinsburg, West Virginia; L. Richard Walker, Senior Litigator, FEDERAL PUBLIC DEFENDER OFFICE, Clarksburg, West Virginia, for Appellant. William J. Ihlenfeld, II, United States Attorney, Stephen D. Warner, Assistant United States Attorney, Elkins, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Elvin Arturo Valladares-Bonilla, a native and citizen of Honduras, was convicted of one count of illegal reentry of a deported alien in violation of 8 U.S.C. § 1326(a)(2) (2006). He was sentenced to a term of time served and one year of supervised release.

Prior to trial, Valladares-Bonilla sought to advance a defense of justification, asserting that he returned illegally to the United States in order to escape enemies in Honduras who sought to kill him for reasons that were not justified. In response to Valladares-Bonilla's pretrial proffer, the Government filed a motion in limine to prohibit evidence at trial regarding the justification defense. Valladares-Bonilla's sole contention on appeal is that the district court erred in granting the Government's motion in limine to prohibit him from advancing a defense of justification. We have thoroughly reviewed the record and conclude that the district court properly granted the motion in limine because Valladares-Bonilla failed to meet the four-prong test set forth in United States v. Crittendon, 883 F.2d 326, 330 (4th Cir. 1989), for establishing entitlement to a justification defense. Specifically, we agree with the district court's finding that Valladares-Bonilla, who paid a "coyote" to take him through Mexico illegally to the United States, did not demonstrate that he had no legal

alternative to both the criminal act and the avoidance of the threatened harm. Id.

We accordingly affirm the district court's judgment. 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