

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 07-4458

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANTONIO CASTILLO ALONSO, a/k/a Antonio
Castillo,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Durham. William L. Osteen, Sr., Senior District Judge. (1:06-cr-00241-WLO)

Submitted: November 20, 2007 Decided: November 28, 2007

Before NIEMEYER, TRAXLER, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

C. Scott Holmes, BROCK, PAYNE & MEECE, P.A., Durham, North Carolina, for Appellant. Anna Mills Wagoner, United States Attorney, Sandra J. Hairston, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Antonio Castillo Alonso entered an Alford* plea to possession with intent to distribute cocaine hydrochloride, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) (2000). The district court sentenced Alonso to 65 months' imprisonment, five years of supervised release, and ordered payment of a \$100 statutory assessment. On appeal, Alonso asserts error in the district court's acceptance of his Alford plea, contending that the evidence of his guilt was not "overwhelming" and claiming the court should have conducted an evidentiary hearing on his objection to the presentence report. We find no merit to his appeal.

We review for abuse of discretion the district court's finding that a factual basis exists to support an Alford plea. United States v. Morrow, 914 F.2d 608, 611 (4th Cir. 1990). Our review of the record reveals that the prosecutor filed a written summary and orally proffered a statement of facts in support of the Alford plea, and responded to questions from the district court during Alonso's Fed. R. Crim. P. 11 hearing. In addition, the district court accepted Alonso's Alford plea following a thorough Rule 11 colloquy. Alonso's challenges to the presentence report related to his continued claim of innocence, rather to any issue that had any impact on the calculation of his advisory guidelines range, and the district court adequately resolved Alonso's

*See North Carolina v. Alford, 400 U.S. 25 (1970).

challenges to the presentence report when it adopted the presentence report for purposes of determining the guidelines range.

We therefore affirm Alonso's conviction 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