

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-4390

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JERRY W. HARRISON,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Charles H. Haden II, Chief District Judge. (CR-98-212)

Submitted: January 18, 2000

Decided: February 4, 2000

Before MURNAGHAN and LUTTIG, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Hunt L. Charach, Federal Public Defender, George H. Lancaster, Jr., First Assistant Federal Public Defender, Charleston, West Virginia, for Appellant. Rebecca A. Betts, United States Attorney, John C. Parr, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Jerry Wayne Harrison pled guilty to a nine-count indictment charging him with multiple violations of 21 U.S.C.A. § 841(a)(1) (West 1994 & Supp. 1999). At sentencing, Harrison objected to the pre-sentence report's recommendation of a two-level enhancement pursuant to Sentencing Guidelines § 2D1.1 for possession of a firearm. See U.S. Sentencing Guidelines Manual § 2D1.1 (1998). The objection was overruled, and Harrison was sentenced to thirty months' imprisonment. Harrison appeals his sentence. We affirm.

With regard to drug offenses, the Guidelines provide for a two-level increase in offense level if a dangerous weapon (including a firearm) was possessed. See USSG § 2D1.1(b)(1). "The adjustment should be applied if the weapon was present, unless it is clearly improbable that the weapon was connected with the offense." USSG § 2D1.1, comment. (n.3). We have reviewed the record and find that the district court did not clearly err in assessing the enhancement. See United States v. Harris, 128 F.3d 850, 852 (4th Cir. 1997). 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