

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 22-4481**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOSEPH IRA PATTERSON, III, a/k/a Moe, a/k/a Killa Moe,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at  
Huntington. Robert C. Chambers, District Judge. (3:21-cr-00218-1)

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Submitted: January 23, 2024

Decided: February 8, 2024

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Before HARRIS and HEYTENS, Circuit Judges, and MOTZ, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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**ON BRIEF:** Lucas R. White, GOODWIN & GOODWIN, LLP, for Appellant. William  
S. Thompson, United States Attorney, Jennifer Rada Herral, Assistant United States  
Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia,  
for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Joseph Ira Patterson, III, appeals from his 220-month prison sentence imposed pursuant to his guilty plea to possession with intent to distribute controlled substances. On appeal, Patterson challenges the district court's enhancement of his sentence under U.S. Guidelines Manual § 2D1.1(b)(12) (maintaining a premises for the purpose of distributing controlled substances). He also asserts that his attorney provided ineffective assistance in arguing against the enhancement. We previously granted the Government's motion to dismiss in part and dismissed the sentencing claim as barred by Patterson's appellate waiver. We now affirm his sentence.

Claims of ineffective assistance are cognizable on direct appeal "only where the record conclusively establishes ineffective assistance." *United States v. Baptiste*, 596 F.3d 214, 216 n.1 (4th Cir. 2010). Generally, a defendant should instead raise ineffective assistance of counsel claims in a § 2255 motion, in order to permit sufficient development of the record. *Id.* We find that the record on appeal does not establish a conclusive claim.

Accordingly, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

*AFFIRMED*