

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 99-4686**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

CHARLES KEE,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of North Carolina, at Shelby. Lacy H. Thornburg, District Judge. (CR-96-53)

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Submitted: November 30, 2000

Decided: December 7, 2000

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Before NIEMEYER, LUTTIG, and MICHAEL, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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A. James Siemens, Asheville, North Carolina, for Appellant. Mark T. Calloway, United States Attorney, Brian Lee Whisler, Assistant United States Attorney, Charlotte, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Charles Kee appeals his convictions and sentence for conspiracy to manufacture, distribute, or possess with intent to distribute cocaine and cocaine base and possession with intent to distribute cocaine base in violation of 21 U.S.C. §§ 841, 846 (1994). Finding no reversible error, we affirm.

On appeal, Kee contends that the Supreme Court's recent decision in Apprendi v. New Jersey, 530 U.S. \_\_\_\_, 120 S.Ct. 2348 (2000), requires that his conviction and sentence be vacated. Because Kee's sentence of 148 months does not exceed the twenty-year statutory maximum set out in 21 U.S.C.A. § 841(b)(1)(C) (West 1999) for the core offense without enhancement for drug quantity, we find that his sentence is permissible under Apprendi. United States v. Angle, Nos. 96-4662/4672, 99-4187, 2000 WL 1515159, \*10 (4th Cir. Oct. 12, 2000); United States v. Aguayo-Delgado, 220 F.3d 926, 933 (8th Cir. 2000).

Accordingly, we affirm Kee'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