

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 12-4038

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

TIERRENCE MARCELLE SMALL,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., District Judge. (1:11-cr-00144-WO-1)

Submitted: November 7, 2012

Decided: November 16, 2012

Before AGEE, DAVIS, and WYNN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, John A. Dusenbury, Jr., Assistant Federal Public Defender, Greensboro, North Carolina, for Appellant. Ripley Rand, United States Attorney, Michael A. DeFranco, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Tierrence Marcelle Small pled guilty, pursuant to a written plea agreement, to one count of possession of a firearm by a convicted felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (2006). In the plea agreement, Small reserved his right to appeal the district court's denial of his motion to suppress evidence discovered during a traffic stop. On appeal, Small argues that he was unreasonably seized in violation of the Fourth Amendment and that any evidence resulting from such seizure should have been suppressed. We affirm.

We review factual findings underlying the district court's denial of a motion to suppress for clear error and its legal conclusions de novo. United States v. Foster, 634 F.3d 243, 246 (4th Cir. 2011). When a suppression motion has been denied, this court reviews the evidence in the light most favorable to the Government. United States v. Farrior, 535 F.3d 210, 217 (4th Cir. 2008). This court grants great deference to factual findings based on credibility determinations. See United States v. Moses, 540 F.3d 263, 268-69 (4th Cir. 2008). Our review of the record leads us to conclude that the district court did not err in resolving the conflicting testimony and denying the suppression motion.

Accordingly, we affirm the district court's judgment. 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