

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-4361

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN W. STINSON, JR.,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (2:07-cr-00167-1)

Submitted: October 10, 2008

Decided: October 24, 2008

Before MICHAEL, KING, and GREGORY, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mary Lou Newberger, Federal Public Defender, Lex A. Coleman, Assistant Federal Public Defender, Jonathan D. Byrne, OFFICE OF THE FEDERAL PUBLIC DEFENDER, Charleston, West Virginia, for Appellant. Charles T. Miller, United States Attorney, Lisa G. Johnston, Assistant United States Attorney, Huntington, West Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

John W. Stinson, Jr., pled guilty to possession of a firearm by a convicted felon in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2) (2000). In his plea agreement, Stinson reserved the right to challenge the denial of his motion to suppress evidence. We have carefully considered the arguments of counsel and the evidence presented to the district court, and we conclude that the district court did not clearly err in finding that Stinson lacked a reasonable expectation of privacy in the residence of his girlfriend and that Stinson was not in custody at the time he made his admissions of ownership of the gun, and therefore the statements were not taken in violation of his Fifth Amendment rights. United States v. Rusher, 966 F.2d 868, 873 (4th Cir. 1992) (providing standard of review); see Miranda v. Arizona, 384 U.S. 436 (1966). We affirm the denial of the motion to suppress, and therefore affirm Stinson's conviction for the reasons stated by the district court. 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